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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of January 1990 pursuant to RCW 19.52.020 is twelve point zero percent (12.0%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is thirteen point seven five percent (13.75%) for the first calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen percent (14.00%) for the first calendar quarter of 1990.

WASHINGTON STATE REGISTER

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

Raymond W. Haman
Chairman, Statute Law Committee

Kerry S. Radcliff
Editor

Dennis W. Cooper
Code Reviser

Joyce Matzen
Subscription Clerk

Gary Reid
Chief Assistant Code Reviser

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 34.05 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 are 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 MATERIAL

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

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

6. EDITORIAL CORRECTIONS

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

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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from—	For hearing on or after
For Inclusion in—	File no later than—				
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¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

WSR 90-01-092
EMERGENCY RULES
INSURANCE COMMISSIONER

[Order R 90-3—Filed December 19, 1989, 4:53 p.m.]

Date of Adoption: December 19, 1989.

Purpose: The purpose of this rule is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable simplification and standardization of the coverage, terms, and benefits of Medicare supplement insurance policies, and to eliminate policy provisions which may duplicate Medicare benefits as the federal Medicare program changes; to facilitate public understanding and comparison of such policies and to eliminate provisions contained in such policies which may be misleading or confusing; to establish minimum standards for Medicare supplement insurance, an "outline of coverage" and other disclosure requirements; to prohibit the use of certain provisions in Medicare supplemental insurance policies; to define and prohibit certain acts and practices as unfair methods of competition or unfair or deceptive acts or practices; and to establish loss ratio requirements, policy reserves, filing and reporting procedures.

Citation of Existing Rules Affected by this Order: Repealing chapter 284-55 WAC.

Statutory Authority for Adoption: RCW 48.02.060, 48.20.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200.

Other Authority: RCW 48.66.041, 48.66.050, 48.66-070, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66-150 and 48.66.160.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Congress enacted the Medicare Catastrophic Coverage Repeal Act on November 21, 1989, and President Bush signed it into law on December 13, 1989. The repealed act affects all in-force Medicare supplement insurance policies and sets requirements for the sale of such policies, effective January 1, 1990. This chapter sets forth state requirements affecting existing Medicare supplement policies and standards for their future sale. It is adopted as an emergency rule in order to allow insurers time before January 1, 1990, to alter their policy forms, pricing structures and consumer disclosure materials in order to minimize the disruption of availability of Medicare supplement insurance policies and contracts.

Effective Date of Rule: Immediately.

December 19, 1989
 By David H. Rodgers
 Chief Deputy
 Insurance Commissioner
 for Dick Marquardt
 Insurance Commissioner

Chapter 284-66 WAC
WASHINGTON MEDICARE SUPPLEMENT
INSURANCE REGULATION

WAC

- 284-66-010 PURPOSE.
- 284-66-020 APPLICABILITY AND SCOPE.
- 284-66-030 DEFINITIONS.
- 284-66-040 POLICY DEFINITIONS AND TERMS.
- 284-66-050 PROHIBITED POLICY PROVISIONS.
- 284-66-060 MINIMUM BENEFIT STANDARDS FOR POLICIES OTHER THAN RISK SHARING CONTRACTS.
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- 284-66-080 OUTLINE OF COVERAGE REQUIRED.
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- 284-66-100 FORM FOR 1990 ADJUSTMENT NOTICE TO ACCOMPANY OUTLINE OF COVERAGE.
- 284-66-110 BUYER'S GUIDE.
- 284-66-120 NOTICE REGARDING POLICIES WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES.
- 284-66-130 REQUIREMENTS FOR APPLICATION FORMS AND REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE COVERAGE.
- 284-66-140 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" FOR OTHER THAN DIRECT RESPONSE INSURERS.
- 284-66-150 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" BY DIRECT RESPONSE INSURERS.
- 284-66-160 ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO CHANGES IN MEDICARE.
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284-66-400	CHAPTER NOT EXCLUSIVE.

NEW SECTION

WAC 284-66-010 **PURPOSE.** The purpose of this regulation, chapter 284-66 WAC, is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470, 48.30.010, 48.44.020, 48.44.050, 48.44.070, 48.46.030, 48.46.130, 48.46.200, and to supplement the requirements of chapter 48.66 RCW, the Medicare Supplemental Health Insurance Act; to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable simplification and standardization of the coverage, terms, and benefits of Medicare supplement insurance policies, and to eliminate policy provisions which may duplicate Medicare benefits as the federal Medicare program changes; to facilitate public understanding and comparison of such policies and to eliminate provisions contained in such policies which may be misleading or confusing; to establish minimum standards for Medicare supplement insurance, an "outline of coverage" and other disclosure requirements; to prohibit the use of certain provisions in Medicare supplemental insurance policies; to define and prohibit certain acts and practices as unfair methods of competition or unfair or deceptive acts or practices; and to establish loss ratio requirements, policy reserves, filing and reporting procedures.

NEW SECTION

WAC 284-66-020 **APPLICABILITY AND SCOPE.** Except as provided by federal law, chapter 48.66 RCW, or as otherwise specifically provided by this chapter, this chapter shall apply to every group and individual policy of disability insurance and to every subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance

organization, which relates its benefits to Medicare, or which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age, including any policy which is governed by a contract between the insurer and the Secretary of Health and Human Services where the policy provides benefits in excess of those provided under Parts A and B of Medicare. All such policies or contracts are referred to in this chapter as "Medicare supplemental insurance" or "Medicare supplement insurance policy" or "Medicare supplement coverage."

NEW SECTION

WAC 284-66-030 **DEFINITIONS.** For purposes of this chapter:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement insurance policy, the person who seeks to contract for insurance benefits, and

(b) In the case of a group Medicare supplement insurance policy, the proposed certificate holder.

(2) "Certificate" means any certificate issued under a group Medicare supplement insurance policy, which policy has been delivered or issued for delivery in this state.

(3) "Direct response insurer" means an insurer who, as to a particular transaction, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(4) "Disability insurance" is insurance against bodily injury, disablement or death by accident, against disablement resulting from sickness, and every insurance appertaining thereto. For purposes of this chapter, disability insurance shall include policies or contracts offered by an insurer, fraternal benefit society, health care service contractor, or health maintenance organization.

(5) "Health care expense costs" means expenses of a health maintenance organization or health care service contractor associated with the delivery of health care services which are analogous to incurred losses of insurers. Such expenses shall not include home office and overhead costs, advertising costs, commissions and other acquisition costs, taxes, capital costs, administrative costs, and "claims" processing costs.

(6) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors, and health maintenance organizations.

(7) "Policy" includes agreements or contracts issued by insurers, health maintenance organizations, health care service contractors, and fraternal benefit societies.

(8) "Premium" means all sums charged, received, or deposited as consideration for a Medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or other similar fee or charge made by the insurer in consideration for such policy is deemed part of the premium. "Earned premium" shall mean the "premium" applicable to an accounting period whether received before, during, or after such period.

(9) "Reasonable cost basis" means a policy or certificate of a health maintenance organization or competitive medical plan that is governed by a contract between the

insurer and the Secretary of Health and Human Services as defined at 42 U.S.C. Section 1395mm(h).

(10) "Replacement" means any transaction in which new Medicare supplement coverage is to be purchased, and it is known or should be known to the proposing agent or other representative of the insurer, or to the proposing insurer if there is no agent, that by reason of such transaction, existing Medicare supplement coverage has been or is to be lapsed, surrendered, or otherwise terminated.

(11) "Risk sharing contract" means a policy or certificate of a health maintenance organization or competitive medical plan that is governed by a contract between the insurer and the Secretary of Health and Human Services as defined at 42 U.S.C. Section 1395mm(g).

NEW SECTION

WAC 284-66-040 POLICY DEFINITIONS AND TERMS. No insurance policy may be advertised, solicited, issued for delivery in this state, or renewed as a Medicare supplement insurance policy unless such policy contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words or description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

- (i) Be operated pursuant to law;
- (ii) Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;
- (iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintain a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

- (i) Any home, facility or part thereof used primarily for rest;
- (ii) A home or facility for the aged or for the treatment of chemical dependency; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Health Care Organizations.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

- (i) Be an institution operated pursuant to law; and
- (ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and

(iii) Provide twenty-four hours nursing services by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

(i) Convalescent homes, convalescent, rest, or nursing facilities;

(ii) Facilities primarily affording custodial, educational, or rehabilitative care;

(iii) Facilities for the aged or for the treatment of chemical dependency; or

(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) For purposes of exclusions from coverage, "mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person which first manifest itself after

the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

NEW SECTION

WAC 284-66-050 PROHIBITED POLICY PROVISIONS. (1) No policy may be advertised, solicited, issued for delivery, or renewed in this state as a Medicare supplement insurance policy unless such policy meets or exceeds the requirements of chapter 48.66 RCW.

(2) No Medicare supplement policy or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.

(3) No policy may be advertised, solicited, issued for delivery, or renewed in this state as a Medicare supplement policy if such policy limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

(a) Foot care in connection with corn, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders and chemical dependency;

(c) Illness, treatment, or medical condition arising out of:

(i) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrection; service in the armed forces or units auxiliary thereto;

(ii) Suicide (whether sane or insane), attempted suicide, or intentionally self-inflicted injury;

(iii) Aviation, other than as a fare-paying passenger on a scheduled or charter flight operated by a scheduled airline;

(d) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(e) Treatment provided in a governmental hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals laboratories, or other institutions; services performed by member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(f) Dental care or treatment;

(g) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(h) Rest cures, custodial care, transportation, and routine physical examinations;

(i) Territorial limitations outside the United States: **PROVIDED**, That Medicare supplement insurance policies may not contain, when issued or renewed, limitations or exclusions of the type enumerated in (a), (h) or (i) of this subsection, that are more restrictive than those of Medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

(4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement insurance policy shall not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or be cancelled or non-renewed by the insurer solely on the grounds of deterioration of health.

(5) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Any provision to the contrary is prohibited.

(6) No Medicare supplement insurance policy shall restrict, exclude or limit benefits for a sickness through use of a probationary, or similar, provision.

(7) No insurer shall require any person covered under a Medicare supplement insurance policy to purchase additional coverage in connection with the amendment thereof.

(8) The terms "Medicare supplement," "Medigap," or words of similar import shall not be used to describe an insurance policy unless such policy is issued in compliance with chapter 48.66 RCW and this chapter.

NEW SECTION

WAC 284-66-060 MINIMUM BENEFIT STANDARDS FOR POLICIES OTHER THAN RISK SHARING CONTRACTS. Except as permitted by WAC 284-66-050(3), effective January 1, 1990, no insurance policy, except a risk sharing contract, may be advertised, solicited, issued for delivery, or renewed in this state as a Medicare supplement policy unless it meets the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards:

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

(6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible;

(7) Coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

NEW SECTION

WAC 284-66-070 MINIMUM BENEFIT STANDARDS FOR RISK SHARING CONTRACTS. For calendar year 1990, except as permitted by WAC 284-66-050(3), no risk sharing contract may be advertised, solicited, issued for delivery, or renewed in this state unless it meets the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards:

(1) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.

(2) Coverage for the daily copayment amount of Medicare Part A eligible expenses for the first eight days per calendar year incurred for skilled nursing facility care.

(3) Coverage for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) under Medicare Part A not replaced in accordance with federal regulations.

(4) Coverage for the copayment amount of Medicare eligible expenses (excluding outpatient prescription drugs) under Medicare Part B up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount, as applicable to calendar year 1990 by the Medicare Catastrophic Coverage Act of 1988.

(5) Coverage under Medicare Part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) under Medicare Part B not replaced in accordance with federal regulations.

(6) Coverage for the copayment amount of Medicare eligible expenses for covered home intravenous (IV) therapy drugs (as determined by the Secretary of Health and Human Services) subject to the Medicare outpatient prescription drug deductible amount, if applicable.

(7) Coverage for the copayment amount of Medicare eligible expenses for out-patient drugs used in immunosuppressive therapy subject to the Medicare outpatient prescription drug deductible, if applicable.

NEW SECTION

WAC 284-66-080 OUTLINE OF COVERAGE REQUIRED. (1) An agent or insurer initiating a sale of an individual or group Medicare supplement insurance policy in this state shall complete and sign a disclosure

form, and deliver the completed form to the applicant not later than the time of application for the policy.

(2) The disclosure form to be used shall be the "Outline of Coverage," and shall be completed in substantially the form set forth in WAC 284-66-090. The form of outline of coverage shall be filed with the commissioner prior to use in this state.

(3) If an Outline of Coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute Outline of Coverage properly describing the policy or certificate must accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(4) Except for direct response insurers, an insurer shall obtain an acknowledgement of receipt of such outline from the applicant.

(5) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor, or health maintenance organization shall substitute appropriate terminology.

(6) Modification of the Outline of Coverage by an insurer offering coverage under a risk sharing contract or reasonable cost basis contract, may be permitted with the prior agreement of the commissioner.

NEW SECTION

WAC 284-66-090 FORM FOR "OUTLINE OF COVERAGE."

(COMPANY NAME)

OUTLINE OF MEDICARE SUPPLEMENT COVERAGE

(1) Read your policy carefully – This Outline of Coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

(2) Medicare supplement coverage – Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine [delete if such coverage is provided].

(3)(a) [For insurers using agents:]

Neither (insert company's name here) nor its agents are connected with Medicare.

(b) [For direct response insurers:]

(Insert company's name here) is not connected with Medicare.

(4) [A brief summary of the most important medical benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts (with indexed copayments or deductibles, as appropriate) provided by the Medicare supplement insurance policy in the following order.]

Service	This Policy Pays **	You Pay
I. Part A		
A. INPATIENT HOSPITAL SERVICES: Semi-private room & board Miscellaneous hospital services and supplies, such as drugs, X-rays, lab tests and operating room		
B. BLOOD		
II. Part B		
A. MEDICAL EXPENSE: Services of a physician/outpatient services		
B. BLOOD		
III. Miscellaneous		
A. HOME INTRAVENOUS (IV) THERAPY DRUGS		
B. IMMUNOSUPPRESSIVE DRUGS		
IV. Additional Benefits		
A. PART A Part A Deductible Private Room In-hospital Private Nurses Skilled Nursing Facility Care		
B. PARTS A & B Home Health Services		
C. PART B Part B Deductible Medical supplies other than prescribed drugs Medical charges in excess of Medicare allowable expenses (percentage paid)		
D. MAMMOGRAPHY SCREENING		
E. OUT-OF-POCKET MAXIMUM		
F. PRESCRIPTION DRUGS		
G. MISCELLANEOUS Respite care benefits Expenses incurred in a foreign country		
H. OTHER		

TOTAL PREMIUM \$ _____

IN ADDITION TO THIS OUTLINE OF COVERAGE, [INSURANCE COMPANY NAME] WILL SEND AN ANNUAL NOTICE TO YOU THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

** If this policy does not provide coverage for a benefit listed above the insurer must state "no coverage" beside that benefit in the first column.

-
- (5) Statement that the policy DOES OR DOES NOT cover the following:
- (a) Private duty nursing,
 - (b) Skilled nursing home care costs (beyond what is covered by Medicare),
 - (c) Custodial nursing home care costs,
 - (d) Intermediate nursing home care costs,
 - (e) Home health care above number of visits covered by Medicare,
 - (f) Physician charges (above Medicare's reasonable charge),
 - (g) Drugs and insulin (other than prescription drugs furnished during a hospital or skilled nursing facility stay),
 - (h) Care received outside of United States (and its territories),
 - (i) Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for or the cost of eyeglasses or hearing aids.
- (6) [An explanation of such terms as "usual and customary," "reasonable and customary," or words of similar import, if used in the policy.]
- (7) A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payments of the benefits described in subsection (4) of this section, including conspicuous statement:
- (a) That the chart summarizing Medicare benefits only briefly describes such benefits, and
 - (b) That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.
- (8) A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.
- (9) The amount of premium for this policy.

(Insurer's Name)
By

(Agent's or Officer's Signature)

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-100 FORM FOR 1990 ADJUSTMENT NOTICE TO ACCOMPANY OUTLINE OF COVERAGE. For policies or certificates providing Medicare supplement coverage to residents of this state during 1990, the following chart shall accompany the Outline of Coverage and the form thereof shall be filed with the commissioner prior to use in this state. Where

inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor, or a health maintenance organization may substitute appropriate terminology. Modification of this chart by an insurer offering coverage under a risk sharing contract or reasonable cost basis contract may be permitted with the prior agreement of the commissioner.

.....
 [COMPANY NAME]
 NOTICE OF CHANGES IN MEDICARE AND YOUR
 MEDICARE SUPPLEMENT COVERAGE - 1990

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS TO MEDICARE AND TO YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES, INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT.]

SERVICE	MEDICARE BENEFITS	YOUR MEDICARE SUPPLEMENT COVERAGE
	Medicare Paid in 1989	Your Coverage Effective Paid in 1989 1-1-90, Your Coverage Will Pay

MEDICARE PART A: SERVICES AND SUPPLIES

Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 first 60 days/benefit period
Semi-Private Room & Board		All but \$148 a day for 61st - 90th day/benefit period
Misc. Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room		All but \$296 a day for 91st - 150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)

BLOOD

Pays all costs except payment of deductible (equal to costs for first three pints) Part A blood deductible reduced to the extent paid under Part B	Pays all costs except non-replacement fees (blood deductible) for first three pints in each benefit period
--	--

SKILLED NURSING FACILITY CARE

There is no prior confinement requirement for this benefit	100% of costs for first 20 days (after a 3-day prior hospital confinement)/benefit period
First 8 days - All but \$25.50 a day	All but \$74.00 a day for 21st - 100th days/benefit period

SERVICE	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	Medicare Paid in 1989	Effective 1-1-90, Medicare Will Pay	Your Coverage Paid in 1989	Effective 1-1-90, Your Coverage Will Pay
	9th through 150th day — 100% of costs	Beyond 100 days — Nothing		
	Beyond 150 days — Nothing			
MEDICARE PART B: SERVICES AND SUPPLIES				
	80% of allowable charges (after \$75.00 deductible)	80% of allowable charges (after \$75.00 deductible)		
<u>PRESCRIPTION DRUGS</u>	<u>Inpatient prescription drugs.</u> 80% of allowable charges for immunosuppressive therapy drugs during the first year following covered transplant (after \$75 deductible)	<u>Inpatient prescription drugs.</u> 80% of allowable charges for immunosuppressive therapy drugs during the first year following a covered transplant (after \$75 deductible)		
<u>BLOOD</u>	80% of all costs except non-replacement fees (blood deductible) for first three pints (after \$75 deductible/ calendar year)	80% of costs except non-replacement fees (blood deductible) for first three pints (after \$75 deductible)		

[Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT (INSURANCE) PROVIDED BY (COMPANY), ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY) CONTACT: (COMPANY NAME — OR NAME OF AGENT) (ADDRESS) (PHONE NUMBER) .

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

NEW SECTION

WAC 284-66-110 BUYER'S GUIDE. (1) Insurers issuing disability insurance policies or certificates that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to persons eligible for Medicare by reason of age must provide to all applicants a Medicare supplement "Buyer's Guide."

(2) The "Buyer's Guide" required to be provided is the pamphlet "Guide to Health Insurance for People with Medicare," developed jointly by the National Association of Insurance Commissioners and Health Care Financing Administration, or any reproduction or official revision of that pamphlet. (Specimen copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.)

(3) Delivery of the "Buyer's Guide" must be made whether or not such policies or certificates are advertised, solicited, or issued as Medicare supplement insurance policies.

(4) Except in the case of a direct response insurer, delivery of the "Buyer's Guide" must be made to the applicant at the time of application and acknowledgement of receipt of the "Buyer's Guide" must be obtained by the insurer. Direct response insurers must deliver the "Buyer's Guide" to the applicant upon request but not later than at the time the policy is delivered.

NEW SECTION

WAC 284-66-120 NOTICE REGARDING POLICIES WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES. Any disability insurance policy or certificate (other than a Medicare supplement policy or certificate), disability income protection policy, basic, comprehensive, or major medical expense policy, or other policy identified in RCW 48.66.020(1), whether issued on an individual or group basis, which policy purports to provide coverage to residents of this state eligible for Medicare by reason of age, shall notify policyholders or certificate holders that the policy is not a Medicare supplement insurance policy. Such notice shall be printed or attached to the first page of the outline of coverage or equivalent disclosure form, and shall be delivered to the policyholder or certificate holder. Such notice shall be in no less than twelve point type and shall contain the following language: "THIS [POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT] IS NOT A MEDICARE SUPPLEMENT [POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT]. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-130 REQUIREMENTS FOR APPLICATION FORMS AND REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE COVERAGE. (1) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement insurance policy or certificate in force or whether a Medicare supplement insurance policy or certificate is intended to replace any other policy or certificate of a health care service contractor, health maintenance organization, disability insurer, or fraternal benefit society presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions, may be used.

(a) "Do you have another Medicare supplement insurance policy or certificate in force (including coverage provided under risk sharing contracts)?"

(b) "Did you have another Medicare supplement policy or certificate in force during the last twelve months?"

(i) "If so, with which company?"

(ii) "If that policy lapsed, when did it lapse?"

(c) "Are you covered by Medicaid?"

(d) "Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?"

(2) Agents shall list any other medical or health insurance policies sold to the applicant.

(a) List policies sold which are still in force.

(b) List policies sold in the past five years which are no longer in force.

(3) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement insurance policy or certificate, a notice regarding replacement of Medicare supplement insurance coverage. One copy of such notice, signed by the applicant and the agent (except where the coverage is sold without an agent), shall be provided to the applicant and an additional signed copy shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement insurance coverage.

(4) The notice required by subsection (3) of this section for an insurer, other than a direct response insurer, shall be provided in substantially the form set forth in WAC 284-66-140 and shall be filed with the commissioner prior to use in this state.

(5) The notice required by subsection (3) of this section for a direct response insurer shall be in substantially the form set forth in WAC 284-66-150 and shall be filed with the commissioner prior to use in this state.

(6) Except for a policy issued by direct response insurer, a true copy of the application must be attached to or otherwise made a part of the policy when issued and delivered.

(7) Where inappropriate terms are used, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization may substitute appropriate terminology.

(8) Modification of the replacement form by an insurer offering coverage under a risk sharing or reasonable cost basis contract may be permitted with the prior agreement of the commissioner.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-140 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" FOR OTHER THAN DIRECT RESPONSE INSURERS.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF
MEDICARE SUPPLEMENT INSURANCE

[Insurance Company's Name and Address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN
THE FUTURE!

According to [your application or information you have furnished], you intend to lapse or otherwise terminate existing Medicare supplement insurance and replace it with a policy to be issued by _____ [insurance company name] _____. Federal and state law provides thirty days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all medical or health coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]: (Use additional sheets, as necessary)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

(1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy for similar benefits to the extent such time was spent (depleted) under the original policy.

(3) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(4) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. AFTER THE APPLICATION HAS BEEN COMPLETED AND BEFORE YOU SIGN IT, REREAD IT CAREFULLY TO BE CERTAIN THAT ALL INFORMATION HAS BEEN PROPERTY RECORDED.

[Signature of Agent, Broker or Other Representative]

[Typed name and Address of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

[Date]

[Applicant's Signature]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-150 FORM FOR "REPLACEMENT NOTICE TO APPLICANT" BY DIRECT RESPONSE INSURERS.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

(Insurance Company's Name and Address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE!

According to [your application or information you have furnished], you intend to lapse or otherwise terminate existing Medicare supplement insurance and replace it with a policy to be issued by _____ [insurance company name] _____. Federal and state law provides thirty days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully comparing it with all medical or health coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

(1) Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy for similar benefits to the extent such time was spent (depleted) under the original policy.

(3) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(4) [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new

coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Company name)

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-160 ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO CHANGES IN MEDICARE.

(1) As soon as practicable, but no later than thirty days prior to the effective date of any Medicare benefit changes, every insurer providing Medicare supplement insurance coverage to a resident of this state shall notify its insureds of modifications it has made to Medicare supplement policies. The adjustment notice is intended to be informational only and for the sole purpose of informing policyholders and certificate holders about changes in Medicare benefits, indexed deductible and copayment provisions, premium adjustments, and the like. The form of an adjustment notice provided to residents of this state shall be filed with the commissioner prior to use.

(2) The form of such notice shall be substantially in the format prescribed by the commissioner in WAC 284-66-100 for use in 1990.

(a) The notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy.

(b) The notice shall inform each covered person of the approximate date when premium adjustments due to changes in Medicare benefits will be made.

(c) The notice of benefit modifications and any premium changes shall be furnished in outline form and in clear and simple terms so as to facilitate comprehension.

(d) The notice shall not contain or be accompanied by any solicitation.

NEW SECTION

WAC 284-66-170 PROHIBITION AGAINST PREEXISTING CONDITIONS, WAITING PERIODS, ELIMINATION PERIODS, AND PROBATIONARY PERIODS IN REPLACEMENT POLICIES OR CERTIFICATES. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.

NEW SECTION

WAC 284-66-180 RENEWABILITY REQUIRED. (1) Except as authorized by the commissioner, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(2) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subsection (4) of this section, the insurer shall offer certificate holders an individual Medicare supplement policy, which policy form has been filed in accordance with all appropriate filing requirements of this state. The insurer shall offer the certificate holder at least the following choices:

(a) An individual Medicare supplement policy which provides for continuation of the benefits contained in the group policy; and

(b) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards.

(3) If membership in a group is terminated, the insurer shall:

(a) Offer the certificate holder such conversion opportunities as are described in subsection (2) of this section; or

(b) At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy.

(4) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

NEW SECTION

WAC 284-66-190 OFFER OF REINSTITUTION OF COVERAGE. (1) Except as provided in subsection (2) of this section, in the case of an individual who had in effect, as of December 31, 1988, a Medicare supplemental policy with an insurer (as a policyholder or, in the case of a group policy, as a certificate holder) and the individual terminated coverage under such policy before the date of the enactment of the Medicare Catastrophic Coverage Repeal Act of 1989, the insurer shall:

(a) Provide written notice no earlier than December 15, 1989, and no later than January 30, 1990, to the policyholder or certificate holder (at that person's most recent available address) of the offer described below; and

(b) Offer the individual, during a period of at least sixty days beginning not later than February 1, 1990, reinstatement of coverage (with coverage effective as of January 1, 1990), under terms which:

(i) Do not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) Provide for coverage which is substantially equivalent to coverage in effect before the date of such termination; and

(iii) Provide for classification of premiums on terms which are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

(2) An insurer is not required to make the offer required by subsection (1)(b) of this section in the case of an individual who is a policyholder or certificate holder in another Medicare supplement insurance policy as of January 1, 1990, if the individual is not subject to a waiting period with respect to treatment of a preexisting condition under such other policy.

NEW SECTION

WAC 284-66-200 STANDARDS FOR LOSS RATIOS. Medicare supplement insurance policies shall return to policyholders in the form of aggregated benefits under such policy, for the entire period for which rates are computed to provide coverage, loss ratios not less than those set forth in this section. Such loss ratios shall be on the basis of incurred claims losses and earned premiums for such period in accordance with accepted actuarial principles. The loss ratio standards of this section are more stringent and more appropriate than those imposed by RCW 48.66.100, and are necessary for the protection of the public interest.

(1) Where coverage is provided on a service rather than reimbursement basis, such loss ratios shall be on the basis of incurred health care expenses and earned premiums for such period.

(2) All filings of rates and rating schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this chapter and are not excessive, inadequate or unfairly discriminatory.

(3) Every insurer providing Medicare supplement policies in this state shall annually file its rates, rating schedules, and supporting documentation including ratios of incurred losses to earned premiums demonstrating that it is in compliance with the applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience. If the period for which the policy is initially rated is more than one year, ratios of incurred losses to earned premiums shall be filed by number of years of policy duration. Supporting documentation shall include the amounts of unearned premium reserve, policy reserves, and claim reserves and liabilities, both nationally and for this state. The form and instructions for filing this information are provided at WAC 284-66-220 through WAC 284-66-230. This annual filing is in addition to filings made by insurers to establish initial rates or request rate adjustments required by WAC 284-66-240.

(4) Incurred losses shall include claims paid and the change in claim reserves and liabilities. Incurred losses shall not include policy reserves, home office or field overhead, acquisition and selling costs, taxes or other

expenses, contributions to surplus, profit, or claims processing costs.

(5) The following criteria will be used to determine whether policy forms are in compliance with the loss ratio standards of this section:

(a) For the most recent year, the ratio of the incurred losses to earned premiums is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire period for which the policy is rated complies with the requirements of this section, relying on the judgment of the pricing actuary and acceptable to the commissioner; and

(c) For issue age level premium rated policies, an expected loss ratio for the third policy year, which is greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force fewer than three years. For community rated policies the applicable percentage shall be demonstrated for the three most recent accounting periods. The applicable percentage shall be as defined in subsections (6), (7,) or (8) of this section.

(d) Similar policy forms shall be grouped together according to the rules set forth in WAC 284-60-040 and WAC 284-66-240(6).

(e) The commissioner may consider additional criteria including, but not limited to:

(i) Equitable treatment of policyholders; and

(ii) The amount of policy reserves as defined for the insurer's statutory annual statement.

(6) Medicare supplement insurance policies issued by authorized disability insurers and fraternal benefit societies shall be expected to return to a policyholder in the form of aggregated loss ratios under the policy, at least sixty-five percent of the earned premiums in the case of individual policies, and seventy-five percent in the case of group policies.

(7) The minimum anticipated loss ratio requirements for health maintenance organizations and health care service contractors shall be seventy percent for individual forms and eighty percent for group contract forms. The minimum anticipated loss ratios are deemed to be met if the health care expense costs of the health maintenance organization or health care service contractor are seventy percent or more of the earned premium charged individual subscribers, or eighty percent or more of the earned premium charged subscribers covered under a group contract.

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

NEW SECTION

WAC 284-66-210 POLICY RESERVES REQUIRED. This section shall apply to every group and individual policy of disability insurance and to every subscriber contract of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization, which relates its benefits to Medicare. The term "policy reserve" is intended to apply to all types and forms of insurance equally, whether they are called policies, contracts, or certificates. For all

forms which are issued on a level premium basis, policy reserves will be required. The policy reserve is in addition to claim reserves and premium reserves. The methods used in determining policy reserves shall be consistent with the methods used for claim reserves. The definition of the date of incurral must be the same for both claim reserves and policy reserves. Policy reserves shall be based upon the following minimum standards:

(1) Morbidity should be based upon a reasonable expectation of future claim costs for the benefits being provided. At time of policy issue this would be the morbidity assumptions used to price the contract. For later durations the morbidity should reflect the experience which emerges including the effects of inflation and utilization. All morbidity assumptions must be reasonable in the view of the commissioner.

(2) The interest rate used may not exceed the maximum rate permitted by statute in the valuation of whole life insurance issued on the same date as the Medicare supplement policy.

(3) Termination rates shall be on the same basis as the mortality table permitted by statute in the valuation of whole life insurance issued on the same date as the Medicare supplement policy.

(4) The minimum reserve is that calculated on the one-year full preliminary term method. This method produces a terminal reserve of zero at the first policy anniversary. The preliminary term method may be applied only in relation to the date of issue of a policy. Reserve adjustments introduced later as a result of rate increases, revisions in assumptions, or for other reasons, are to be applied immediately as of the effective date of adoption of the adjusted basis.

(5) Negative reserves on any benefit may be offset against positive reserves for other benefits in the same policy or contract, but the total policy reserve with respect to all benefits combined may not be less than zero.

NEW SECTION

WAC 284-66-220 MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE FORM REQUIRED. The form provided at WAC 284-66-230 shall be filed with the commissioner annually not later than June 30th of each calendar year beginning June 30, 1990. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

The following instructions must be followed when completing the form:

(1) The data shall be furnished in the same format and order as that shown at WAC 284-66-230;

(2) The name of the insurer must be clearly shown at the top of each page;

(3) Separate data must be shown for each policy form number. For community rated policies, calendar year data for the most recent year should be furnished. For issue age level premium policies, data should be furnished separately for each policy duration of each form;

(4) The current filed rate schedule for each policy form number shall be attached to the experience form and shall show the policy form number for purposes of identification;

(5) Incurred losses shall include claims paid and the change in claim reserves and liabilities. A list of items that are not to be included in incurred losses is provided at WAC 284-66-200;

(6) The loss ratio shall be the ratio of incurred losses to earned premium;

(7) The experience form shall be certified by an officer of the insurer;

(8) Complete data is required for each policy form on both a national basis and for policies sold in the state of Washington;

(9) Policy reserves shall include:

(a) Active life reserves;

(b) Contingency and additional reserves;

(c) Increased reserves which may be required by the commissioner.

NEW SECTION

WAC 284-66-230 FORM FOR REPORTING MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE. The following form for reporting Medicare supplement loss ratio experience shall be used by all insurers:

MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE

(SUMMARIZED BY POLICY YEAR)

Experience reported for January 1 to December 31 of 19____.

To be filed on or before June 30

of the _____

Address (City, State and Zip Code) _____

NAIC Group Code _____ NAIC Company Code _____ CIC Code _____

National Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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Washington Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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I hereby certify that I have supervised the preparation of this experience exhibit, that it is complete and accurate to the best of my knowledge, and it is in compliance with RCW 48.66.150, WAC 284.66.200, and WAC 284.66.240.

Signature of Officer

Date

Name and Title of Officer

Prepared by

Phone Number

NEW SECTION

WAC 284-66-240 FILING REQUIREMENTS AND PREMIUM ADJUSTMENTS. (1) Every insurer advertising, soliciting, renewing, or providing Medicare supplement insurance coverage in this state as of December 31, 1989, shall file with the commissioner, in accordance with the applicable filing procedures of this state:

(a) Policy forms, riders or endorsements required to accomplish the modifications necessary to eliminate benefit duplications with Medicare or to bring a Medicare supplement insurance policy form into conformity with amendments to this chapter, such forms providing a clear description of the Medicare supplement benefits provided by the policy; and

(b) Appropriate premium adjustments necessary to produce complying loss ratios originally anticipated for the applicable policies and such supporting documents necessary in the opinion of the commissioner to justify the adjustments, including the information set forth in WAC 284-66-200.

(2) All policy forms, riders, and rates filed for initial use on or after January 1, 1990, and any future rate adjustment thereto, shall demonstrate compliance with the loss ratio requirements of WAC 284-66-200 and policy reserve requirements of WAC 284-66-210. All filings of forms shall be accompanied by the proposed rate schedule and an actuarial memorandum completed and signed by a qualified actuary as defined at WAC 284-05-060. In addition to the actuarial memorandum, the following supporting documentation must be submitted to demonstrate to the satisfaction of the commissioner that rates are not excessive, inadequate, or unfairly discriminatory and otherwise comply with the requirements of this chapter. If any of the items listed below are inappropriate due to the pricing methodology utilized by the pricing actuary, the commissioner may waive the requirements upon request of the insurer.

(a) Filings of issue age level premium rates shall be accompanied by the following:

(i) Anticipated loss ratios stated on a policy year basis for the period for which the policy is rated. Filings of future rate adjustments must contain the actual policy year loss ratios experienced since inception;

(ii) Anticipated total termination rates on a policy year basis for the period for which the policy is rated. The termination rates should be stated as a percentage and the source of the mortality assumption must be specified. Filings of future rate adjustments must include the actual total termination rates stated on a policy year basis since inception;

(iii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(iv) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(v) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);

(vi) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

(b) Filings of community rated forms shall be accompanied by the following:

(i) Anticipated loss ratio for the accounting period for which the policy is rated. The duration of the accounting period must be stated in the filing, established based on the judgment of the pricing actuary, and must be reasonable in the opinion of the commissioner. Filings for rate adjustment must demonstrate that the actual loss ratios experienced during the three most recent accounting periods, on an aggregated basis, have been equal to or greater than the loss ratios required by WAC 284-66-200.

(ii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(iii) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(iv) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);

(v) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

(c) Filings of the rates for all risk sharing contracts shall include the following:

(i) all information filed with, and approved by, the Health Care Financing Administration;

(ii) Rate of per capita reimbursement by the Health Care Financing Administration;

(iii) Expense assumptions including fixed and percentage expenses for acquisition and maintenance costs;

(iv) Schedule of total compensation payable to agents and other producers as a percentage of premium, if any;

(v) Specimen copy of the compensation agreements or contracts between the insurer and its agents, brokers, general agents, or others whose compensation is based in whole or in part on the sale of Medicare supplement insurance policies, such agreements demonstrating compliance with WAC 284-66-350 (where appropriate);

(vi) Other data necessary in the reasonable opinion of the commissioner to substantiate the filing.

(3) Every insurer providing Medicare supplement coverage to residents of this state shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy as will conform with the minimum loss ratio standards of WAC 284-66-200.

(4) No premium adjustment which would modify the loss ratio experience under the policy, other than the adjustments described in this section, may be made with respect to a policy at any time other than upon its renewal or anniversary date.

(5) Premium refunds or premium credits shall be made to the premium payer no later than upon renewal if a credit is given, or within sixty days of the renewal or anniversary date if a refund is provided.

(6) For purposes of rate making and requests for rate increases, all individual Medicare supplement policy forms of an insurer are considered "similar policy forms" including forms no longer being marketed.

NEW SECTION

WAC 284-66-250 FILING REQUIREMENTS FOR OUT-OF-STATE GROUP POLICIES. Every insurer providing group Medicare supplement insurance benefits to a resident of this state shall file with the commissioner, within thirty days of its use in this state, a copy of the master policy and any certificate used in this state, in accordance with the filing requirements and procedures applicable to Medicare supplement policies issued in this state.

NEW SECTION

WAC 284-66-260 RIDERS AND ENDORSEMENTS. (1) Effective January 1, 1990, subject to RCW 48.66.050(2), and except for riders or endorsements issued in accordance with subsection (2) of this section, no rider, endorsement, waiver, or any other means of modifying contractual benefits may be used by an insurer to exclude, limit, or reduce the coverage or benefits of a Medicare supplement insurance policy issued to a resident of this state. Only riders or endorsements which increase benefits or coverage may be used in this state.

(2) Effective January 1, 1990, except for riders or endorsements issued to bring a policy into compliance with changes to the minimum benefit standards or other contractual benefits required by this chapter or as hereafter amended:

(a) A Medicare supplement insurance policy amendment which increases the premium must be requested or accepted by the policyholder in writing, and

(b) Where separate additional premium is charged for a rider, endorsement or other amendment to the contractual benefits of a Medicare supplement insurance policy, the premium charged shall be set forth in the policy.

NEW SECTION

WAC 284-66-270 COMPLIANCE WITH OMNIBUS BUDGET RECONCILIATION ACT OF 1987. Every insurer to whom it applies shall certify to the commissioner on the Medicare supplement experience exhibit of its annual statement that it has complied with Section 4081 of the Omnibus Budget Reconciliation Act of 1987.

NEW SECTION

WAC 284-66-300 REQUIREMENTS FOR ADVERTISING. (1) At least thirty days prior to use in this state, every insurer who provides Medicare supplement insurance coverage to a resident of this state shall provide the commissioner with a copy of any Medicare supplement advertisement (as advertisement is defined at WAC 284-50-030) intended for use in this state, through whatever medium. In the case of radio or television advertising, an audiocassette or VHS cassette shall be supplied on request of the commissioner.

(2) Advertising shall comply with the Washington disability advertising regulation, RCW 48.30.040 through 48.30.060 (3)(a) and 48.30.010(2), and all other applicable state laws.

NEW SECTION

WAC 284-66-310 ATTAINED AGE RATING PROHIBITED. With respect to Medicare supplement insurance policies initially sold to residents of this state on or after January 1, 1989, it is an unfair practice and an unfair method of competition for any insurer, and a prohibited practice for any health care service contractor, health maintenance organization, or fraternal benefit society to use the increasing age of an insured, subscriber, or participant as the basis for increasing premiums or prepayment charges.

NEW SECTION

WAC 284-66-320 REPORTING OF MULTIPLE POLICIES. (1) On or before March 1st of each year, every insurer providing Medicare supplement insurance coverage in this state shall report to the commissioner the following information for every individual resident of this state for which the insurer has in force more than one Medicare supplement insurance policy or certificate:

(a) Policy and certificate number, and

(b) Date of issuance.

(2) The items set forth above must be grouped by individual policyholder.

NEW SECTION

WAC 284-66-330 STANDARDS FOR MARKETING. (1) Every insurer marketing Medicare supplement insurance coverage in this state, directly or through its producers, shall:

(a) Establish marketing procedures to assure that any comparison of policies or certificates by its agents or other producers will be fair and accurate.

(b) Establish marketing procedures to assure excessive insurance is not sold or issued.

(c) Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

"NOTICE TO BUYER: THIS [POLICY, CONTRACT OR CERTIFICATE] MAY NOT COVER ALL OF THE COSTS ASSOCIATED WITH MEDICAL CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has disability insurance and the types and amounts of any such insurance.

(e) Every insurer marketing Medicare supplement insurance in this state shall establish auditable procedures for verifying compliance with this section.

(2) In addition to the acts and practices prohibited in chapters 48.30 RCW, 284-30 WAC, 284-50 WAC, and

this chapter, the commissioner has found and hereby defines the following to be unfair acts or practices and unfair methods of competition for any insurer, and prohibited acts and practices for any health care service contractor, health maintenance organization, or fraternal benefit society, or their respective agents:

(a) **Twisting.** Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

(b) **High pressure tactics.** Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat whether explicit or implied, or otherwise applying undue pressure to coerce the purchase of, or recommend the purchase of, insurance.

(c) **Cold lead advertising.** Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 284-66-340 APPROPRIATENESS OF RECOMMENDED PURCHASE AND EXCESSIVE INSURANCE. (1) In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

(2) Any sale of Medicare supplement coverage which will provide an individual more than one Medicare supplement policy or certificate is prohibited: **PROVIDED, HOWEVER,** That additional Medicare supplement coverage may be sold if, when combined with that individual's coverage already in force, the combined coverages would insure, as to the individual, no more than 100% of actual medical expenses. This subsection does not apply to forms of disability indemnity insurance, such as specified disease and hospital indemnity policies.

NEW SECTION

WAC 284-66-350 PERMITTED COMPENSATION ARRANGEMENTS. (1) The commissioner has found and hereby defines it to be an unfair act or practice and an unfair method of competition for any insurer, and a prohibited practice for any health care service contractor, health maintenance organization, or fraternal benefit society to provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate, which policy or certificate is issued for delivery to a resident of this state on or after January 1, 1990, unless the commission or other compensation is identical for every policy year

or premium-paying period as long as the policy is in force.

(2) For purposes of this section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

(3) This section shall not apply to salaried employees of an insurer who have marketing responsibilities, if the salaried employee is not compensated, directly or indirectly, on any basis dependent upon the sale of insurance being made, including but not limited to considerations of the number of applications submitted, the amount or types of insurance, or the premium volume.

NEW SECTION

WAC 284-66-400 CHAPTER NOT EXCLUSIVE. Nothing contained in this chapter shall be construed to limit the authority of the commissioner to regulate a Medicare supplement insurance policy or certificate under other sections of Title 48 RCW.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 284-55 WAC MEDICARE SUPPLEMENTAL HEALTH INSURANCE REGULATION

WSR 90-02-001

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed December 21, 1989, 8:55 a.m.]

Date of Adoption: December 15, 1989.

Purpose: Allow certification of transition to organic producers, amend fee schedule, set standards for decertification and allow for more flexibility in inspection procedures.

Citation of Existing Rules Affected by this Order: Amending chapter 16-156 WAC.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Pursuant to notice filed as WSR 89-20-035 on October 2, 1989.

Effective Date of Rule: Thirty-one days after filing.

November [December] 15, 1989

Michael Schwisow
Deputy Director
for C. Alan Pettibone
Director

**Chapter 16-156 WAC
ORGANIC PRODUCER AND TRANSITION TO
ORGANIC PRODUCER CERTIFICATION**

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-001 APPLICATION. Organic food producers who wish certification under this chapter must

submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have over the past year, and will continue throughout the year for which the application is made, fully comply with the statute and rules for production of organic food.

Transition to organic food producers who wish certification under this chapter must also submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have since last harvest and will continue throughout the year for which application is made, fully comply with the statute and rules for production of organic food.

Each application shall be accompanied by a completed grower information form which will remain on file at the department of agriculture office.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-005 STANDARDS FOR CERTIFICATION. Standards for organic producer and transition to organic producer certification shall be as set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-010 SAMPLING. ~~((At least one))~~ A sample representative of a crop grown by ~~((each))~~ organic producers and transition to organic producers under the organic food certification program ~~((shall))~~ may be tested for pesticide residues ~~((by the state chemist annually))~~ whenever the director deems it necessary for certification. These samples shall be collected by the department of agriculture in a representative manner at the producer's farm.

It shall be the producer's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director for certification.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-020 INSPECTION. The department of agriculture shall make at least one announced visit and ~~((one))~~ any unannounced visit deemed necessary to each organic producer and transition to organic producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are chapter 15.86 RCW (Organic food products) and chapter 16-154 WAC (Rules pertaining to sale of organic foods).

This inspection may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of this chapter.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections which are deemed necessary by the director for certification.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-030 CERTIFICATION. Washington state department of agriculture certification of organic food producers and transition to organic producers means that any analysis of the representative samples taken by the department of agriculture showed no illegal pesticide usage and inspection of the producer by the department of agriculture showed no illegal practices being followed.

Organic food producers who apply under this program will be able to use the words, "produced under Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter and chapters 15.86 RCW and 16-154 WAC.

Food produced under this organic food certification program may be identified by the use of the attached logo. This logo shall only be used for food produced under the Washington state department of agriculture organic food certification program.

Transition to organic producers who apply under this program will be able to use the words "produced under Washington department of agriculture transition to organic food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and chapter 16-154 WAC.

Food produced under this transition to organic food certification program may be identified by use of the attached logo. This logo shall only be used for food produced under the Washington state department of agriculture's transition to organic program.

In no event shall food be sold as Washington certified organic or Washington certified transition to organic prior to an on-site inspection being made by the department of agriculture and grower information form being on file with the department of agriculture.

The logos to identify organic food and transition to organic food produced under this certification programs shall not be changed except for increases or decreases in size, as appropriate.

NEW SECTION

WAC 16-156-035 DECERTIFICATION. Whenever the director finds that a producer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020;
 - (2) Has filed an application for certification which is false or misleading in any particular;
 - (3) Has violated any of the provisions of this chapter;
- or
- (4) Has failed to provide records as required by WAC 16-154-020;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-040 CERTIFIED PRODUCER NUMBER. Organic food producers and transition to organic food producers who make application to the certification program shall be assigned a grower identification number by the department of agriculture. All sales from the producer to the first handler shall include the grower number on the invoice and/or other sales document.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-050 APPLICATION FOR CERTIFICATION. Organic food producers and transition to organic producers who wish to apply for the producer inspection program must apply to the department by ~~((April 1, 1988, and thereafter by))~~ January 15 of each year. The application and fees shall be forwarded to the department on forms furnished by the department.

Applications made after the set deadline ~~((shall))~~ may be processed as the department can schedule the initial inspections, provided that the producer may still conduct business as provided in RCW 15.86.050.

AMENDATORY SECTION (Amending Order 1968, filed 3/8/88)

WAC 16-156-060 FEE SCHEDULE. (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

Information on gross dollar volume shall not be disclosed to unauthorized persons.

Gross Income	Annual Fee
\$ 0 - \$ 10,000	\$150.00
\$ 10,000 - \$ 25,000	\$185.00
\$ 25,000 - \$ 50,000	\$350.00
\$ 50,000 - \$ 100,000	\$525.00
\$100,000 and Over	\$600.00

Gross Income	Annual Fee
\$ 0 - \$ 12,000	\$150
\$ 12,000 - \$ 15,000	\$185
\$ 15,000 - \$ 20,000	\$200
\$ 20,000 - \$ 25,000	\$275
\$ 25,000 - \$ 35,000	\$350
\$ 35,000 - \$ 50,000	\$500
\$ 50,000 - \$ 65,000	\$600
\$ 65,000 - \$ 80,000	\$750
\$ 80,000 - \$100,000	\$900
\$100,000 - \$150,000	\$1,000

\$150,000 - \$200,000	\$1,200
\$200,000 - \$280,000	\$1,400
\$280,000 - \$375,000	\$1,500
\$375,000 - \$500,000	\$2,000
\$500,000 and up	\$2,500

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. + ((2¢)) .24¢/mile from the inspector's assigned duty station.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at \$20/hr. + ((2¢)) .24¢/mile from the inspector's assigned station.



WSR 90-02-002
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed December 21, 1989, 2:10 p.m.]

Continuance of WSR 89-17-138.
 Title of Rule: Washington state building code.
 Other Identifying Information: Chapter 51-16 WAC.
 Date of Intended Adoption: November 27, 1989.
 November 9, 1989
 Marc Sullivan
 Chair

WSR 90-02-003
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed December 21, 1989, 2:12 p.m.]

Continuance of WSR 89-17-138.
 Title of Rule: Washington state building code.
 Other Identifying Information: Chapters 51-04, 51-06 and 51-08 WAC.
 Date of Intended Adoption: December 15, 1989.
 November 9, 1989
 Marc Sullivan
 Chair

WSR 90-02-004
RULES COORDINATOR
DEPARTMENT OF HEALTH
 [Filed December 21, 1989, 2:40 p.m.]

Leslie Baldwin will continue to serve as the rules coordinator for the Department of Health. Her office is located at 1300 S.E. Quince Street, EY-16, Olympia, WA 98504.

Pam Campbell Mead
 for Kristine M. Gebbie
 Secretary

WSR 90-02-005
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed December 21, 1989, 3:44 p.m.]

Continuance of WSR 90-01-146.
 Title of Rule: Rules concerning prior notification of pesticide applications for individuals hypersensitive to pesticides in chapter 16-228 WAC.
 Purpose: The purpose of this filing is to cancel the hearing for January 24, 1990, and reschedule it for January 25, 1990, in Spokane, Washington.
 Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.
 Statute Being Implemented: Chapter 17.21 RCW.
 Summary: These rules would provide for prior notification of persons registered with the department as

hypersensitive to pesticides of landscape applications performed adjacent to or within thirty feet of their residence.

Reasons Supporting Proposal: The Washington State Department of Agriculture is filing this as an industry proposal to regulate their own industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art G. Losey, Assistant Director, 406 General Administration Building, AX-41, Olympia, (206) 753-5062.

Name of Proponent: The PCO industry, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This proposal would be enforceable and will have little fiscal impact.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules would provide for prior notification of persons registered with the department as hypersensitive to pesticides of landscape applications performed adjacent to or within 30 feet of their residence and would provide protection for these persons from exposure to pesticides.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: January 23, 1990, 10:00 a.m., Landmark Inn, 4300 200th Street S.W., Lynnwood, WA 98036; and on January 25, 1990, 10:00 a.m., Ridpath Hotel, West 515 Sprague, Spokane, WA.

Submit Written Comments to: Art G. Losey, Assistant Director, Pesticide Management Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by January 25, 1990.

Date of Intended Adoption: February 23, 1990.

December 21, 1989

Art G. Losey
 Assistant Director

WSR 90-02-006
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed December 22, 1989, 9:11 a.m.]

Continuance of WSR 89-20-061.

Title of Rule: WAC 296-20-124 Rejected and closed claims; 296-14-400 Reopenings for benefits; and 296-20-680(8) Classification of disabilities in proportion to total bodily impairment.

Purpose: Previously submitted.

Statutory Authority for Adoption: Chapters 34.04 [34.05], 51.04, 51.32 and 51.36 RCW.

Statute Being Implemented: RCW 51.04.010, 51.04-.020, 51.04.030, 51.32.110, 51.32.080 and 51.36.010.

Summary: Previously submitted.

Reasons Supporting Proposal: Previously submitted.

Name of Agency Personnel Responsible for Drafting: Michael G. Watson, Mailstop HC 244, Olympia, 753-

2320; Implementation and Enforcement: Robert L. McCallister, Mailstop HC 281, Olympia, 753-4173.

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

Submit Written Comments to: Michael G. Watson, General Administration Building, HC 244, Olympia, Washington 98504, by January 22, 1990.

Date of Intended Adoption: January 26, 1990.

December 22, 1989

Joseph A. Dear

Director

WSR 90-02-007

ATTORNEY GENERAL OPINION

Cite as: AGO 1989 No. 21

[December 19, 1989]

WETLANDS—PUGET SOUND WATER QUALITY AUTHORITY—DEPARTMENT OF ECOLOGY

1. The Department of Ecology has limited authority under chapters 90.48, 90.54 and 90.58 RCW, and certain other statutes to adopt wetlands rules as envisioned in the 1989 Puget Sound Water Quality Authority Management Plan; the exact extent of this authority requires a point-by-point analysis of the subjects covered in the Plan and the type of rule envisioned.
2. Chapter 90.70 RCW, creating the Puget Sound Water Quality Authority and authorizing the development of a management plan for Puget Sound, granted no additional authority to the Department of Ecology to engage in wetlands regulation; thus, in implementing the plan, the Department is limited to activities the Department had pre-existing statutory authority to undertake.

Requested by:

Christine O. Gregoire, Director
Department of Ecology
Mailstop PV-11
Olympia, WA 98504-8711

WSR 90-02-008

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed December 22, 1989, 1:55 p.m.]

Original Notice.

Title of Rule: WAC 480-70-050, 480-70-500, 480-70-510, 480-70-520, 480-70-530, 480-70-540, 480-70-550, 480-70-560 and 480-70-570 relating to the safe transportation of biohazardous waste. The proposed amendment and new sections are shown below as Appendix A, Cause No. TG-2293. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed sections on economic values, pursuant to chapter 43.21H RCW.

Purpose: The proposed rules are designed to require all garbage carriers of biohazardous waste to comply with insurance and safety requirements during transportation.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 81.77.030.

Summary: Provides regulation for the handling and transportation by certified garbage haulers of biohazardous waste to disposal sites.

Reasons Supporting Proposal: Biohazardous waste (medical waste) has recently emerged as a concern of the public. Generators of medical waste, i.e. hospitals and other medical facilities, etc. are beginning to have this waste transported to approved disposal sites, instead of disposing of it on site. The proposed regulations will insure the safe handling and transportation of this waste to the disposal site.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and commission transportation staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment provides for a definition of biohazardous waste, requires garbage haulers to provide an operational plan for loading, unloading, packaging and handling of the waste by the employees responsible for transportation of the waste to an approved disposal site. The proposed rules require the garbage hauler to train employees, and certify that each employee is trained in handling and transporting the waste material. The regulation outlines package requirements and requires the hauler to provide a transportation record (manifest) of the haul, identifying the generator, transporter and disposal of the biohazardous waste. Certified garbage haulers transporting biohazardous waste must file with the commission proof of insurance of not less than \$1,000,000 in coverage.

Proposal Changes the Following Existing Rules: There are no existing rules specifically for the handling and transportation of biohazardous waste by garbage haulers certified by Washington Utilities and Transportation Commission. The proposed rules parallel existing safety rules adopted by the commission for the safe handling of garbage and refuse, which currently apply to handling and transportation of biohazardous waste. These rules are set out in chapter 480-70 WAC. However the proposed rules provide more detailed regulations for packaging, training, and manifest requirements when handling biohazardous waste. The rule increases insurance requirements from \$100,000 when hauling garbage or refuse to \$1,000,000 when handling biohazardous waste material.

No small business impact statement is required for this proposal by chapter 19.85 RCW.

The transportation of biohazardous waste is classified under the standard industrial classification code as industry group 4212-Local trucking without storage. Within that industry classification, there are 117 garbage haulers that have certificates granted by the Washington Utilities and Transportation Commission. Garbage haulers represent 2 percent of the total industry groupings within the industry classification.

Since the affected industry represents less than 10 percent of the businesses within a three-digit standard industry classification, a detailed economic impact statement is not required.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on February 7, 1990, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by January 29, 1990.

Date of Intended Adoption: February 7, 1990.

December 22, 1989

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-70-050 DEFINITIONS. Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of these rules, be given the meanings hereinafter subjoined to them:

- (1) "State" means the state of Washington.
- (2) "Commission" means the Washington utilities and transportation commission.
- (3) "Certificate" means the certificate of public convenience and necessity authorized to be issued for the operation of garbage and/or refuse collection companies under the provisions of chapter ((295, Laws of 1961, as amended [chapter 81.77 RCW]) 81.77 RCW, as amended.
- (4) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," "vehicle," "garbage and refuse collection companies," shall have the meaning when used herein given to them by ((section 2, chapter 295, Laws of 1961 [RCW 81.77.010], and by chapter 105, Laws of 1965 ex. sess. [RCW 81.77.030, 81.77.110, 81.08.010, 81.12.010 and 81.77.015.])) RCW 81.77.010 and by RCW 81.08.010, 81.12.010, 81.77.015, 81.77.030, and 81.77.110.

(5) "Garbage" includes but shall not be limited to offal or animal and vegetable wastes which may be mixed with refuse. Garbage includes scrap, waste materials, dead animals, discarded articles, garbage disposal, and swill. The term does not include sewage disposal or cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.

(6) "Refuse" includes all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste materials; also it includes scrap, waste materials, rubbish, non-commercial lamp black, waste acid, sludge, broken building and fire bricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. The term does include earth or dirt mixed with refuse but not commercially salable earth which is used as fill, road ballast, aggregate, etc. NOTE: The incidental hauling of pure refuse as herein defined may be a part of a regular garbage collection and disposal service.

(7) The phrase "the business of transporting garbage and/or refuse for collection and/or disposal for compensation" used in RCW 81.77-.010 applies only to those carriers who are primarily in the specialized

business of transporting garbage and refuse for collection and/or disposal for all potential customers within a specified area. NOTE: Chapter ((295, Laws of 1961 [chapter 81.77 RCW]) 81.77 RCW, as amended, was not intended to cover operations of carriers whose business is other than the primary business of transporting garbage and/or refuse for collection and/or disposal. Permit holders under the provisions of chapter 81.80 RCW, whose primary business is not the collection of garbage and/or refuse, need not secure a certificate under the provisions of chapter ((295, Laws of 1961 [chapter 81.77 RCW]) 81.77 RCW. In some instances, carriers may be engaged extensively in both motor freight carrier and in garbage and/or refuse hauling operations. In cases where such operations are separable, carriers may be required to hold both a certificate and a permit in order to continue both services. In each case it will be within the discretion of the commission to determine whether a carrier is required to hold both a common carrier permit and a certificate.

(8) "Biohazardous waste" includes untreated solid waste of the following types:

(a) Cultures and stocks of etiologic agents and associated biologicals, including, without limitation, specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, and discarded live and attenuated vaccines.

(b) Laboratory waste which has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stocks of etiologic agents.

(c) Sharps, which means medical and laboratory equipment generated by a biohazardous waste generator that may cause punctures or cuts. Such waste includes, but is not limited to, needles, syringes, lancets, and scalpel blades. Sharps also include laboratory glassware, including slides, coverslips, and pasteur pipettes which have come into contact with laboratory cultures and stocks of etiologic agents or blood specimens.

(d) Pathological waste, which means all human tissues and anatomical parts which emanate from surgery, obstetrical procedures, autopsy, and the laboratory.

(e) Human blood and blood products, including but not limited to serum and plasma, in fluid form exceeding fifty milliliters per container.

(f) Wastes that have come into contact with human body substances infected with anthrax, smallpox, rabies, plague, and viral hemorrhagic fevers such as Lassa fever and Ebola-Marburg virus disease.

(g) In addition to the above, as determined by and solely at the discretion of the biohazardous waste generator's infection control staff/committee, wastes that have come into contact with human body substances or other sources which may contain pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

(h) Animal carcasses exposed to pathogens in research, their bedding, and other waste from such animals.

(9) "Biohazardous waste generator" means a person or firm whose business or activities generate biohazardous waste.

(10) "Biohazardous waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

(11) "Treatment" includes any method, technique, or process designed to change the biological character or composition of biohazardous waste to render it noninfectious.

Any waste, except sharps, that has been treated shall not be considered biohazardous, and may be considered to be solid waste for purposes of handling and disposal.

NEW SECTION

WAC 480-70-500 OPERATIONAL REQUIREMENTS. For those certificated garbage collection companies handling biohazardous waste as defined in WAC 480-70-050, the following requirements shall apply:

An operational plan shall be prepared for handling and transporting biohazardous waste which shall include:

(1) A method of receiving biohazardous waste that ensures that biohazardous waste is handled separately from other solid waste until treatment or disposal, and that prevents unauthorized persons from having access to or contact with the biohazardous waste;

(2) A method of loading and unloading biohazardous waste that limits the number of persons handling the waste and minimizes the

possibility of exposure to biohazardous waste of employees and the public;

(3) A method of decontaminating transport vehicles used to haul biohazardous waste;

(4) Provision of and required use of clean gloves and uniforms along with other protective clothing to provide protection of those employees required to load, unload, and transport biohazardous waste;

(5) A means of decontaminating any person having had bodily contact with biohazardous waste while transporting the waste to the treatment, storage, or disposal site.

NEW SECTION

WAC 480-70-510 TRAINING REQUIREMENTS. (1) An employee training plan describing the treatment, handling, transportation, and disposal of biohazardous waste. Employee training must include emergency procedures to be used for spills of biohazardous waste, rupture of containers, and equipment failure. This plan must include procedures for cleanup protection of personnel, notification procedures following a spill, disposal of spill residue, repackaging of biohazardous waste, and alternate arrangements for biohazardous waste treatment, storage, and disposal.

(2) Drivers handling and transporting biohazardous waste shall be certified by the carrier as receiving training. Such training shall include as a minimum:

(a) Safe operation of vehicles used to transport biohazardous waste and vehicle equipment inspection procedures;

(b) Handling of medical waste, health hazards associated with the handling and disposal of biohazardous waste;

(c) Knowledge of packaging requirements;

(d) Personal hygiene practices;

(e) Protective clothing and equipment for drivers;

(f) Contamination control procedures—vehicle and equipment;

(g) Spills and emergencies;

(h) Manifest requirements.

(3) The form for the certificate of driver training is as follows:

CERTIFICATE OF DRIVER TRAINING

Name of Carrier: _____

Driver's Name: _____

Operator's Driver's License No.: _____

Dates of Training: _____

Signature of driver acknowledging completion of training program: _____

Date: _____

Signature of employer representative certifying that employee received training: _____

Date: _____

NEW SECTION

WAC 480-70-520 VEHICLE MARKING. Vehicles transporting biohazardous waste shall be identified on each side of the vehicle with the name or trade mark of the carrier and with conspicuously displayed signs or decals with the word "biohazardous."

NEW SECTION

WAC 480-70-530 STORAGE AND CONTAINMENT. (1) A carrier transporting biohazardous waste shall determine that the waste, except for material defined as sharps in WAC 480-70-050 (8)(c), shall be contained in bags which are impervious to moisture and have a strength sufficient to resist ripping, tearing, or bursting under normal conditions of transportation. The bags shall be secured so as to prevent leakage during handling and transportation.

(2) A carrier transporting biohazardous waste shall determine that waste defined as sharps in WAC 480-70-050 (8)(c) shall be contained for transportation in leak proof, rigid, puncture-resistant containers which are secured to preclude loss of the contents. Such containers shall be red in color or shall be labeled with the word "biohazardous."

(3) Before biohazardous waste is transported from a facility, biohazardous waste contained in disposable containers shall be placed in disposable or reusable pails, cartons, drums, or portable bins. The containment system shall be leak proof, have tight-fitting covers, and be kept clean and in good repair. The containers may be any color and shall be labeled with the word "biohazardous." Storage and containment of biohazardous waste shall comply with local and state regulations.

(4) Reusable containers for biohazardous waste shall be thoroughly washed and decontaminated each time they are emptied, pursuant to local and state requirements.

NEW SECTION

WAC 480-70-540 TRANSFER OF INFECTIOUS WASTE TO OFF-SITE TREATMENT AND DISPOSAL FACILITIES. Biohazardous waste shall be transported for treatment, storage, or disposal only to a facility that meets all local, state, and federal environmental regulations, as determined by the appropriate local, state, and federal agencies.

NEW SECTION

WAC 480-70-550 MANIFEST REQUIREMENTS. (1) A carrier who transports biohazardous waste to an off-site treatment, storage, or disposal facility must have a manifest with the shipment which contains the following information:

(a) Name and address of the generator of the biohazardous waste;

(b) Name of the person representing the generator from whom delivery is accepted;

(c) Name of the carrier;

(d) Date of collection;

(e) Destination, naming final disposal, and storage or treatment site;

(f) Type and quantity of biohazardous waste delivered to the carrier;

(g) The manifest shall be signed by a representative of the generator of biohazardous waste, such signature acknowledging delivery;

(h) The manifest shall be signed by a carrier representative who accepts the waste for transportation, such signature acknowledging receipt of the biohazardous waste;

(i) A legible copy of the manifest must accompany the shipment. At the destination, the manifest shall be signed by a representative of the facility which accepts the biohazardous waste for treatment, storage, or disposal, such signature acknowledging acceptance;

(j) The manifest must consist of at least the number of copies which will provide the generator, transporter, and owner of the storage or disposal site with one copy each for their records.

(2) A copy of the manifest of each shipment must be retained by the carrier at the main office of the carrier for three years, and is subject to inspection by the commission.

NEW SECTION

WAC 480-70-560 INSURANCE REQUIREMENTS. Every biohazardous waste transporter must provide proof of liability and property damage insurance, or other form of financial surety as contained in WAC 480-70-250, in an amount not less than one million dollars to provide for recovery for bodily injury and property damage resulting in an accident involving a vehicle used or to be used in transporting biohazardous waste.

NEW SECTION

WAC 480-70-570 REPORTING OF ACCIDENTS. (1) Each common or contract garbage hauler transporting biohazardous waste in this state shall report to the commission as soon as possible, but in no event later than twelve hours after any leakage or spillage of biohazardous waste which could endanger employees of the carrier or the public at the scene of an accident or any accident involving injury to any person, death of any person, or property damage. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents described in subsection (1) of this section shall be filed with the commission and maintained in the main office of the carrier subject to inspection by the commission.

WSR 90-02-009

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-148—Filed December 22, 1989, 2:39 p.m.]

Date of Adoption: December 21, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable surplus of red sea urchins will have been taken by January 1, 1990, and further harvest would endanger the resource. The scheduled closure on March 31, 1990, for district is not adequate to ensure reproductive potential.

Effective Date of Rule: 12:01 a.m., January 1, 1990.

December 22, 1989

Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07300G COMMERCIAL SEA URCHIN SEASON Notwithstanding the provisions of WAC 220-52-073, effective 12:01 AM January 1, 1990, until further notice, it is unlawful to take or possess red sea urchins taken for commercial purposes from Sea Urchin District 3.

WSR 90-02-010

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-149—Filed December 22, 1989, 2:42 p.m.]

Date of Adoption: December 22, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000A.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Pacific Fishery Management Council has established a harvestable quota of groundfish. This regulation provides for harvest of the quota without impacting nonharvestable stocks. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is interim until permanent rules can take effect.

Effective Date of Rule: 12:01 a.m., January 1, 1990.

December 22, 1989

Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000B COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of

WAC 220-44-050, effective 12:01 A.M. January 1, 1990 until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow Rockfish (*Sebastes entomelas*) – 15,000 pounds per vessel trip per week, Wednesday through the following Tuesday. A fisherman may choose to make one landing of 25,000 pounds per vessel trip biweekly, defined as Wednesday through the second Tuesday following, by filing a declaration of intent. There is no limit on the number of landings less than 3000 pounds.

(2) Shortbelly rockfish (*Sebastes alutus*) – no maximum poundage per vessel trip; no minimum size. poundage per vessel trip; no minimum size

(3) Pacific ocean perch (*Sebastes alutus*) – No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of the total weight of fish on board. Under no circumstances may a vessel land more than 3,000 pounds of Pacific ocean perch in any one vessel trip.

(4) All other species of rockfish includes all rockfish except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*Sebastes entomelas*), shortbelly rockfish (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*) – 25,000 pounds of all other species of rockfish combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1990 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species of rockfish combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 15,000 pounds, may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species of rockfish in any one calendar week of which no more than 3,750 pounds in any one landing may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Sablefish

(a) Trawl Vessels – No trip limit. No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.

(b) *Non-Trawl Vessels – Limit 2000 pounds per vessel trip or 20 percent of all legal fish on board whichever is less. The 20 percent limit does not apply to sablefish landings of less than 100 pounds. There is no size limit on sablefish caught with fixed gear.*

(6) *1990 Declarations of Intent – A 1990 Declaration of Intent must be made to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section. The new declaration form must be completed as provided for in this subsection. The 1990 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of bi-weekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.*

(7) *It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.*

(8) *For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.*

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000A COASTAL BOTTOMFISH CATCH LIMITS. (89-147)

WSR 90-02-011

EMERGENCY RULES

EVERETT COMMUNITY COLLEGE

[Filed December 26, 1989, 1:08 p.m.]

Date of Adoption: December 20, 1989.

Purpose: Student will be disqualified from participation in any school-sponsored athletic event or activity if

found by the college to have violated chapter 69.41 RCW.

Statutory Authority for Adoption: Chapter 69.41 RCW, 1989 amendment.

Other Authority: Chapter 28B.50 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: All institutions of higher education are required to adopt regulations requiring athletic ineligibility from participation in any school-sponsored athletic event or activity if the student(s) is found to be in violation of chapter 69.41 RCW. This is by virtue of a criminal conviction, or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids.

Effective Date of Rule: Immediately.

December 19 [20], 1989

Robert J. Drewel
President

WAC CHAPTER 132E-400

Loss of Eligibility—Student Athletic Participation

NEW SECTION

WAC 132E-400-010 **FOUNDATIONS FOR INELIGIBILITY.** Any student found by the College to have violated Chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132E-400-020 **SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING.** Any student notified of a claimed violation of WAC 132E-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the vice-president for instruction/student services within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 1232E-400-030 **HEARING.** If a timely written request for a hearing is made, the vice-president for instruction/student services shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be

conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-.494.

Reviser's note: The section above was filed by the agency as WAC 1232E-400-030. However, the other rules for Everett Community College are found in Title 132E WAC. The section above appears to be WAC 132E-400-030, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

NEW SECTION

WAC 132E-400-040 DECISION. *The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the vice-president for instruction/student services.*

WSR 90-02-012
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
[Memorandum—December 21, 1989]

The regular meetings of the board of directors of WSCTC in 1990 shall be held on the first Wednesday of February, March, April and October; and the second Wednesday of January, May, June, July, September, November and December, with no meeting in the month of August, as set forth below, at 2:00 p.m. at WSCTC, 800 Convention Place, Seattle, unless notice of any different meeting location or rescheduled meeting is otherwise given in accordance with the bylaws of WSCTC and any applicable provisions of state law.

The chairman of the board, or his designee, shall take the steps necessary to publish notice of the time and place of regular meetings in the State Register as contemplated by the Open Public Meetings Act in RCW 42.30.075.

1990 Meeting Schedule
WSCTC Board of Directors

- January 10
- February 7
- March 7
- April 4
- May 9
- June 13
- July 11
- September 12
- October 3
- November 14
- December 12

All meetings will begin at 2:00 p.m. and will be held at the Washington State Convention and Trade Center, 800 Convention Place, in downtown Seattle, unless the building is fully booked with conventions or meetings on

that date, in which case notice of a different location will be provided in advance.

For further information on location, call Sharon Ducey at 447-5012.

WSR 90-02-013
NOTICE OF PUBLIC MEETINGS
SPOKANE COMMUNITY COLLEGES
[Memorandum—December 19, 1989]

The regular meetings of the board of trustees of Washington Community College District 17, the Community Colleges of Spokane, during calendar year 1990 shall be held at 1:30 p.m. in the District Office Board Room at North 2000 Greene Street, Spokane, WA on the following dates:

- Tuesday January 16, 1990
- Tuesday February 13, 1990
- Tuesday March 13, 1990
- Tuesday April 17, 1990
- Tuesday May 15, 1990
- Tuesday June 19, 1990
- Tuesday July 17, 1990
- Tuesday August 21, 1990
- Tuesday September 18, 1990
- Tuesday October 16, 1990
- Tuesday November 20, 1990
- Tuesday December 18, 1990

WSR 90-02-014
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Memorandum—December 19, 1989]

The board of trustees of Whatcom Community College, District Number Twenty-One, will change its regular meeting date in January. Instead of meeting on January 9, 1990, the board will meet on January 2, 1990. The meeting will be held on January 2, 1989 [1990], Tuesday, 2:00 p.m., Board Room, Cordata Facility, 237 West Kellogg Road, Bellingham, WA 98226.

WSR 90-02-015
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—December 18, 1989]

In accordance with RCW 42.30.075, the board of regents of the University of Washington established the following meeting schedule for 1990 at its regular meeting held December 15, 1989:

- | DAY | DATE |
|--------|-------------|
| Friday | January 19 |
| Friday | February 16 |
| Friday | March 16 |
| Friday | April 20 |

Friday May 18
 Friday June 8
 Friday July 20
 Friday August 17
 Friday September 21
 Friday October 16
 Friday November 16 in Spokane
 Friday December 14

Vice-President, Administrative Services
 Big Bend Community College
 Building 1400
 28th & Chanute
 Moses Lake, WA 98837

(3) Operation. The administrative office is located at the following address:

Big Bend Community College
 Building 1400
 28th & Chanute
 Moses Lake, WA 98837

The meetings will commence at 1:00 p.m. unless public notice is given to the contrary. The meetings will be held in Room 301 Administration Building on the University of Washington main campus, Seattle, Washington, unless another location is established and public notice given.

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(4) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Big Bend Community College - Admissions
 Building 1400
 28th & Chanute
 Moses Lake, WA 98837

WSR 90-02-016

PERMANENT RULES

BIG BEND COMMUNITY COLLEGE

[Filed December 26, 1989, 4:30 p.m.]

Date of Adoption: December 20, 1989.

Purpose: To declare Big Bend Community College's organization, operation and information regarding educational offerings, and to adopt model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 89-22-052 on October 30, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1989

Robert Sorenson

Vice-President

Administrative Services

**Chapter 132R-02 WAC
PRACTICE AND PROCEDURE**

WAC

- 132R-02-010 Adoption of model rules of procedure.
- 132R-02-020 Appointment of presiding officers.
- 132R-02-030 Method of recording.
- 132R-02-040 Application for adjudicative proceeding.
- 132R-02-050 Brief adjudicative procedures.
- 132R-02-060 Discovery.
- 132R-02-070 Procedure for closing parts of the hearings.
- 132R-02-080 Recording devices.
- 132R-02-090 Petitions for stay of effectiveness.

NEW SECTION

WAC 132R-02-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132R-02-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the

**Chapter 132R-01 WAC
ORGANIZATION**

WAC

132R-01-010 Organization—Operation—Information.

NEW SECTION

WAC 132R-01-010 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Big Bend Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Rules coordinator. The designated rules coordinator for Big Bend Community College is the vice-president, administrative services, located at the following address:

Washington State Bar Association, a panel of individuals, the president, or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132R-02-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132R-02-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
Big Bend Community College
Building 1400
28th & Chanute
Moses Lake, WA 98837

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132R-02-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132R-04 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapters 132R-116 and 132R-118 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132R-05 WAC.

NEW SECTION

WAC 132R-02-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132R-02-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132R-02-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132R-02-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132R-02-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

WSR 90-02-017

PERMANENT RULES

BIG BEND COMMUNITY COLLEGE

[Filed December 26, 1989, 4:32 p.m., effective January 1, 1990]

Date of Adoption: December 20, 1989.

Purpose: To adopt an immediate student athlete suspension for students found violating chapter 69.41 RCW.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 89-22-052 on October 30, 1989.

Changes Other than Editing from Proposed to Adopted Version: Add the words "brief adjudicative" before hearing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 69.41 RCW.

Effective Date of Rule: January 1, 1990.

December 22, 1989

Robert Sorenson

Vice-President

Administrative Services

Chapter 132R-05 WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132R-05-010 Immediate suspension.

NEW SECTION

WAC 132R-05-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing(s) as detailed in the Big Bend Community College athletic handbook, to be commenced within twenty days of the suspension.

WSR 90-02-018

PERMANENT RULES

BIG BEND COMMUNITY COLLEGE

[Filed December 26, 1989, 4:34 p.m.]

Date of Adoption: December 20, 1989.

Purpose: To repeal policies dealing with reduction in force of classified employees, elections, collective bargaining relating to tenure, academic transcripts, swimming pool and diving regulations, off-campus housing, food service, classified staff development and training and State Environmental [Policy] Act.

Citation of Existing Rules Affected by this Order: Repealing chapters 132R-08, 132R-17, 132R-130, 132R-132, 132R-140, 132R-156, 132R-160, 132R-185 and 132R-195 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 89-22-053 on October 30, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1989

Robert Sorenson

Vice-President

Administrative Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-08-010 PURPOSE OF RULES.

WAC 132R-08-020 DEFINITIONS.

WAC 132R-08-030 INITIAL PROCEDURES FOR REDUCTION IN FORCE.

WAC 132R-08-040 INITIAL ORDER OF LAYOFF.

WAC 132R-08-050 OPTIONS IN LIEU OF LAYOFF.

WAC 132R-08-060 PROCEDURE FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE REQUIREMENTS.

WAC 132R-08-070 DISTRIBUTION OF LAYOFF NOTICE.

WAC 132R-08-080 REEMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-17-010 PURPOSE.

WAC 132R-17-020 REQUEST FOR ELECTION-CANVASS OF CERTIFICATED EMPLOYEES BY INDEPENDENT AND NEUTRAL PERSON OR ASSOCIATION.

WAC 132R-17-030 NOTICE OF ELECTION—ORGANIZATIONS TO BE INCLUDED ON BALLOT—TIME FOR FILING.

WAC 132R-17-040 CONTENTS OF NOTICE OF ELECTION—DESIGNATION OF CHIEF ELECTION OFFICER—DUTIES.

WAC 132R-17-050 LIST OF CERTIFICATED EMPLOYEES—POSTING OF LIST.

WAC 132R-17-060 ELECTION INSPECTORS—DUTIES—RIGHT TO CHALLENGE VOTER—IMPROPER CONDUCT.

WAC 132R-17-070 BALLOTS.

WAC 132R-17-080 RECORD OF VOTE—SIGNATURE—CHALLENGE.

WAC 132R-17-090 INCORRECTLY MARKED BALLOT.

WAC 132R-17-100 PRIVACY FOR VOTER—EQUIPMENT.

WAC 132R-17-110 FOLDING BALLOT—BALLOT BOX.

WAC 132R-17-120 CHALLENGED BALLOT—PROCEDURE.

WAC 132R-17-130 EMPLOYEES PRESENT ENTITLED TO VOTE—SEALING BALLOT BOX—UNUSED BALLOTS.

WAC 132R-17-140 ELECTION INSPECTORS DUTIES AFTER VOTING HAS TERMINATED.

WAC 132R-17-150 DISPOSITION OF CHALLENGED BALLOTS—TALLY SHEETS—INVESTIGATION BY CHIEF ELECTION OFFICER.

WAC 132R-17-160 COUNTING OF BALLOTS—PROCEDURE—CERTIFICATION OF RESULTS OF ELECTION—RETENTION OF BALLOTS—SIGNED VOTING LISTS.

WAC 132R-17-170 ELECTIONEERING WITHIN THE POLLS FORBIDDEN.

WAC 132R-17-180 CONTEST OF ELECTION—TIME FOR FILING OBJECTIONS—INVESTIGATION OF OBJECTIONS.

WAC 132R-17-190 PERSONS ELIGIBLE TO VOTE—DEFINITION "CERTIFICATED EMPLOYEE."

WAC 132R-17-200 ELECTION DETERMINED BY MAJORITY OF VALID VOTES CAST—RUN-OFF ELECTION.

WAC 132R-17-210 TIME LAPSE FOR NEW ELECTION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-130-010 TENURE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-132-010 TRANSCRIPTS OF RECORDS.

WAC 132R-132-020 USE OF STUDENT RECORDS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-140-010 SWIMMING POOL REGULATIONS.

WAC 132R-140-020 DIVING RULES.

WAC 132R-140-030 PENALTY FOR VIOLATIONS OF THIS CHAPTER.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-156-010 LISTING.

WAC 132R-156-020 POLICY OF NONDISCRIMINATION.

WAC 132R-156-030 RESPONSIBILITY.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-160-010 MEAL TICKETS.

WAC 132R-160-020 DINING ETIQUETTE.

WAC 132R-160-030 SACK LUNCHES.

WAC 132R-160-040 SICK TRAYS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-185-010 PURPOSE.

WAC 132R-185-020 DEFINITIONS.

WAC 132R-185-030 TRAINING ACTIVITIES.

WAC 132R-185-040 TRAINING OFFICER.

WAC 132R-185-050 TRAINING COMMITTEE.

WAC 132R-185-060 ADMINISTRATIVE UNITS.

WAC 132R-185-070 CLASSIFIED EMPLOYEES.

WAC 132R-185-080 EMPLOYEE TRAINING RECORDS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-195-010 COMPLIANCE WITH SEPA-GUIDELINES.

WSR 90-02-019**PERMANENT RULES****BIG BEND COMMUNITY COLLEGE**

[Filed December 26, 1989, 4:36 p.m.]

Date of Adoption: December 20, 1989.

Purpose: To update policies dealing with student rights, traffic, designated authority, use of college facilities, equipment and supplies, bookstore operation, residence housing, Family Educational Rights and Privacy Act of 1974, and personnel files.

Citation of Existing Rules Affected by this Order: Amending chapters 132R-04, 132R-12, 132R-116, 132R-118, 132R-136, 132R-144, 132R-150, 132R-158, 132R-190 and 132R-200 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Pursuant to notice filed as WSR 89-22-054 on October 30, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 22, 1989

Robert Sorenson

Vice-President

Administrative Services

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-010 ((DEFINITIONS)) STUDENT RIGHTS AND RESPONSIBILITIES. ((As used in this chapter 132R-04 WAC, the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Community College District No. 18, state of Washington.

(2) "College" shall mean Big Bend Community College, or any additional community college hereafter established within Community College District No. 18, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(16) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug as defined in RCW 69.33.230(14) as now law or hereafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereinafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereinafter amended.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "Demonstration" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

(7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the college president pursuant to WAC 132R-04-150 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

~~(8) "Student" shall mean and include any person who is regularly enrolled at the college.~~

~~(9) "President" shall mean the president appointed by the board or in such president's absence, the acting president.~~

~~(10) "Rules of student conduct" shall mean the rules contained within chapter 132R-04 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.~~

~~(11) "Disciplinary committee" shall mean the hearing committee as denominated in WAC 132R-04-120.)) Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges, and property of other members of the college community, and will not interfere with legitimate college affairs.~~

~~The rights and responsibilities of students are further defined and listed in the "student rights and responsibilities" policy adopted by the board of trustees of Big Bend Community College. Policies and procedures are fully explained in the handbook which is on file in the office of the dean, student services.~~

AMENDATORY SECTION (Amending Order 70-4, filed 3/5/70)

WAC 132R-12-010 DESIGNATION OF APPOINTING AUTHORITY. Pursuant to WAC 251-04-020(2), the position of "appointing authority" at Big Bend Community College is designated:

(1) The president or the person occupying the position of president at Big Bend Community College is (~~denominated~~) designated as the "appointing authority" for purposes of (~~chapter 28.75 RCW [chapter 28B.16 RCW] at Big Bend Community College~~) RCW 28B.50.140(14).

(2) The president of Big Bend Community College is delegated authority by written order of the board of trustees (~~to terminate, suspend, reduce or demote any classified employee at Big Bend Community College without the prior approval of the board of trustees. Additionally, the president of Big Bend Community College, as the appointing authority, is authorized to make such appointments of eligible persons to classified positions at Big Bend Community College~~). The power and duties vested in the board may be transferred in accordance with this chapter. Such delegated powers and duties may be exercised in the name of the district board.

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

WAC 132R-116-040 (~~PERMITS REQUIRED TO PARK ON COLLEGE PROPERTY~~) HANDICAPPED PARKING. (~~Except as provided in subsections (1), (2) and (4) of this section, no student, faculty or staff member shall park upon the campus of Big Bend Community College without a permit issued by Big Bend Community College.~~

~~(1) Visitors to the campus may park in college parking lots in spaces provided for their use and marked accordingly. Visitors shall secure a guest parking permit from the office of the president, vice president, dean of administration, dean of students, director of student activities, supervisor of adult and occupational education or their designee. These permits shall be issued without charge.~~

~~(2) Vehicles owned by the government of the United States of America, the state of Washington, or any of its political subdivisions, may be parked in any college parking lot without a permit, except that they may not be parked in reserved or handicapped parking spaces.~~

~~(3) No vehicle shall be parked on campus except in those areas set aside as parking places or areas.~~

~~(4) Any vehicles, parking in a college parking lot which requires cash payment to park or which has been set aside for free parking, is not required to display a college parking permit.)) Spaces shall be set aside in certain parking lots adjacent to campus buildings for the exclusive use of handicapped faculty, staff, and students. Persons must have a valid state handicapped parking sticker on their vehicle when parking in a "handicapped space."~~

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

WAC 132R-116-050 (~~DEFINITION OF VALID PARKING PERMIT~~) PROHIBITED AREAS. (~~A parking permit is a certification of permission to park in designated lots on the Big Bend Community College campus.~~

~~(1) The parking permit shall consist of a decal denoting the academic year the vehicle is registered to park.~~

~~(2) A guest permit shall consist of a permit issued in accordance with WAC 132R-116-040(1).~~

~~(3) Any parking permit shall be issued subject to the rules and regulations stated herein and shall be displayed on the vehicle in accordance with such rules and regulations.)) No vehicle shall be parked in any driveway, emergency access, sidewalk, lawn, or any other area not designated as a parking lot. Nor shall any vehicle be parked within fifteen feet either side of a fire hydrant.~~

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

WAC 132R-116-060 (~~WHERE TO PURCHASE PERMITS~~) ABANDONED, DISABLED, OR INOPERATIVE VEHICLES. (~~Permits will be sold at a place to be designated at the beginning of each quarter. Subsequent to the registration period, students and staff may acquire parking permits from the registrar's office during normal working hours. Such fees shall be as established from time to time by the board of trustees of Big Bend Community College.)) No abandoned, disabled, or inoperative vehicle shall be parked on the campus for a period in excess of seventy-two hours. Vehicles which have been parked for periods in excess of seventy-two hours and which appear to be abandoned, disabled,~~

or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-116-070 ((~~DISPLAY OF PERMITS~~)) IMPOUNDING OF ILLEGALLY PARKED VEHICLES. ((~~The parking permit shall be placed as directed. Expired permits shall be removed before the new permit is attached.~~

(1) Permits not displayed in accordance with the provisions of this section shall not be valid.

(2) Vehicles using straight in or diagonal parking spaces shall park with the front of the vehicle headed in said spaces or toward the curb.)) The president or his designee(s) may order the impound and storage of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped space. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-116-080 ((~~RESPONSIBILITY OF PERSONS TO WHOM PERMITS ARE ISSUED~~)) LIABILITY OF COLLEGE. ((~~The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the vehicle for which the permit was issued and to which it was affixed, provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations.~~)) The college assumes no liability for vehicles parked on college properties. The college provides space to individuals desiring to park on campus while attending college classes, college functions, or noncollege functions of agencies or organizations renting college facilities, while employed at the college, or visitors to the college.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-116-090 ((~~FACULTY AND STAFF PERMITS~~)) PARKING VIOLATIONS. ((~~Any member of the faculty and any staff member shall be eligible for a faculty and staff parking permit.~~

(1) Faculty and staff members are restricted to parking in the assigned areas.

(2) Faculty and staff members owning more than one vehicle and wishing to park more than one vehicle on campus will, at the time of original purchase and upon request, be issued more than one parking permit.)) Parking violations may occur and may result in the issuance of a parking violation citation, impound, or both.

(1) Vehicles parked in a space reserved for handicapped parking and not displaying a handicapped parking permit shall be subject to citation.

(2) Vehicles parked in such a manner as to occupy more than one space shall be subject to citation.

(3) Vehicles parked in an area not specifically posted for parking shall be subject to citation. Vehicles parked in service areas, driveways, loading zones, or areas with yellow curb shall be subject to citation, impound, or both.

(4) Vehicles parked in a posted area specifically prohibiting parking shall be subject to citation, impound, or both.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-116-100 ((~~STUDENT PERMITS~~)) REGULATORY SIGNS. ((~~Students who commute to campus and student[s] living in campus dormitories who wish to park their vehicles on campus must purchase a student permit.~~)) Drivers of vehicles shall obey regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by campus security or other representatives of the office of campus security in the control and regulation of traffic and parking.

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

WAC 132R-116-110 ((~~HANDICAPPED PARKING~~)) RULES AND REGULATIONS AVAILABLE. ((~~Spaces or stalls shall be set aside in certain parking lots adjacent to campus buildings for the exclusive use of handicapped faculty members, administrative staff, and students whose physical condition makes it difficult to go to and from classes and buildings.~~

(1) Persons wishing to utilize handicapped parking spaces must register as a handicapped person at the time that the parking permit is issued. The applicant may be required to secure a written statement from a qualified physician outlining the nature of the handicap and recommending preferred parking. Permission to use handicapped parking on a temporary basis shall be extended only for the period of the handicap, and shall be revoked when the person returns to normal health.)) These rules and regulations shall be made available at appropriate locations on campus and shall be available in abbreviated form to all persons parking at Big Bend Community College. Not being familiar with, or ignorance of one or more of these rules and regulations shall not constitute a defense for violation of a rule or regulation and shall not limit the culpability of a person to whom the violation citation is issued.

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

WAC 132R-116-120 ((~~VISITORS' PERMITS~~)) SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. ((~~Guests, visitors, salesmen, servicemen, vendor representatives, and others doing business with the institution~~

~~may be issued visitors' permits allowing them to park in designated lots on campus. Such permits are issued without charge in accordance with WAC 132R-116-040(1) upon request by the owner/operator of the parking vehicle.~~

~~(1) Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to college employees or students.~~

~~(2) Visitors' permits shall not allow the user to park in reserved or handicapped spaces or stalls.~~

~~(3) Visitors' permits shall be in the form provided in WAC 132R-116-050(2).) Upon special occasions causing additional heavy traffic, during emergencies, or during construction of campus facilities, the president of the college or his authorized designee, is authorized to impose additional traffic and parking regulations or modify the existing rules and regulations for achievement of the general objectives provided in WAC 132R-116-020.~~

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

~~WAC 132R-116-130 ((PERMIT REVOCATIONS)) EFFECTIVE HOURS OF OPERATION. ((Parking permits are the property of the college and may be recalled, revoked, or suspended for violation of any provision of these parking regulations and without right to prior notice or hearing for the following reasons:~~

~~(1) When the purpose for which the permit was issued changes or no longer exists, the permit may be revoked.~~

~~(2) When a permit is used on an unregistered vehicle or by an unauthorized individual, the permit may be revoked, and the vehicle and/or permit holder shall be subject to citation.~~

~~(3) Falsification on a parking permit application shall be grounds for permit revocation.~~

~~(4) Continued violations of parking regulations shall be grounds for permit revocation.~~

~~(5) Counterfeiting or altering of parking permits shall be grounds for permit revocation.)) The traffic and parking regulations shall be effective at all times.~~

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

~~WAC 132R-116-140 ((HEARING PROVIDED)) FINES. ((Cancellation or revocation of any parking permit because of any of the causes stated in WAC 132R-116-130 through 132R-116-130(5) may be appealed to the traffic control board for a hearing within 10 days. The hearing shall conform to the due process requirements of the Big Bend Community College student code and the decision of the traffic control board shall be final.)) Citations issued to faculty, staff, or students of Big Bend Community College shall be payable in accordance with posted rates. Failure to pay shall be grounds for disciplinary action.~~

AMENDATORY SECTION (Amending Order 76-8, filed 3/9/76)

~~WAC 132R-116-150 ((ACTIVITY PARKING)) DISPOSITION OF FEES AND FINES. ((Persons attending scheduled activities at Big Bend Community College may park in college parking lots during the event, on a "space available" basis and subject to any posted limitations, but no vehicle so parked shall occupy a reserved or handicapped space or stall.)) The cashier shall deposit all proceeds from fees and fines collected pursuant to these regulations in the general parking fund of the college.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132R-116-160 PROHIBITED AREAS.
- WAC 132R-116-170 PARKING WITHIN DESIGNATED SPACES.
- WAC 132R-116-180 ABANDONED, DISABLED, AND INOPERATIVE VEHICLES.
- WAC 132R-116-190 IMPOUNDING OF ILLEGALLY PARKED VEHICLES.
- WAC 132R-116-200 LIABILITY OF COLLEGE.
- WAC 132R-116-210 PARKING VIOLATIONS.
- WAC 132R-116-220 REGULATORY SIGNS.
- WAC 132R-116-230 RULES AND REGULATIONS AVAILABLE.
- WAC 132R-116-240 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED.
- WAC 132R-116-250 EFFECTIVE HOURS OF OPERATION.
- WAC 132R-116-260 FEES.
- WAC 132R-116-270 FINES.
- WAC 132R-116-280 DISPOSITION OF FEES AND FINES.
- WAC 132R-116-290 BICYCLES.

Chapter 132R-118 WAC TRAFFIC AND PARKING REGULATIONS FOR BICYCLES, MOTORCYCLES AND MOTOR- SCOOTERS

- WAC
- 132R-118-010 Purpose.
- 132R-118-020 Bicycles, motorcycles, ((and)) motor-scooters, snowmobiles, skateboards, and all-terrain vehicles defined.
- 132R-118-030 Applicable rules and regulations.
- 132R-118-040 Operation of bicycles, motorcycles, ((and)) motorscooters, snowmobiles, skateboards, and all-terrain vehicles.
- 132R-118-050 Parking regulations.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-118-010 PURPOSE. The primary objective of the rules and regulations set forth in this chapter is to provide safety, traffic, and parking controls

for the use of bicycles, motorcycles, ~~((and))~~ motorscooters, snowmobiles, skateboards, and all-terrain vehicles upon all state lands devoted to the educational, recreational, and living activities of Big Bend Community College.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-118-020 BICYCLES, MOTORCYCLES, ~~((AND))~~ MOTORSCOOTERS, SNOWMOBILES, SKATEBOARDS, AND ALL-TERRAIN VEHICLES DEFINED. A bicycle shall be, for the purposes of this section, any vehicle with three or less wheels and containing a saddle seat, and which is not motor driven. Any vehicle with three or less wheels and containing a saddle seat, and which is motor driven is considered a motorcycle or motorscooter for the purposes of this section. Any vehicle with ski(s) and a track-type drive designed for travel over snow is considered a snowmobile for the purposes of this section. Any unit consisting of a board with two or more wheels attached to the underside that is propelled by the use of a persons foot is considered a skateboard for this section. Any vehicle with three or four wheels and containing a saddle-type seat, which is motor driven is considered an all-terrain vehicle for the purpose of this section.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-118-030 APPLICABLE RULES AND REGULATIONS. The safety, traffic, and parking regulations for bicycles, motorcycles, ~~((and))~~ motorscooters, snowmobiles, skateboards, and all-terrain vehicles which are applicable upon the campus of Big Bend Community College are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington;
- (2) Special regulations set forth in this chapter.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-118-040 OPERATION OF BICYCLES, MOTORCYCLES, ~~((AND))~~ MOTORSCOOTERS, SNOWMOBILES, SKATEBOARDS, AND ALL-TERRAIN VEHICLES. (1) No bicycle, motorcycle, or motorscooter may be operated on sidewalks, walkways, lawns, or other property not set aside for such purposes on the Big Bend Community College campus ~~((; except that all bicycles, motorcycles, and motorscooters owned and operated by the college shall be exempt from this provision)).~~

(2) Bicycles, motorcycles, ~~((and))~~ motorscooters, and all-terrain vehicles may be operated any place where automobiles or other motor vehicles are permitted.

(3) Snowmobiles and skateboards are prohibited as a means of transportation or recreation on campus property.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-118-050 PARKING REGULATIONS. (1) Motorcycles ~~((and))~~, motorscooters, and all-terrain vehicles may be parked ~~((; with permit;))~~ in any parking lot on the campus of the college.

~~((+))~~ (2) Bicycles must be parked in bicycle racks. At times, rack space may not be available and parking on the grass off the pavement will be permitted ~~((if all racks in the vicinity are full)).~~

~~((+))~~ (3) Bicycles, motorcycles, ~~((and))~~ motorscooters, and all-terrain vehicles may be parked in triangular spaces caused by angular parking in a lot.

~~((+))~~ (4) Bicycles, motorcycles, ~~((and))~~ motorscooters, and all-terrain vehicles may not be parked on any lawn, sidewalk, walkway, driveway, service area, against any building, building entrances or exits, nor in a building on the college campus, except as provided in ~~((WAC 132R-118-050(+))~~ subsection (2) of this section.

~~((+))~~ (5) Bicycles, motorcycles, ~~((and))~~ motorscooters, and all-terrain vehicles not conforming to these regulations are subject to citation as are all other vehicles, and may be impounded as provided in WAC ~~((+32R-116-200))~~ 132R-116-070 and 132R-116-080.

~~((+))~~ (6) Bicycle, motorcycle, ~~((and))~~ motorscooter, and all-terrain vehicle regulations will be in effect at all times.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132R-118-060 UNAUTHORIZED USE.

Chapter 132R-136 WAC
USE OF COLLEGE FACILITIES, EQUIPMENT
AND SUPPLIES

WAC

- 132R-136-010 ~~((Policies for))~~ Philosophy and purpose concerning the use of college facilities ~~((; equipment and supplies)).~~
- 132R-136-020 ~~((Groups eligible to use))~~ Availability of college facilities ~~((; equipment and supplies)).~~
- 132R-136-030 ~~((Placement service))~~ Eligibility for use of college facilities.
- 132R-136-040 ~~((Application for use of college facilities))~~ Use of college equipment and supplies.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-136-010 ~~((POLICIES FOR))~~ PHILOSOPHY AND PURPOSE CONCERNING THE USE OF COLLEGE FACILITIES ~~((; EQUIPMENT AND SUPPLIES)).~~ The Big Bend Community College ~~((seeks to make its facilities available for community use as long as such activities do not interfere with the regular functions of the college))~~ board of trustees has determined that college facilities shall be made available

for community use. College facilities shall be used for those activities which are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the community and state.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-136-020 ((GROUPS ELIGIBLE TO USE)) AVAILABILITY OF COLLEGE FACILITIES ((, EQUIPMENT AND SUPPLIES)). ((College facilities may be available for convention and professional meetings of private corporations, businesses, or nonschool professional groups. Appropriate charges will be made for the use of all college facilities, equipment and supplies, as indicated on the current fee schedule; provided that college facilities may not be used for public dances, and further provided that, college facilities may not be used by religious groups or political groups if such use interferes with the educational process)) All events, activities, parties, etc., must have the prior approval of the college president or his/her designee(s) before they will be permitted to occur on college property. College facilities may be made available for use by organizations conducting public educational, research, cultural, civic, or community activities as limited by board policy and provided that these activities do not interfere with the educational priorities of the institution.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-136-030 ((PLACEMENT SERVICE)) ELIGIBILITY FOR USE OF COLLEGE FACILITIES. ((+)) Big Bend Community College attempts to assist students in finding employment both on campus and off campus. Prospective employers may list vacancies in the placement office providing the employer complies with the Fair Employment Act. The placement service is also available to alumni of Big Bend Community College.

(2) The placement office is a service of both employees and employers. Big Bend Community College assumes no responsibility beyond providing for the opportunity for contact between the employees and employers.) Application for use of college facilities can be made by contacting the college. Contracts for the use of college facilities shall be completed and returned by the group representative prior to final approval. Information concerning facility rental regulations, procedures, fees, and liabilities may be found in the board policy.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-136-040 ((APPLICATION FOR USE OF COLLEGE FACILITIES)) USE OF COLLEGE EQUIPMENT AND SUPPLIES. ((Applications for use of college facilities are available through the office of the dean of student personnel services and must be completed and returned to this office at least two weeks prior to the event. Approval of any rental request

will depend in part on the amount of space available.)) College equipment and supplies may be available to noncollege sponsored organizations as part of the facilities rental contract.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132R-136-050 USE OF COLLEGE SUPPLIES.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-144-010 BIG BEND COMMUNITY COLLEGE BOOKSTORE OPERATING PROCEDURES. ((+)) The bookstore at Big Bend Community College is operated primarily for the convenience of the students at Big Bend Community College, but will also serve the needs of the faculty, staff, and community.

(2) The opening and closing hours of the college bookstore are established by the bookstore manager. Changes in operating hours or schedules will be preceded by notices posted conspicuously in the bookstore for seven calendar days before the change takes effect.

(3) Entering customers are required to leave their books and brief cases at the entrance to the bookstore on the shelves provided.) Big Bend Community College bookstore is operated for the support and use of students and staff of Big Bend Community College. Big Bend Community College bookstore may engage in the direct sale of goods and services to individuals, groups, or external agencies for fees only when those services or goods are directly and substantially related to the educational mission of the college as outlined in Big Bend Community College's business competition policy.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-150-010 BIG BEND COMMUNITY COLLEGE LIBRARY. The library at Big Bend Community College exists first and foremost to serve the students and faculty. It also serves the rest of the college community, the regional needs of eastern Washington and the general scholarly community. Use of the library may be denied to anyone for continuing abuse of library services and resources.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-150-020 ((LIBRARY HOURS)) INSPECTION. ((The library is generally open from 8:00 a.m. to 9:00 p.m. Monday through Thursday, and 8:00 a.m. to 4:00 p.m. on Friday's. The library will be closed on holidays. These hours are subject to change with advance notice.)) The library shall have the right to inspect packages, briefcases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

Chapter 132R-158 WAC
RESIDENCE HOUSING POLICIES

WAC

132R-158-010 (~~Big Bend Community College dormitory~~) Resident housing policies.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-158-010 (~~BIG BEND COMMUNITY COLLEGE DORMITORY~~) RESIDENT HOUSING POLICIES. (~~All residents in Big Bend Community College dormitories are subject to the rules and regulations found herein. Authorized persons in college-hosted programs (e.g. Japanese agriculture training program, upward bound, workshops, etc.) may establish further regulations subject to approval of the resident director and/or dean of students. When visiting a special program dorm area, all residents and guests are expected to abide by the rules established by that program.~~) In addition to the rules, regulations, and responsibilities as defined in the "Student Rights and Responsibilities" handbook, residence hall students are also subject to the rules and regulations as printed in both the residence hall handbook and the residence hall contract. Copies are available from the director of housing at Big Bend Community College.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132R-158-020 APPLICATIONS TO BIG BEND COMMUNITY COLLEGE DORMITORIES.
WAC 132R-158-030 LINEN EXCHANGE.
WAC 132R-158-040 CHECK OUT PROCEDURE.
WAC 132R-158-050 VACATING DORMS BETWEEN QUARTERS.
WAC 132R-158-060 SINGLE ROOM.
WAC 132R-158-070 GENERAL RESPONSIBILITY FOR DISCIPLINE.
WAC 132R-158-080 COMMUNITY OR GROUP DAMAGE.
WAC 132R-158-090 POSSIBLE DISCIPLINARY PENALTIES.
WAC 132R-158-100 OVERNIGHT AND WEEKEND PERMISSION.
WAC 132R-158-110 GUESTS.
WAC 132R-158-120 FIREARMS.
WAC 132R-158-130 ROOM INSPECTION.
WAC 132R-158-140 ROOM KEY.
WAC 132R-158-150 PETS.
WAC 132R-158-160 MOVING FROM ONE ROOM TO ANOTHER.
WAC 132R-158-170 QUIET HOURS.
WAC 132R-158-180 LAUNDRY FACILITIES.
WAC 132R-158-190 VIOLATIONS.

AMENDATORY SECTION (Amending Order 76-9, filed 3/9/76)

WAC 132R-190-010 PURPOSE. The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indicated in the aforesaid law, its purpose is to assure the students attending institutions of higher education such as Big Bend Community College shall have a right to inspect certain records and files intended for school use or made available to parties outside the college.

Further information on policies and procedures relative to student records is available in the "Student Rights and Responsibilities" handbook section 300 Student Records and section 509 Maintenance of Records, as adopted by the Big Bend Community College board of trustees.

AMENDATORY SECTION (Amending Order 76-30, filed 12/23/76)

WAC 132R-200-010 POLICY ON PERSONNEL FILES. (~~The district~~) Big Bend Community College shall maintain one personnel file for each (~~academic~~) employee. This file shall be in the (~~district~~) college's personnel office. No other personnel file shall be maintained by any other officer or administrator of the (~~district~~) college. This shall not preclude the maintenance of all lawful payroll records by the business office nor maintenance of other essential records by appropriate personnel for the operation of the institution.

WSR 90-02-020

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 27, 1989, 9:10 a.m.]

Original Notice.

Title of Rule: WAC 16-148-010 Definition of terms; 16-143-020 Examination of producer milk; and 16-148-030 Enforcement of procedures.

Purpose: To update existing rules and better reflect present day needs.

Statutory Authority for Adoption: Chapters 15.32 and 15.36 RCW.

Statute Being Implemented: Chapters 15.32 and 15.36 RCW.

Summary: Allows state to enforce new milk quality standards.

Reasons Supporting Proposal: Industry has reached new, higher standards for milk quality so that present rules pertaining to somatic cell counts are no longer meaningful.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard White, 406 General Administration Building, Olympia, WA, (206) 753-5043.

Name of Proponent: Food Safety and Animal Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The present rule pertaining to somatic cell counts in producer milk is no longer meaningful. Modern farm practices are such that present somatic cell counts are easily attainable and the counts are no longer a reliable gauge.

Proposal Changes the Following Existing Rules: The rule as now written provides that a somatic cell count of over one million is violative. The proposed amendment will provide that counts over seven hundred and fifty thousand are violative. The amended rule will allow the use of any somatic cell count test published in the current edition of standard methods of the examination of dairy products.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Building, 11th and Columbia, Room G150, Olympia, Washington, 98504, on February 16, 1990, at 1:30 p.m.

Submit Written Comments to: Richard White, 406 General Administration Building, Olympia, WA 98504, by February 12, 1990.

Date of Intended Adoption: July 1, 1990.

December 27, 1989

Richard White

Chief

Dairy Section

AMENDATORY SECTION (Amending Order 1068, Regulation 1, filed 9/20/67, effective 11/1/67)

WAC 16-148-010 **DEFINITION OF TERMS.** (1) (~~Leucocytes or leucocyte~~) The somatic cell count shall mean to include the total number of (~~white blood~~) somatic cells present in one milliliter of milk.

(2) (~~D.M.L.C. or direct microscopic leucocyte count shall be the official test for the determination of the number of white blood cells in the milk~~) The official confirmatory test shall be the direct microscopic somatic cell count (DMSCC) or other confirmatory test method as outlined in the current edition of Standards Methods for the Examination of Dairy Products of the American Public Health Association, Inc.

(3) The Wisconsin Mastitis test shall be the official screening test for abnormal milk.

AMENDATORY SECTION (Amending Order 1068, Regulation 2, filed 9/20/67, effective 11/1/67)

WAC 16-148-020 **EXAMINATION OF PRODUCER MILK.** (1) (~~A Wisconsin mastitis test or D.M.L.C.~~) An official screening or confirmatory test shall be conducted on each producer's milk at least four times in each six-month period.

(2) Prior to July 1, 1990, a milk sample having a count of one million or more (~~leucocytes~~) somatic cells per ml. shall be deemed to be violative of the abnormal milk provisions and RCW 15.36.230 and effective July 1, 1990, a milk sample having a count greater than seven hundred fifty thousand somatic cells per ml. shall be deemed violative of the abnormal milk provisions and RCW 15.36.230.

(3) The Wisconsin Mastitis test may be used for screening purposes but shall be confirmed by (~~the D.M.L.C. before~~) an official confirmatory test.

(4) If the results of the official test is violative the milk producer (~~is~~) shall be notified of official violative results.

AMENDATORY SECTION (Amending Order 1068, Regulation 3, filed 9/20/67, effective 11/1/67)

WAC 16-148-030 **ENFORCEMENT PROCEDURES.** (~~(+) Four samples of each producer's milk shall be examined within the~~

first six months following adoption of this regulation and results shall be reported to the producer for his information before any samples are taken to apply for grading purposes.

(2) Thereafter the three out of four compliance method as defined in RCW 15.36.110 shall apply in the case of all abnormal milk showing one million or more leucocytes per ml. except that a period of eight weeks shall be allowed between the warning notice and the taking of the next official test for enforcement purposes.) The enforcement provisions of RCW 15.36.110 shall govern the enforcement of this chapter.

WSR 90-02-021

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed December 27, 1989, 9:14 a.m.]

Original Notice.

Title of Rule: WAC 16-144-090 Frozen yogurt.

Purpose: To establish standards of identity for frozen yogurt.

Statutory Authority for Adoption: Chapters 15.32 and 15.36 RCW.

Statute Being Implemented: Chapters 15.32 and 15.36 RCW.

Summary: To provide manufacturing guidelines for processors. To establish standards so that the consumer will be assured of the products identity.

Reasons Supporting Proposal: Frozen yogurt is presently being manufactured and sold within the state without following clear cut standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard White, 406 General Administration Building, Olympia, WA, (206) 753-5043.

Name of Proponent: Food Safety and Animal Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets standards of identity for frozen yogurt, lowfat frozen yogurt and nonfat frozen yogurt, soft serve frozen yogurt mix, soft serve frozen lowfat yogurt mix, and soft serve frozen nonfat yogurt mix; and the rule describes ingredient and labeling requirements of yogurt products.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: General Administration Building, 11th and Columbia, Room G150, Olympia, Washington 98504, on February 16, 1990, at 1:00 p.m.

Submit Written Comments to: Richard White, 406 General Administration Building, Olympia, WA 98504, by February 12, 1990.

Date of Intended Adoption: July 1, 1990.

December 27, 1989

Richard White

Chief

Dairy Section

NEW SECTION

WAC 16-144-090 FROZEN YOGURT. (1) Frozen yogurt is a food produced by freezing under agitation, a mix consisting of pasteurized or ultra pasteurized dairy ingredients, which may contain one or more safe and suitable nondairy ingredients, excluding other food fats and oils, except which are natural components of the safe and suitable nondairy ingredient additive. All, or a portion of the dairy ingredient mix shall be cultured totally, or in part, by the addition of live culture bacterial consisting of streptococcus thermophilus and lactobacillus bulgaricus, and optionally, other lactic acid-producing bacteria. Frozen yogurt shall not be subjected to chemical preservatives, heat treatment, or other processes that would eliminate or reduce the live yogurt bacteria.

(2) Frozen yogurt mix, prior to the addition of any flavorings, shall have a titratable acidity of not less than 0.3 percent (calculated as lactic acid) or demonstrate that not less than 0.15 percent increase in titratable, above that of the uncultured ingredients, has been achieved due to bacterial action. No food grade acids or acidogens are permitted for the purpose of meeting the prescribed minimum titratable acidity requirement.

(3) Frozen yogurt may contain safe and suitable sweeteners, flavorings, color additives, and other characterizing food ingredients which may be added before or after pasteurization.

(4) Frozen yogurt shall contain not less than 3.25 percent milkfat and 8.25 percent milk solids not fat before the addition of bulky flavoring ingredients. Frozen yogurt shall contain not less than 1.3 pounds of total solids per gallon and weight not less than 4.5 pounds per gallon.

(5) The name of the food is "frozen yogurt," and it shall be accompanied by a declaration of the characterizing flavor. Flavor and ingredient declarations shall be as shown in 21 C.F.R. Sec. 135.110 (e), (f). If an artificial sweetener is used, the name of the food shall be accompanied by the statement "sweetened with" or "with sweetener" in type height not less than one-half the size of the name of the food.

NEW SECTION

WAC 16-144-100 FROZEN LOWFAT YOGURT. Lowfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is not less than 0.5 percent nor more than 2.0 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen lowfat yogurt" or alternatively, "lowfat frozen yogurt."

NEW SECTION

WAC 16-144-110 FROZEN NONFAT YOGURT. Nonfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is less than 0.5 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen nonfat yogurt" or alternatively, "nonfat frozen yogurt."

NEW SECTION

WAC 16-144-120 SOFT SERVE FROZEN YOGURT MIX. Soft serve frozen yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt, except that:

The name of the food is "soft serve frozen yogurt mix."

NEW SECTION

WAC 16-144-130 SOFT SERVE FROZEN LOWFAT YOGURT MIX. Soft serve frozen lowfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-100(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen lowfat yogurt mix" or alternatively, "soft serve lowfat frozen yogurt mix."

NEW SECTION

WAC 16-144-140 SOFT SERVE FROZEN NONFAT YOGURT MIX. Soft serve frozen nonfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-110(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen nonfat yogurt mix" or alternatively, "soft serve nonfat frozen yogurt mix."

WSR 90-02-022**PROPOSED RULES****DEPARTMENT OF REVENUE**

[Filed December 27, 1989, 2:17 p.m.]

Original Notice.

Title of Rule: New section WAC 458-20-22801 Tax reporting frequencies—Forms.

Purpose: Incorporate in Washington Administrative Code Department of Revenue tax reporting frequencies and tax reporting frequency change criteria. Allow taxpayer reporting on forms approved and accepted by the Department of Revenue.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.32.045.

Summary: This rule states the tax reporting frequency and tax reporting frequency change criteria of the Department of Revenue. It also allows taxpayers to report on forms approved and accepted by the department.

Reasons Supporting Proposal: Tax reporting frequencies adopted by the Department of Revenue, effective July 1, 1989, were recommended by the Efficiency Commission.

Name of Agency Personnel Responsible for Drafting: Stephen Zagelow, 711 Capitol Way South, #205, Olympia, (206) 586-4291; Implementation and Enforcement: Edward Faker, 711 Capitol Way South, #400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule states the Department of Revenue tax reporting frequencies, tax reporting frequency change criteria, and approval and acceptance of taxpayer generated tax reporting forms.

Proposal Changes the Following Existing Rules: That portion of this proposed rule allowing taxpayers to report taxes upon forms other than Department of Revenue forms, but forms approved and accepted by the Department of Revenue, is a change to WAC 458-20-228.

Small Business Economic Impact Statement: More than 20 percent of all businesses are affected. This rule has administrative impact on more than 20 percent of all registered businesses.

Cost analysis: There was an estimated cost increase of .18 cents per one-hundred dollars of sales for the top 10 percent of the largest businesses affected. There was an estimated cost decrease of .19 cents per one-hundred dollars of sales for the smallest of businesses affected.

Action taken to lessen impact on small businesses: Section (2)(b) of the rule explains when the department

may approve a less frequent reporting period. Section (2)(d) gives examples of such situations that may be approved.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98504, on February 8, 1990, at 9:30 a.m.

Submit Written Comments to: Stephen Zagelow, Administrative Law Judge, Department of Revenue, Interp. and Appeals, 415 General Administration Building, AX-02, Olympia, WA 98504, by February 8, 1990.

Date of Intended Adoption: February 15, 1990.

December 27, 1989
Edward L. Faker
Assistant Director

NEW SECTION

WAC 458-20-22801 TAX REPORTING FREQUENCY - FORMS. (1) Introduction. Every person liable for an excise tax imposed by the laws of the state of Washington for which the department of revenue has primary or secondary administrative responsibility, i.e., Title 82 RCW and chapters 67.28 RCW (hotel/motel tax), 70.93 RCW (litter tax), 70.95 RCW (tax on tires), and 84.33 RCW (forest excise tax), shall file a tax return with the department of revenue accompanied by a payment of the tax due; PROVIDED, the taxes under chapter 82.24 RCW (tax on cigarettes) shall be collected through sales of revenue stamps.

(2) Reporting Frequency - Forms. Combined Excise Tax returns with payments of the tax due are to be filed monthly. However, the department may relieve any taxpayer or class of taxpayers from this monthly obligation and may require the return to cover other longer reporting periods, but not in excess of one year. See: RCW 82.32.045.

(a) General Rule. Unless otherwise provided by the department, a taxpayer shall report and pay taxes due according to the following schedule:

IF ANNUAL ESTIMATED TAX LIABILITY IS:	REPORTING FREQUENCY
Over \$4800.00 per year	Monthly Returns:
Between \$1050.00 & \$4800.00 per year	Quarterly Returns:
Less than \$1050.00 per year	Annual Returns:

(b) When requested by a taxpayer or group of taxpayers, the department may approve more frequent or less frequent reporting if, in the opinion of the department, the change assists the department in the efficient and effective administration of the tax laws of this state.

(c) For the same reasons, the department may require a taxpayer or group of taxpayers to report more frequently or less frequently. Changes in reporting frequency are effective only after the department has consented to or required the change, and notice of the change has been given by the department to the taxpayer or group of taxpayers.

(d) Situations when changes in reporting frequency may be approved or required include, but are not limited to, the following:

(i) An increase or decrease in the estimated annual tax liability of a taxpayer results in a different threshold as provided in section (2)(a) above;

(ii) A taxpayer or group of taxpayers has substantial periods of no taxable business activity during the calendar year, i.e., seasonal businesses;

(iii) The department finds a taxpayer or a group of taxpayers has repeatedly failed to comply with tax reporting and/or payment obligations.

(e) Notice. No change in reporting frequency shall be effective except upon at least thirty (30) days advance written notice from the department to the taxpayer at the taxpayer's last reported business address.

(f) Forms. Returns shall be made upon forms provided or approved and accepted by the department. Forms provided by the department are mailed to all registered taxpayers prior to the due date of the tax.

(g) Taxes not reported upon the Combined Excise Tax return, i.e. Forest Excise Tax, etc. shall be reported at such times and upon such forms as are otherwise provided by the department.

(3) See WAC 458-20-228 for information on returns, remittances, penalties, extensions, stay of collection.

WSR 90-02-023

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed December 27, 1989, 2:19 p.m.]

Date of Adoption: December 27, 1989.

Purpose: WAC 458-20-197 is amended to properly reflect the Revenue Act by making the tax apply to an accrual basis contractor at the time the project is substantially completed or used, rather than when the contract is entirely completed.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-197.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Immediate effect is necessary to implement the corrections provided in this amendment.

Effective Date of Rule: Immediately.

December 27, 1989
Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/78 [5/29/70])

WAC 458-20-197 WHEN TAX LIABILITY ARISES. Gross proceeds of sales and gross income shall be included in the return for the period in which the value proceeds or accrues to the taxpayer. For the purpose of determining tax liability of persons making sales of tangible personal property, a sale takes place when the goods sold are delivered to the buyer in this state. With respect to leases or rentals of tangible personal property, liability for retail sales tax arises as of the time the rental payments fall due (see WAC 458-20-211).

ACCRUAL BASIS. When returns are made upon the accrual basis, value proceeds or accrues to a taxpayer as of the time the taxpayer actually receives, becomes legally entitled to receive or in accord with the system of accounting regularly employed enters as a charge against the purchaser, customer, or client the amount of the consideration agreed upon, whether payable immediately or at a definitely determined future time.

As to amounts actually received, however, such amounts do not constitute value proceeding to the taxpayer in the period in which received if the gross proceeds of sales or gross income of the contract or transaction by virtue of which such amounts are received, pursuant to the foregoing, constitute value accruing to the taxpayer during another period. It is immaterial whether the act or service out of which the consideration proceeds or accrues is performed or rendered, in whole or in part, during a period other than the one for which return is made, the controlling factor in this case being the time as of which the taxpayer received, or takes credit for, the agreed consideration.

CASH RECEIPTS BASIS. When returns are made upon cash receipts and disbursements basis, value proceeds or accrues to a taxpayer as of the time the taxpayer receives, either actually or constructively, the consideration promised. It is immaterial that the contract is performed, in whole or in part, during a period other than the one in which payment is received. (But see WAC 458-20-199 for limitation as to persons who may report on the cash receipts basis.)

SPECIAL APPLICATION, CONTRACTORS. In the case of building and construction contractors value proceeds or accrues to the taxpayer as follows:

(1) When the taxpayer maintains his accounting records on the accrual basis, as of the time the contractor becomes entitled to compensation under the contract:

(a) If by the terms of the contract the taxpayer becomes entitled to compensation only upon the completion of the work, value accrues thereunder as of the time of substantial completion or any use of the facilities being constructed, whichever is first;

(b) If by the terms of the contract the taxpayer becomes entitled to compensation upon estimates as the work progresses, value, to the extent of such estimates, accrues as of the time that each estimate is made and the balance at the time of the completion of the work or of the final estimate.

(2) When the taxpayer maintains his accounting records on the cash receipts basis, as of the time that the consideration or compensation is received, but provided that the contractor shall make an annual adjustment of accounts receivable according to the procedure set forth in method three of WAC 458-20-199, accounting methods.

WAREHOUSEMEN. In the case of warehousemen value proceeds or accrues to the taxpayer as follows:

(1) When the taxpayer is reporting upon the accrual basis (whether the consideration for storage is at a fixed rate per unit per month or other period or at a flat charge regardless of the length of time and whether payable periodically or at the time of withdrawal) as of the time the charge is entered against the owner of the goods stored in accordance with the terms of the contract between the parties and the regular system of accounting employed by the taxpayer. Thus, where a warehouseman, keeping books on accrual basis, customarily enters as a charge to the owner of the goods and a credit to storage income the full amount of a flat storage charge as of the time the goods are received, even though the time for payment is deferred until withdrawal of the goods, value accrues as of the time the goods are received. However, if the warehouseman customarily does not enter such charge until the time of withdrawal, value accrues as of such later date.

(2) When the taxpayer is reporting upon a cash receipts basis, value proceeds or accrues as of the time the consideration or compensation for storage is received.

For effect of rate changes, see WAC 458-20-235.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-02-024
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
[Memorandum—December 22, 1989]

As per chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meeting for the Everett Community College board of trustees for 1990 will be the second and fourth Wednesdays of each month. The second Wednesday will be for the purpose of a study session and will be held at 12:30 p.m. The fourth Wednesday will be for the purpose of a business meeting and will be held at 3:30 p.m. Place: Everett Community College or elsewhere.

WSR 90-02-025
PREPROPOSAL COMMENTS
BUILDING CODE COUNCIL
[Filed December 28, 1989, 8:55 a.m.]

Subject of Possible Rule Making: Building permit exemption guidelines: The development of guidelines, exempting from permit requirements certain construction and alternation activities of either group R, division 3, or group M, division 1 occupancies or both, as defined in the 1988 edition of the Uniform Building Code. The total cost or fair market value of the construction or alteration, for the permit exemption, shall not exceed fifteen hundred dollars. The governing bodies of the counties and cities may adopt the guidelines for permit exemption.

Persons may comment on this subject in writing, State Building Code Council, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, from January 1, 1990, to March 1, 1990.

Other Information or Comments by Agency at this Time, if any: Provide comments concerning conditions under which permit exemptions shall be permissible; and any other matter relevant to RCW 19.27.060(7).

Formal rule making will commence in March 1990, with public hearings after March 1990. Adoption will occur by July 1990.

Contact: Donna Voss, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, (206) 586-8999.

December 15, 1989
Marc Sullivan
Chair

WSR 90-02-026
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed December 28, 1989, 2:29 p.m.]

Continuance of WSR 89-23-046.

Title of Rule: WAC 480-12-165, 480-12-180, 480-12-195, 480-30-097, 480-30-100, 480-40-065, 480-40-100, 480-70-325 and 480-70-335, relating to out-of-service criteria for motor carriers, garbage and refuse collection companies, auto transportation companies, and passenger charter bus operators, Docket No. TV-2285.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on January 17, 1990, at 9:00.

Date of Intended Adoption: January 17, 1990.

December 27, 1989
 Paul Curl
 Secretary

WSR 90-02-027
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed December 28, 1989, 2:31 p.m.]

Continuance of WSR 89-23-047.

Title of Rule: WAC 480-120-081 relating to disconnection of telephone utility service, Docket No. U-89-3212-R.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on January 17, 1990, at 9:00 a.m.

Date of Intended Adoption: January 17, 1990.

December 27, 1989
 Paul Curl
 Secretary

WSR 90-02-028
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Filed December 28, 1989, 4:18 p.m.]

Date of Adoption: December 28, 1989.

Purpose: To correctly describe the boundary of Elk Area 051—Doty (Lewis and Pacific counties). This boundary is incorrect in the 1989 Hunting seasons and rules (WAC 232-28-218).

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The special elk hunting season in Elk Area 051—Doty (Lewis and Pacific counties) commences January 1, 1990. However, the boundary of Elk Area 051—Doty is incorrectly described in the 1989 Hunting seasons and rules (WAC 232-28-218). An emergency regulation is necessary to establish the correct boundary and prevent public confusion about the area in which elk may be lawfully hunted.

Effective Date of Rule: Immediately.

December 28, 1989
 Curt Smitch
 Director
 for John McGlenn
 Chairman

NEW SECTION

WAC 232-28-21811 1989 HUNTING SEASONS AND RULES — ELK AREA 051 - DOTY (LEWIS AND PACIFIC COUNTIES) Notwithstanding the provisions of WAC 232-28-218, the description of Elk Area 051 - Doty (Lewis and Pacific Counties) shall be as follows: beginning on State Highway 6 at the town of Adna, then west on Highway 6 to Stevens Road, then northwest on Stevens Road to Elk Creek Road (Doty), then west on Elk Creek Road to the 7000 Road, then west on the 7000 Road to the 7800 Road, then west on the 7800 Road to the 720 Road, then northeast on the 720 Road to Garrard Creek Road, then east on Garrard Creek Road to Manners Road, then south on Manners Road to Lincoln Creek Road, then east along Lincoln Creek Road to Ingalls Road, then south and east on Ingalls and Bunker Creek Roads to the town Adna and point of beginning.

WSR 90-02-029
PROPOSED RULES
WESTERN WASHINGTON UNIVERSITY
 [Filed December 29, 1989, 8:57 a.m.]

Original Notice.

Title of Rule: Board of trustees; Practice and procedure; Public records; Bicycle traffic and parking regulations; Student rights and responsibilities; General conduct; Student records; Use of facilities—General; Use of facilities—Library and educational media; Health and safety; Housing and dining; Admission and registration procedures; and Organization and loss of eligibility—Student athletic participation.

Purpose: To comply with new APA, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Statute Being Implemented: RCW 34.05.220 (1)(b), 34.05.250, 28B.15.600, 28B.35.120(1), 42.17.310, 42.30.070 - [42.30].075 and chapters 69.41 and 43.21C RCW.

Summary: Chapter 34.05 RCW requires all agencies to adopt the model rules of procedure; other changes are housekeeping.

Reasons Supporting Proposal: Housekeeping amendments required by changes in referenced statutes.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, AAG, 320 BNB, Bellingham, WA 98225, (206) 676-2037; Implementation and Enforcement: Les Karlovitz, Provost, WWU, 516 High Street, Bellingham, 98825, 676-3754.

Name of Proponent: Western Washington University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of chapter 516-108 WAC adopts model rules of procedure, chapter 10-08 RCW; the other provisions in that chapter 516-108 WAC are required to be adopted by chapter 34.05 RCW; repeal of chapter 516-08 WAC necessitated by enactment of chapter 34.05 RCW; and other amendments and new rules bring up-to-date existing WACs.

Proposal Changes the Following Existing Rules: References in WACs to "college" needed to be changed to "university." Some WACs needed to be made gender neutral. New WAC on firearms was previously in university residence hall manual; this will make those rules apply to everyone. Only law enforcement may carry firearms on campus, and is an amendment to the chapter on health and safety.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 341 Wilson Library, WWU, 516 High Street, Bellingham, WA, on March 22, 1990, at 3:00 p.m.

Submit Written Comments to: Wendy Bohlke, by March 22, 1990.

Date of Intended Adoption: April 6, 1990.

December 14, 1989

Karen A. Learner

for Wendy Bohlke

Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-04-010 REGULAR MEETINGS. Regular meetings of the board of trustees of Western Washington (~~State College~~) University shall be held on the first Thursday of each month a meeting is held unless such date is changed by board resolution at a meeting regularly scheduled or called for that purpose. A copy of such resolution shall be filed in the president's office. The annual meeting schedule will be published in the Washington State Register prior to January each year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 516-08-002 FORMAL HEARING POLICY.
- WAC 516-08-005 DEFINITIONS.
- WAC 516-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY.
- WAC 516-08-070 COMPUTATION OF TIME.
- WAC 516-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

- WAC 516-08-090 SERVICE OF PROCESS—BY WHOM SERVED.
- WAC 516-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.
- WAC 516-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.
- WAC 516-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.
- WAC 516-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.
- WAC 516-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.
- WAC 516-08-150 SUBPOENAS—WHERE PROVIDED BY LAW—FORM.
- WAC 516-08-170 SUBPOENAS—SERVICE.
- WAC 516-08-190 SUBPOENAS—PROOF OF SERVICE.
- WAC 516-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
- WAC 516-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.
- WAC 516-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.
- WAC 516-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.
- WAC 516-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEPENDENTS.
- WAC 516-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION.
- WAC 516-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.
- WAC 516-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.
- WAC 516-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.
- WAC 516-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEPENDENTS.
- WAC 516-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
- WAC 516-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.
- WAC 516-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.
- WAC 516-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.
- WAC 516-08-370 OFFICIAL NOTICE—MATTERS OF LAW.
- WAC 516-08-380 OFFICIAL NOTICE—MATERIAL FACTS.
- WAC 516-08-390 PRESUMPTIONS.
- WAC 516-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.
- WAC 516-08-420 DEFINITION OF ISSUES BEFORE HEARING.
- WAC 516-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED.
- WAC 516-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.
- WAC 516-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.
- WAC 516-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.
- WAC 516-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.
- WAC 516-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.
- WAC 516-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

WAC 516-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 516-08-470 OR 516-08-480.

WAC 516-08-510 CONTINUANCES.

WAC 516-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.

WAC 516-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.

WAC 516-08-540 HEARING OFFICERS.

WAC 516-08-550 DUTIES OF HEARING OFFICERS.

WAC 516-08-560 REVIEW OF FORMAL HEARING PROCEEDINGS BY THE BOARD OF TRUSTEES.

WAC 516-08-570 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

WAC 516-08-600 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

WAC 516-08-610 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

WAC 516-08-620 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

WAC 516-08-630 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-010 DEFINITION OF PUBLIC RECORD. A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Western Washington ((State College)) University, regardless of the physical form or characteristics (~~PROVIDED, HOWEVER, That in accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of public record:~~

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees;

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer;

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize;

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination;

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal;

(h) Valuable formulas, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons), subject to the exemptions set forth in RCW 42.17.310, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-040 GENERAL COURSE AND METHOD OF DECISION MAKING. ((+)) The formal procedures for decision making at the ((college)) university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter ((28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA))) 34.05 RCW, the Administrative Procedure Act. Accordingly, all rules, orders or directives, or regulations of the ((college)) university which affect the relationship of particular segments of the ((college, such)) university, as students, faculty, or other employees, with the ((college)) university or with each other,

((+)) (1) The violation of which subjects the person to a penalty or administrative sanction; or

((+)) (2) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

((+)) (3) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law;

are implemented through the procedures of the ((HEAPA)) Administrative Procedure Act and appear in Title 516 WAC: PROVIDED, HOWEVER, That in accordance with RCW ((28B.19.020(2))) 34.05.010(15), the ((college)) university reserves the right to promulgate as internal ((rules)) procedures not created or implemented in accordance with the ((HEAPA)) Administrative Procedure Act, the following: ((Rules, regulations, orders, statements;)) Procedures or policies relating primarily to the following: Standards for admissions; academic advancement, academic academic credits, graduation and the granting of degrees; ((tuition and fees, scholarships, financial aids, and similar academic matters;)) employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under ((HEAPA)) the Administrative Procedure Act unless otherwise required by law. Internal ((rules and regulations)) procedures to the extent not already set forth in the ((college's)) university's published catalogs and handbooks ((on file in the reference room of the library)) are ((in the process of being collected in a general college handbook a copy of which shall, upon its completion, also be filed in the reference room of the college library and be)) available to the public on file in the reference room in the library.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-060 DESIGNATION OF PUBLIC RECORDS OFFICERS. (1) In accordance with the requirements of ((Initiative 276)) chapter 42.17 RCW, insofar as such ((initiative)) chapter requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the ((college)) university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." ((The person holding such position will be headquartered in the administration building of the college; his exact location and name may be determined by inquiry at the office of the president of the college;)) The public records officer shall ((also)) be responsible for compiling and maintaining the index required ((by Initiative 276)) in RCW 42.17.260.

(3) For purposes of this chapter, the custody of the ((college's)) university's records shall be deemed divided into the following divisions:

(a) Office of the ((provost)) president;

(b) Office of the ((president)) provost;

(c) Office of ((the dean of students)) student affairs;

(d) Office of ((the)) business ((manager)) and financial affairs.

The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his or her division and responsible for the care and custody of records within his or her division even though such person is not in actual possession or control of such records. Such division heads shall be known as the ((college)) university "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the ((college)) university.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-070 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS. ((+)) Public records shall be available for inspection and copying during the customary office hours of the ((college)) university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the ((college)) university, acting through the public records officer or a records custodian, agree on a different time.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-080 REQUESTS FOR PUBLIC RECORDS. In accordance with ((the Initiative 276)) chapter 42.17 RCW requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ((upon a form which shall be available at the office of the public records officer)) and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain ((college)) university records, per WAC 516-11-060. Such request shall include the following:

- (a) The name of the person requesting the record;
 - (b) The time of day and calendar date on which the request was made; and
 - (c) If the matter requested is referenced within the current index maintained by the ((college)) university records officer, a reference to the requested record as it is described in such index;
 - (d) If the requested matter is not identifiable by reference to the ((college)) university records current index, a statement that succinctly describes the record requested;
 - (e) A verification that the records requested shall not be used to compile a commercial sales list.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the ((college)) university person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-090 CHARGES FOR COPYING. (1) No fee shall be charged for inspection of public records. The ((college)) university may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the ((college)) university for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The ((college)) university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of ((section 31 of Initiative 276)) RCW 42.17.310. Such determination may be made

in consultation with any of the records officers of the ((college)) university, president of the ((college)) university, or an assistant attorney general assigned to the ((college)) university.

(2) Responses to requests for records must be made promptly. ((For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored:

(3) ~~No denial of a request~~) Denials of request for public records ((shall)) must be ((valid unless)) accompanied by a written statement, ((signed by the public records officer or his designee,)) specifying the specific reasons therefor.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the ((college)) university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president ((of the college or any of his designees)), or his or her designee, which for the purposes of this section may include the public records officer or the records custodians, shall consider such petition. The review decision shall be in writing and transmitted to the person prior to the end of the second business day after receipt of the written request for review.

((3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or his designee.

(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-11-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION AT WESTERN WASHINGTON STATE COLLEGE.

WAC 516-11-050 INFORMAL PROCEDURES REGARDING THE GENERAL COURSE AND METHODS OF DECISION.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-020 PARKING REGULATIONS. (1) All state of Washington bicycle regulations are applicable on the campus.

(2) All city of Bellingham bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings((+)), on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (identifiable by a plaque).

(5) Improperly parked bicycles are subject to impoundment.

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

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-134 **DISRUPTION OF THE JUDICIAL PROCESS.** Student rights and responsibilities contained within this code are assured through the orderly functioning of the judicial process. The failure of a student formally charged with a violation of this code to appear before the conduct officer after receiving notice of a hearing shall make the student subject to disciplinary action. A student formally charged with a violation of this code may not excuse himself or herself from judicial proceedings by withdrawing from the university and shall be prohibited from enrolling for subsequent quarters until such time as he/she does appear for a hearing.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-146 **RIGHT TO ((FORMAL)) HEARING.** Included with the notification of the judicial board's decision shall be a statement that the student has a right to a ((format)) hearing pursuant to RCW ((28B.19.110)) 34.05.485 and chapter ((516-08)) 516-108 WAC.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-150 **INTERIM SUSPENSION PERMITTED.** In order to prevent danger to individuals, substantial destruction of property or significant disruption of teaching, research or administrative functions, the vice-president for student affairs or his or her designee may temporarily suspend a student for stated cause subject to such limitation as the vice-president shall deem appropriate.

In all cases, the student is entitled to a hearing before the appropriate conduct officer or board as soon as such hearing can be held, but not to exceed five school days after the beginning date of interim suspension unless the student should request an extension. During the interim suspension period, the student shall be allowed on university property only to the extent deemed permissible by the vice-president for student affairs.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-001 **CONDUCT OF CAMPUS GUESTS AND VISITORS.** (1) The rules and regulations prescribed in this Title 516 WAC shall be observed by guests and visitors while on the campus, or other ((college)) university property.

(2) Guests and visitors on campus or other ((college)) university property who willfully refuse to obey an order of a uniformed campus security officer or other law enforcement officer to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-050 **COMMUNITY RELATIONS.** The public information office serves as an information service center for the ((college)) university, responsible for supplying information and answering queries about the ((college)) university from news media, individuals and organizations external to the ((college)) university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-060 **ALUMNI RELATIONS.** The alumni relations office shall be the office through which the ((college)) university chiefly communicates with its graduates, and shall be responsible for maintenance of current files concerning alumni information. Alumni

mailing lists maintained by the alumni relations office shall be confidential property of the ((college)) university and the alumni association and shall not generally be provided to any other agency. Requests for lists for purposes of conducting legitimate educational research shall be subject to the review and approval of the alumni relations office and the office of the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-115 **BUSINESS OFFICE—CASHIER.** The cashier's office of the Western Washington ((State College)) University business office shall be open for business during the hours posted by the ((college controller or his designee)) university director of fiscal services. Personal checks may be cashed by staff and faculty at the cashier's window, subject to such limitations as may be imposed by the ((comptroller)) director of fiscal services. No two-party, state, or ((WVSE)) WWU checks shall be cashed. Any N.S.F. checks cashed by the cashier will be referred to the appropriate department head and subsequent check cashing privileges cancelled.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-130 **DEMONSTRATIONS.** The value of active participation in political and social issues is recognized by Western Washington ((State College)) University as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States and will be promoted and respected at all times.

The ((college)) university further recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

To achieve these objectives it is essential that demonstrations be orderly and conducted in a manner that allows the college to function toward its established goals. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

- (1) Classroom activities and other educational pursuits;
- (2) Recognized ((college)) university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;
- (3) Pedestrian and vehicular traffic;
- (4) Preservation and protection of ((college)) university property and personal property of individuals.

Any person persisting in such conduct after being requested to cease by ((college)) university authorities, shall be subject to disciplinary proceedings. Such disciplinary proceedings shall be by the appropriate campus justice committee, subject to final review, hearing, and decision by the president and the board of trustees.

Where necessary for the preservation of order and to enforce the law, the president of the ((college)) university or his or her designee is authorized to call upon law enforcement officers for assistance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-24-120 **OFFICIAL DAILY BULLETIN.**

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-010 **PURPOSE.** The purpose of this chapter is to implement ((Public Law 93-380)) 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-020 **DEFINITIONS.** For purposes of this chapter the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Western Washington University and with respect to whom the university maintains education records or personally identifiable information.

(2)(a) "Education records" shall refer to those records, files, documents and other materials maintained by Western Washington University or by a person acting for Western Washington University which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) If the personnel of the university's department of safety and security do not have access to education records under WAC 516-26-080, the records and documents of the department which are kept apart from records described in WAC 516-26-020 (2)(a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the university in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose except that records relating to an individual in attendance at the university who is employed as a result of his or her status as a student are education records and not excepted; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Personally identifiable information" shall refer to data or information which includes either (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) the address of the student's family, (d) a personal identifier, such as the student's social security number or student number, ((t)) (e) a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or ((f)) (f) other information which would make it possible to identify the student with reasonable certainty.

(4) "Vice-president for student affairs" shall refer to the vice-president for student affairs or his designee.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-090 DIRECTORY INFORMATION. (1) The university may release "directory information" concerning a student to the public unless the student requests in writing of the vice-president for student affairs that the student's directory information not be released except as provided in WAC 516-26-070, 516-26-075, 516-26-080 or 516-26-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, ((class schedule)) dates of attendance, degrees and awards received, participation in officially recognized sports((:)) and activities, weight and height if a member of an athletic team, and the most recent previous educational institution attended.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER. The university shall ((provide reasonable notification to students of the rights of students under this chapter:

(1) Notice will be provided to students under this section at least annually, and shall include the following:

(a) A statement of the types of education records maintained by the university;

(b) The name and position of the employee of the university responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which such persons have access;

(c) A copy of the rules and procedures set forth in this chapter, and
(d) A statement concerning the cost which will be charged to a student for reproducing copies of the student's records)) annually notify

students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement that the student has a right to each of the following:

(1) Inspect and review the student's education records;

(2) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the university to comply with the requirements of the act;

(5) Information concerning the cost to be charged for reproducing copies of the student's records; and

(6) Obtain a copy of the regulations in this chapter (chapter 516-26 WAC).

The notice shall indicate the places where copies of these regulations are located.

AMENDATORY SECTION (Amending Order 76-8, filed 12/14/76)

WAC 516-31-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Western Washington ((State College)) University that all actions taken by the ((college)) university shall comply with the provisions of chapter 43-.21C RCW (the State Environmental Policy Act) and chapter ((197-10)) 197-11 WAC, as presently enacted or hereafter amended.

(2) The president of Western Washington ((State College)) University shall be responsible for administering and implementing this policy. The president shall designate the ((college)) university personnel who will be responsible for carrying out the duties and functions of the ((college)) university as set forth or incorporated herein.

Chapter 516-36 WAC
USE OF ((COLLEGE)) UNIVERSITY FACILITIES—SCHEDULING

WAC	
516-36-001	Use of ((college)) university facilities by off-campus persons or groups—Requests.
516-36-020	Use of ((college)) university facilities by off-campus persons or groups—Evaluation of request for use.
516-36-030	Use of ((college)) university facilities by off-campus persons or groups—Assessment of fees.
516-36-040	Use of facilities by persons or groups affiliated with the ((college)) university—Authority to develop policies.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-001 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—REQUESTS. Any person who is not affiliated with the ((college)) university and who desires to use ((college)) university facilities on a temporary basis for purposes other than assigned ((college)) university activities shall submit a request for use of ((college)) university facilities to the president or his designee.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-020 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—EVALUATION OF REQUEST FOR USE. (1) The president, ((t)) or the president's designee((s)), shall have the authority to accept or reject, in whole or in part, a request submitted pursuant to WAC 516-36-001.

(2) In evaluating a request submitted pursuant to WAC 516-36-001, the president shall consider the following factors:

(a) Whether the facilities requested are to be used in connection with a regularly scheduled ((college)) university program.

(b) Whether the intended use of the ((college's)) university's facilities is compatible with the educational mission and objectives of the ((college)) university.

(c) Whether the intended use might cause a disruption of the ~~((college's))~~ university's relationship with the local community by conflicting with services provided by private enterprise within the Bellingham area.

(d) The capabilities, qualifications, experience, and financial stability of the individual, organization, or group submitting the request.

(3) Whenever the president (or the president's designee) rejects, either in whole or in part, a request for use of ~~((college))~~ university facilities, the reasons for such rejection shall be stated in writing.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-030 USE OF ~~((COLLEGE))~~ UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—ASSESSMENT OF FEES. (1) The president, ~~((f))~~ or the president's designee~~((h))~~, shall have authority to establish a schedule of fees to govern the use of ~~((college))~~ university facilities by persons who are not affiliated with the ~~((college))~~ university, and to alter or modify the fee schedule whenever such action is deemed to be necessary or appropriate or in the best interests of the ~~((college))~~ university. The fee for each campus facility shall be sufficient to insure the recovery by the ~~((college))~~ university of all direct and indirect costs associated with the use of the facility, including all direct and indirect costs of goods or services furnished by the ~~((college))~~ university in connection with the use of the facility.

(2) The president, ~~((f))~~ or the president's designee~~((h))~~, may waive all or part of the normal fee for use of a particular facility by persons not affiliated with the ~~((college))~~ university under the following circumstances:

(a) Members of the ~~((college))~~ university community will receive a substantial benefit from the intended use of the facility and no person or group will derive profit from the intended use of the facility; or

(b) The group requesting the use of the ~~((college's))~~ university's facility is an agency of the state of Washington.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-040 USE OF FACILITIES BY PERSONS OR GROUPS AFFILIATED WITH THE ~~((COLLEGE))~~ UNIVERSITY—AUTHORITY TO DEVELOP POLICIES. The president, ~~((f))~~ or the president's designee~~((h))~~, shall have authority to develop and implement policies relating to the use of ~~((college))~~ university facilities by persons or groups affiliated with the ~~((college))~~ university.

Chapter 516-37 WAC
USE OF ~~((COLLEGE))~~ UNIVERSITY FACILITIES—LIBRARY AND EDUCATIONAL MEDIA SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-001 USE OF LIBRARY FACILITIES BY NON-CAMPUS RELATED PERSONS. General policy is to extend the use of Wilson Library resources and facilities freely to noncampus persons who wish to make use of Wilson Library resources for some scholarly, book or study-related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well. Such use of library facilities by noncampus related persons does not extend to borrowing privileges, except materials may be loaned to persons in the following categories upon such terms as the director of ~~((the library))~~ libraries or his or her designee shall approve:

(1) Faculty of other ~~((four-year colleges and))~~ universities are accorded borrowing privileges ~~((under the))~~ pursuant to reciprocal ~~((library privilege policy adopted by the Washington higher education library committee in 1969))~~ agreements.

(2) Persons who ~~((have joined the "Friends of the Mabel Zoe Wilson Library" at a minimum rate of ten dollars are issued cards only upon application which are renewable each year, upon application, by such persons))~~ obtain an annually renewable community card for an annual fee.

(3) Persons who join the Western Washington ~~((State College))~~ University Alumni Association ~~((and who subscribe ten dollars or more are issued cards only upon application)).~~

(4) Cooperating teachers ~~((are provided loan privileges)),~~ upon request.

(5) Individuals approved by the director of ~~((Wilson Library))~~ libraries or his or her designee, such as visiting scholars, research-oriented members of the local community, faculty from neighboring colleges, city officials, local teachers~~((s))~~ who may be issued a short-term ~~((associate))~~ courtesy card."

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-005 LIBRARY HOURS. During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. Wilson Library may be open for limited service on holidays when demand for library facilities can be expected from the ~~((college))~~ university community. Hours may be adjusted without notice to meet special conditions.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-010 LIBRARY HOURS—LIBRARY—BULLETIN BOARD POSTING. All posting in Wilson Library is permitted only on the regularly designated bulletin boards. Responsibility and supervision of all bulletin boards in the library is assigned to the reference department. All posters or materials requested to be displayed by students are expected to carry the ASB stamp and to be dated. Posters that do not carry the ASB stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the assistant director for public services or his or her designee. University posters are approved at the library reference desk.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-011 LIBRARY HOURS—LIBRARY—HAND-BILLS. No handbills or other literature may be passed out in the library. ~~((Upon application and with the permission of Wilson Library, any literature which qualifies under the provisions of WAC 516-20-014 may be placed at the circulation desk in a location designated by the circulation staff:))~~

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-100 ~~((EDUCATIONAL))~~ MEDIA SERVICES. ~~((Educational media services coordinate the utilization of the various media of communication in support of the instructional program. Such facilities are not available for nonacademic purposes, provided that the audio-visual reference service may, in its discretion, loan equipment to student organizations which are officially recognized by the associated students of Western Washington State College:))~~

~~((1) Requests for equipment and operators must be placed with the student activities office and transmitted to the audiovisual office for scheduling and related arrangements 24 hours in advance:))~~

~~((2) The student group assumes full responsibility for any damage or loss of borrowed audio-visual equipment. A loan charge shall be required for equipment which is borrowed and a schedule of loan charges shall be available at the student activities office and at the audiovisual office:))~~ Media services provides media support for the university, primarily for classroom instruction. Support is provided in two ways: Production of medial materials and distribution/utilization of media. Services include audio-visual, video, graphics, and media engineering.

Media services provides training opportunities for students in graphics, television production and distribution, and audio-visual support. This training occurs through regular student employment and internships in collaboration with academic departments. Department staff also contribute to formal instruction in regular university courses.

There is no charge for services in direct support of classroom instruction other than for materials. For some services there are charges to other units of the university. Equipment may not be borrowed for non-university purposes.

Chapter 516-38 WAC
~~((USE OF CAMPUS FACILITIES—GENERAL))~~ ACCESS TO CAMPUS SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-050 **COMPUTER CENTER.** The computer center of Western Washington ~~((State College))~~ University serves the instructional, research, and administrative computing needs of the campus.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-051 **COMPUTER USE.** First priority for computer use shall be given the scholarly pursuits of the ~~((college's))~~ university's students and staff in research and instructional processes. The computer center may, at commercially competitive rates or for value received, sell services to noncampus clientele when, in the opinion of the director of the computer center,

~~((a))~~ (1) The sale will not in any way jeopardize, dilute or compromise the center's service to campus clientele, and

~~((b))~~ (2) Similar services are not available elsewhere in the community, and

~~((c))~~ (3) The service involves an appropriate, sensible, and nontrivial use of the computer relating to some ~~((college))~~ university program or goal.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-110 **SPEECH CLINIC.** The resources of the speech and audiology clinic of ~~((the))~~ Western Washington ~~((State College speech department))~~ University may be made available to persons in the ~~((county))~~ region with hearing or speech defects. Applications for the use of such resources shall be made through the chairman of the ~~((speech))~~ department, or his or her designee, who may charge a fee for such service. The fee schedule shall be prominently posted in the office of the ~~((speech))~~ department.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-115 **CAREER PLANNING AND PLACEMENT CENTER.** The career planning and placement center provides (1) career planning services for undergraduates and (2) placement services for the following "eligible persons": Graduating seniors (who may establish placement credentials the quarter they become a senior), graduate degree or certificate candidates (including graduates of other institutions who may establish placement credentials upon earning thirty quarter credit hours toward advanced degree or certificate at Western) and alumni (who have received ~~((a))~~ degrees or certificates from Western). Open lists of all employment opportunities and campus recruiting visits are maintained by the placement center for qualified students.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-116 **CAREER PLANNING AND PLACEMENT CENTER—PLACEMENT CREDENTIALS—FEES.** Eligible persons may complete registration forms at the career planning and placement center establishing placement credentials to be placed in the center's placement credentials file. The center may charge fees for its services and its schedule of fees shall be prominently posted within the ~~((placement))~~ center. Placement center services may be denied any individual who fails to pay placement fees when due. The center shall not duplicate or mail incomplete credential files, individual recommendations or personal resumes. Credentials are confidential and may only be sent to legitimate prospective employers or transferred to other educational institutions for establishment there of placement credentials.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-117 **RECRUITMENT ACTIVITIES.** (1) ~~((All legitimate))~~ Employers, ((f)) organizations interested in hiring graduating students or alumni, and recruiting personnel from college or university graduate schools((, provided, however, that no commercial or state employment agency shall be allowed to solicit students or alumni on campus)) may conduct recruitment activity on campus and shall

be coordinated by the placement center subject to the following conditions:

~~((A))~~ (a) Employers shall not be eligible to recruit on campus unless they comply with all federal and state laws against discrimination.

~~((B))~~ (b) All interviewing arranged by the placement center shall be conducted in offices or space provided by the placement center.

~~((C))~~ (c) Recruiters for school districts, business and industrial firms and government agencies may be assigned individual rooms and eligible persons required to adhere to prearranged interview schedules.

~~((D))~~ (d) Recruiters for the military, Peace Corps and Vista may be assigned individual rooms and students may be interviewed on a "drop-in" basis.

~~((E))~~ (e) All company literature and brochures shall be displayed either within the interviewing room or on placement center literature tables.

~~((F))~~ (f) Poster boards and signs related to campus interviews may be posted on bulletin boards or other designated areas upon the approval of the placement center, in compliance with ~~((college))~~ university policy.

~~((G))~~ (2) All prospective employers shall be free to present their points of view, and all students shall be free to determine whether they desire to listen to their presentations.

~~((Z))~~ (3) To be eligible to sign up for recruitment interviews, candidates must meet the qualifications stipulated by the prospective employer. First priority on sign-up schedules shall be given students currently enrolled and eligible for placement services (provided they have established complete placement credentials with the placement center) and second priority shall be given alumni eligible for placement services (provided they have established complete placement credentials with the placement center).

AMENDATORY SECTION (Amending Order 12-5-85, filed 1/8/86)

WAC 516-52-001 **SMOKING ON CAMPUS.** Smoking shall not be permitted in any building on campus except in (1) clearly posted areas designated by the president or his designee; ~~((and))~~ and (2) private enclosed inner faculty and administrative offices at the discretion of the individual in charge of each office.

NEW SECTION

WAC 516-52-020 **FIREARMS AND DANGEROUS WEAPONS.** (1) Illegal possession, carrying or discharge of any explosive firearm, or other weapon (including shotguns, rifles, pistols, air guns, and pellet guns) is prohibited. Only such persons who are authorized to carry firearms or other dangerous chemicals or weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, may possess firearms or any other dangerous chemicals or weapons issued for their possession by their law enforcement agencies while on the campus or other university-controlled property, including residence halls, except in transit to approved storage. No one may possess explosives unless licensed to do so for purposes of conducting activities relating to building construction or demolition.

(2) Anyone who wants access to any firearm or weapon while on campus must immediately place the firearm(s) or weapon(s) in the university-provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at the university public safety department.

Chapter 516-56 WAC
~~((COLLEGE))~~ UNIVERSITY HOUSING AND DININGAMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-001 **HOUSING AND DINING—GENERAL.** The objectives of the housing and dining areas maintained by Western Washington ~~((State College))~~ University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-002 **APPLICABILITY OF HOUSING AND DINING RULES.** The rules set forth in this chapter are applicable to

and binding upon all persons utilizing (~~WWSE~~) WWU housing and dining facilities.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-010 APPLICATIONS FOR RESIDENCE HALLS AND (~~COLLEGE~~) UNIVERSITY APARTMENTS. All applications for space in housing must be made on the forms provided by the housing office. Applications for housing shall not be accepted unless the applicant is either (1) a new student who has been admitted to the (~~college~~) university and has prepaid the advanced registration fee, or (2) a student presently enrolled at Western Washington (~~State College~~) University, or (3) a student who has previously been enrolled at Western Washington (~~State College~~) University, or (4) a member of faculty or staff.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-011 ASSIGNMENTS TO RESIDENCE HALLS. In making assignments to residence halls, (~~students already residing in the residence halls shall have first choice in the assignment of accommodations, and students who have lived in the residence halls for the longest period of time shall be given priority in such assignments. Exceptions to the assignment procedure may be made for minority groups where the program involved is recognized as a college project~~) the following institutional goals will be considered:

- (1) Providing residence hall experience to freshmen;
- (2) Providing residence hall experience to a diverse student population.

Given those goals, students previously residing in the residence hall system shall have first choice in assignment of accommodations available, and students who have lived in the residence halls for the longest period shall be given priority in such assignments.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-012 ASSIGNMENTS TO (~~COLLEGE~~) UNIVERSITY APARTMENTS. The housing office shall determine which individual applicants for (~~college~~) university housing will have priority in receiving assignments to (~~college~~) university apartments by utilizing a priority point system based on the following criteria:

- (~~(a)~~) (1) Students already living on campus shall be given priority points;
- (~~(b)~~) (2) Students already residing in a particular apartment shall be given priority points in terms of reassessment to that apartment;
- (~~(c)~~) (3) Priority points shall be awarded to students on the basis of their class level (e.g. graduate, senior, junior, sophomore, freshman);
- (~~(d)~~) (4) In determining assignments to four-person apartments, priority points will be given to applicant groups consisting of four students (as opposed to smaller groups). In determining assignments to two-person apartments, priority points will be given to applicant groups consisting of two persons.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-021 ROOM AND BOARD PAYMENTS. Room and board contracts may be offered to students on either a quarterly basis or an academic year basis. Charges for room and board shall begin on the official opening date of the residence halls, as announced.

(1) Room only contracts may be offered to those students living in the Fairhaven housing units.

(2) Board only contracts may be sold to any student, faculty or staff member of Western Washington (~~State College~~) University.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-023 CHARGES FOR DAMAGES. Persons assigned to (~~college~~) university housing are responsible for keeping the apartments and rooms, together with their contents, free from damage. The cost of any damage or extra custodial service shall be charged to those to whom the apartments or rooms are assigned. Damage shall include the cost of replacing any (~~college~~) university equipment or furniture moved or taken from any building without written authorization of the housing office, and removal without such permission is prohibited. Bills for such damages shall be due upon demand.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-030 ENTRY INTO ROOMS OR APARTMENTS. The (~~college~~) university respects the rights of the individual to his privacy. The (~~college~~) university expressly reserves, however, the right of entry to any room or apartment (1) to make repairs (which shall include such right even in the absence of the tenant(s) when the repairs are requested by the tenant(s), and (2) where there are reasonable grounds to believe that a condition exists which may threaten the health, safety or welfare of persons or property within the building (~~and (3) on the third day following a general announcement of intention to inspect physical facilities~~)).

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-050 RESPONSIBILITY FOR PERSONAL PROPERTY. The (~~college~~) university assumes no responsibility for loss or damage to any resident's personal property. Students are expected to carry their own insurance on personal property.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-060 ELIGIBILITY FOR OCCUPANCY. All students in (~~college~~) university housing must maintain a minimum of (~~seven~~) ten credit hours per quarter. Any student dropping below the required hours will be required to move unless exception for good cause is granted by the director of housing. Exception may be granted for tenants who wish to remain in their units between quarters or staff employed at Western Washington (~~State College~~) University. Tenants not meeting the above conditions shall be subject to immediate termination of occupancy as outlined in the housing contracts.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-070 HOUSING REGULATIONS—GENERAL. Occupants found in violation of any of the following regulations or the rules and regulations outlined in the "residential community" handbook and the "guide to students rights and responsibilities," copies of which are on file in the housing office, shall be given written notice to correct the violation. If correction is not made within ten days (or immediately if an emergency is held to exist), the tenant may be asked to vacate the property. Occupants evicted because of violation of the regulations or violation of the terms of their contract shall remain responsible for fulfilling their contracts unless released by the director of housing.

(1) The introduction or maintenance of pets, with the exception of small aquarium life, in any unit of college housing is prohibited except where a specific pet policy for a particular housing unit is approved by the advisory committee on housing and dining.

(2) Additions or alterations to a room or to any housing property are prohibited.

(3) Failure to pay charges when due shall (if unexcused by the director of housing) render the account delinquent. A charge equal to 10% of the amount due (not to exceed \$5.00) shall be assessed delinquent accounts. Delinquent accounts in excess of \$50.00 shall constitute grounds for cancellation of the contract and/or eviction.

Occupants may appeal to the appeal board established by the advisory committee on housing and dining from any adverse action taken by the (~~college~~) university pursuant to the regulations referred to or set forth in this section.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-001 CATALOG. All dates and procedures established by the board of trustees or president relating to admissions and registration shall be published annually in the appropriate (~~college~~) university catalog and shall be considered contractual between the student and the (~~college~~) university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-002 CHANGES IN CATALOG. The board of trustees reserves the right of the board of trustees or president to make changes in any of the provisions of the (~~college's~~) university's catalogs without prior notice. When changes are made they shall be filed in

the appropriate ~~((college))~~ university offices and placed with the appropriate catalog in the reference area of the library.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-003 FINANCES. Each applicant for admission to Western Washington ~~((State College))~~ University must pay the tuition and fees as established by the board of trustees or the president prior to the dates for payment as designated by the board of trustees or the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-004 REFUND OF TUITION AND FEES. Each student who is admitted shall be required to confirm his or her intention to enroll by submitting a nonrefundable ~~((prepayment on tuition and fees))~~ admission fee.

(1) Ordinarily, a student who withdraws prior to the sixth day of general instruction in a quarter will receive a full refund of tuition and services and activities fees ~~((less the prepayment))~~.

(2) A refund of one-half of tuition and services and activities fees (less prepayment) is made to a student who withdraws on or after the sixth day of general instruction, subject to the provisions of subsection ~~((5))~~ (4) of this section.

(3) ~~((Students who, having paid part-time fees, add classes bringing their total to 7 or more credits, shall pay the difference between fees already paid and the full-time fee. Full-time students who drop classes so that their remaining total is 6 or fewer credits will receive a refund of either~~

~~((a) The difference between full and part-time fees, if the change is made before the sixth day of general instruction, or~~

~~((b) One-half such difference if the change is made on or after the sixth day of general instruction, subject to the provisions of subsection (5).~~

~~((4))~~ Nonresident fees paid by a student who, subsequent to the first day of general instruction, is reclassified a resident student shall not be refunded, nor shall refunds be granted when reclassification is based upon a petition which is filed after registration.

~~((5))~~ (4) No refunds of tuition or fees shall in any case be made after the 30th day of general instruction except the period is extended for students who withdraw for medical reasons or who are called into the military service of the United States.

(5) For courses or programs that begin after the start of the regular quarter, a student may receive a full refund of fees if the student withdraws after the third day of instruction.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-005 RESIDENCY CLASSIFICATION. Determination of residency status for fees and tuition purposes shall be made at the time of admission or readmission to Western Washington ~~((State College))~~ University. A student tentatively classified as a non-resident shall be notified of such classification. Should the student contest the classification, he may submit a petition to the director of admissions containing such information as the latter may require. If based on the evidence contained in this petition, the director denies the petition, the student shall be notified. Should the student desire a further review, the director shall ~~((forward the petition, together with any additional materials provided by the student, to the office of the attorney general for review))~~ reconsider the petition and consider it to be a request for a brief adjudicative hearing under WAC 516-108-050 and RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-006 SANCTIONS. Admission to or registration with the ~~((college))~~ university, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-007 HEALTH ~~((EXAMINATION))~~ HISTORY. ~~((A health examination is required of all entering students prior to~~

~~registration. Appropriate forms are sent to each student who accepts an offer of admission. Such forms must be completed and returned to the college by a licensed physician and must be based on an examination made within 90 days of enrollment. The protection of immunization is strongly urged and may be required at the discretion of the health service at student expense.))~~ Entering students are required to submit a personal medical history. Appropriate forms are sent to each student who accepts an offer of admission. A health examination form may be completed for those students who obtain a health examination prior to registration. Proof of immunization against tuberculosis must be included with the health history.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-015 REGISTRATION. Currently enrolled students and all other individuals desiring to enroll in Western Washington ~~((State College))~~ University shall do so on or before the preregistration or registration dates designated by the board of trustees or president, which shall be published in the appropriate ~~((college))~~ university catalog. No registration or preregistration shall be accepted after the designated dates, provided that the registrar may, whenever possible, waive this requirement within the time designated by the board of trustees or president for late registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-016 DEADLINES. All students registering with the ~~((college))~~ university must meet those deadlines as established by the board of trustees or the president for registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-017 CHANGES IN REGISTRATION AND WITHDRAWAL. Students who wish to change their registration or withdraw from a particular course or the ~~((college))~~ university after having completed their registration must do so on or before the dates established for such changes or withdrawal by the board of trustees or president as set forth in the ~~((college's))~~ university's catalog. Students may not enter new classes after the first week of instruction. Students who leave the ~~((college))~~ university without formally withdrawing shall receive failing grades. Any withdrawal after the sixth week of instruction will normally result in failing grades provided that the registrar may grant an exception where withdrawal is requested by the ~~((college))~~ university, in cases of serious illness or call to extended active military duty or in other highly extenuating circumstances.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-030 ADMISSION OF NONMATRICULATED STUDENTS. A nonmatriculated student does not enroll in the ~~((college))~~ university to follow the requirements for the bachelor's degree or any other program leading to a degree, credential, or certificate. A nonmatriculated student is one whose educational goals are limited and who has been granted permission by the director of admissions to enroll for credit in ~~((college))~~ university courses. Such permission implies no commitment on the part of the ~~((college))~~ university in regard to later admission as a matriculated student.

Chapter 516-108 WAC
PRACTICE AND PROCEDURE

WAC

516-108-010	Adoption of model rules of procedure.
516-108-020	Appointment of presiding officers.
516-108-030	Method of recording.
516-108-040	Application for adjudicative proceeding.
516-108-050	Brief adjudicative procedures.
516-108-060	Discovery.
516-108-070	Procedure for closing parts of the hearings.
516-108-080	Recording devices.
516-108-090	Petitions for stay of effectiveness.

NEW SECTION

WAC 516-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 516-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 516-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 516-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
Old Main 450, WWU
516 High Street
Bellingham, WA 98225

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 516-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 516-22 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 516-12 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 516-400 WAC.

NEW SECTION

WAC 516-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 516-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close

part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 516-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 516-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 516-108-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

Chapter 516-133 WAC
ORGANIZATION

WAC

516-133-020 Organization—Operation—Information.

NEW SECTION

WAC 516-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Western Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a seven-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Old Main 450, WWU
516 High Street
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Shannon Point Marine Center
1900 Shannon Point Road
Anacortes, WA 98221

Center for Apparel Design &
Fashion Merchandising
217 Pine, Suite 600
Seattle, WA 98101

TESC-WWU Teachers' Education Program
The Evergreen State College
Olympia, WA 98505

WWU Seattle Urban Center
1801 Broadway, Room NP 101
Seattle, WA 98122

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Registrar/Admissions Office
Old Main 200, WWU
516 High Street
Bellingham, WA 98225

Chapter 516-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

516-400-010 Immediate suspension.

NEW SECTION

WAC 516-400-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW (Legend drugs—Prescription drugs) shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-02-030
EMERGENCY RULES
WESTERN WASHINGTON UNIVERSITY
 [Filed December 29, 1989, 9:06 a.m.]

Date of Adoption: December 8, 1989.

Purpose: Repeal rules made ineffective by enactment of chapter 34.05 RCW. Amend rules to make gender-neutral; change "college" to "university"; come into compliance with federal regulations on student records; update other statutory references; adopt new chapter on procedure to adopt chapter 10-08 WAC, Model rules of procedure; adopt new rule on organization as required in RCW 34.05.220 (1)(b); adopt rule on firearms on campus; and adopt rule on loss of eligibility for student athletes to comply with chapter 69.41 RCW.

Citation of Existing Rules Affected by this Order: Repealing chapter 516-08 WAC, Practice and procedure, replace with chapter 516-108 WAC, Practice and procedure, WAC 516-11-030, 516-11-050 and 516-24-120; amending WAC 516-04-010, 516-11-010, 516-11-040, 516-11-060, 516-11-070, 516-11-080, 516-11-100, 516-11-110, 516-13-020, 516-22-134, 516-22-146, 516-22-150, 516-24-001, 516-24-050, 516-24-060, 516-24-115, 516-24-130, 516-26-010, 516-26-020, 516-26-090, 516-26-100, 516-31-010, 516-36-001, 516-36-020, 516-36-030, 516-36-040, 516-37-001, 516-37-005, 516-37-010, 516-37-011, 516-37-100, 516-38-050, 516-38-051, 516-38-110, 516-38-115, 516-38-116, 516-38-117, 516-52-001, 516-56-001, 516-56-002, 516-56-010, 516-56-011, 516-56-012, 516-56-021, 516-56-023, 516-56-030, 516-56-050, 516-56-060, 516-56-070, 516-60-001, 516-60-002, 516-60-003, 516-60-004, 516-60-005, 516-60-006, 516-60-007, 516-60-016, 516-60-017 and 516-60-030; New WAC 516-52-020, chapter 516-108 WAC, Practice and procedure, chapter 516-133 WAC, Organization—Operation—Information and chapter 516-400 WAC, Loss of eligibility—Student athletic participation.

Statutory Authority for Adoption: RCW 28B.35.120(12), 42.30.070 - [42.30].075, 42.17.310, 28B.35.120(1), 28B.15.60 [28B.15.600], 26 U.S.C. 1232g, chapters 34.05, 43.21C and 69.4 [69.41] RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 34.05 RCW, the APA, went into effect July 1, 1989, as did chapter 10-08 WAC, the Model rules of procedure. WWU needs to bring its rules into compliance with these and do "housekeeping" simultaneously. Hearings will occur in January on the proposed permanent rules.

Effective Date of Rule: January 1, 1990.

December 14, 1989

Karen A. Lerner

for Wendy Bohlke

Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-04-010 REGULAR MEETINGS. Regular meetings of the board of trustees of Western Washington (~~State College~~) University shall be held on the first Thursday of each month a meeting is held unless such date is changed by board resolution at a meeting regularly scheduled or called for that purpose. A copy of such resolution shall be filed in the president's office. The annual meeting schedule will be published in the Washington State Register prior to January each year.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 516-08-002 FORMAL HEARING POLICY.

WAC 516-08-005 DEFINITIONS.

WAC 516-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY.

WAC 516-08-070 COMPUTATION OF TIME.

WAC 516-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

WAC 516-08-090 SERVICE OF PROCESS—BY WHOM SERVED.

WAC 516-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.

WAC 516-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.

WAC 516-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.

WAC 516-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.

WAC 516-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.

WAC 516-08-150 SUBPOENAS—WHERE PROVIDED BY LAW—FORM.

WAC 516-08-170 SUBPOENAS—SERVICE.

WAC 516-08-190 SUBPOENAS—PROOF OF SERVICE.

WAC 516-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.

WAC 516-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.

WAC 516-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.

WAC 516-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.

WAC 516-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEONENTS.

WAC 516-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION.

WAC 516-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.

WAC 516-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.

WAC 516-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.

WAC 516-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEONENTS.

WAC 516-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.

WAC 516-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.

WAC 516-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.

WAC 516-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.

WAC 516-08-370 OFFICIAL NOTICE—MATTERS OF LAW.

WAC 516-08-380 OFFICIAL NOTICE—MATERIAL FACTS.

WAC 516-08-390 PRESUMPTIONS.

WAC 516-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.

WAC 516-08-420 DEFINITION OF ISSUES BEFORE HEARING.

WAC 516-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED.

WAC 516-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.

WAC 516-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.

WAC 516-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.

WAC 516-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.

WAC 516-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.

WAC 516-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

WAC 516-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 516-08-470 OR 516-08-480.

WAC 516-08-510 CONTINUANCES.

WAC 516-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.

WAC 516-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.

WAC 516-08-540 HEARING OFFICERS.

WAC 516-08-550 DUTIES OF HEARING OFFICERS.

WAC 516-08-560 REVIEW OF FORMAL HEARING PROCEEDINGS BY THE BOARD OF TRUSTEES.

WAC 516-08-570 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

WAC 516-08-600 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

WAC 516-08-610 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

WAC 516-08-620 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

WAC 516-08-630 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-010 DEFINITION OF PUBLIC RECORD. A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Western Washington ((State College)) University, regardless of the physical form or characteristics(~~(-PROVIDED, HOWEVER, That in accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of public record:~~

(a) ~~Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.~~

(b) ~~Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.~~

(c) ~~Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.~~

(d) ~~Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested~~

~~with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.~~

~~(c) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.~~

~~(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.~~

~~(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.~~

~~(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.~~

~~(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.~~

~~(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.~~

~~(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons), subject to the exemptions set forth in RCW 42.17.310, as now or hereafter amended.~~

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-040 GENERAL COURSE AND METHOD OF DECISION MAKING. ~~((+))~~ The formal procedures for decision making at the ~~((college))~~ university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter ~~((28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA)))~~ 34.05 RCW, the Administrative Procedure Act. Accordingly, all rules, orders or directives, or regulations of the ~~((college))~~ university which affect the relationship of particular segments of the ~~((college, such))~~ university, as students, faculty, or other employees, with the ~~((college))~~ university or with each other,

~~((a))~~ (1) The violation of which subjects the person to a penalty or administrative sanction; or

~~((b))~~ (2) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

~~((c))~~ (3) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are implemented through the procedures of the ~~((HEAPA))~~ Administrative Procedure Act and appear in Title 516 WAC: PROVIDED, HOWEVER, That in accordance with RCW ~~((28B.19.020(2)))~~ 34.05.010(15), the ~~((college))~~ university reserves the right to promulgate as internal ~~((rules))~~ procedures not created or implemented in accordance with the ~~((HEAPA))~~ Administrative Procedure Act, the following: ~~((Rules, regulations, orders, statements,))~~ Procedures or policies relating primarily to the following: Standards for admissions; academic advancement, academic academic credits, graduation and the granting of degrees; ~~((tuition and fees, scholarships, financial aids, and similar academic matters,))~~ employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under ~~((HEAPA))~~ the Administrative Procedure Act unless otherwise required by law. Internal ~~((rules and regulations))~~ procedures to the extent not already set forth in the ~~((college's))~~ university's published catalogs and handbooks ~~((on file in the reference room of the library))~~ are ~~((in the process of being collected in a general college handbook a copy of which shall, upon its completion, also be filed in the reference room of the college library and be))~~ available to the public on file in the reference room in the library.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-060 DESIGNATION OF PUBLIC RECORDS OFFICERS. (1) In accordance with the requirements of ~~((initiative 276))~~ chapter 42.17 RCW, insofar as such ~~((initiative))~~ chapter requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the ~~((college))~~ university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." ~~((The person holding such position will be headquartered in the administration building of the college; his exact location and name may be determined by inquiry at the office of the president of the college.))~~ The public records officer shall ~~((also))~~ be responsible for compiling and maintaining the index required ~~((by initiative 276))~~ in RCW 42.17.260.

(3) For purposes of this chapter, the custody of the ~~((college's))~~ university's records shall be deemed divided into the following divisions:

(a) Office of the ~~((provost))~~ president;

(b) Office of the ~~((president))~~ provost;

(c) Office of ~~((the dean of students))~~ student affairs;

(d) Office of ~~((the))~~ business ~~((manager))~~ and financial affairs.

The above-designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his or her division and responsible for the care and custody of records within his or her division even though such person is not in actual possession or control of such records. Such division heads shall be known as the ~~((college))~~ university "records custodians."

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-070 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS. ~~((+))~~ Public records shall be available for inspection and copying during the customary office hours of the ~~((college))~~ university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the ~~((college))~~ university, acting through the public records officer or a records custodian, agree on a different time.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-080 REQUESTS FOR PUBLIC RECORDS. In accordance with ~~((the Initiative 276))~~ chapter 42.17 RCW requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ~~((upon a form which shall be available at the office of the public records officer))~~ and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain ~~((college))~~ university records, per WAC 516-11-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the ~~((college))~~ university records officer, a reference to the requested record as it is described in such index;
- (d) If the requested matter is not identifiable by reference to the ~~((college))~~ university records current index, a statement that succinctly describes the record requested;
- (e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the ~~((college))~~ university person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-090 CHARGES FOR COPYING.

(1) No fee shall be charged for inspection of public records. The ~~((college))~~ university may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the ~~((college))~~ university for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-100 DETERMINATION REGARDING EXEMPT RECORDS.

(1) The ~~((college))~~ university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of ~~((section 31 of Initiative 276))~~ RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the ~~((college))~~ university, president of the ~~((college))~~ university, or an assistant attorney general assigned to the ~~((college))~~ university.

(2) Responses to requests for records must be made promptly. ~~((For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored.~~

~~((3) No denial of a request))~~ Denials of request for public records ~~((shall))~~ must be ~~((valid unless))~~ accompanied by a written statement, ~~((signed by the public records officer or his designee,))~~ specifying the specific reasons therefor.

AMENDATORY SECTION (Amending Order 73-5, filed 4/12/73)

WAC 516-11-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

(1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the ~~((college))~~ university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president ~~((of the college or any of his designees)), or his or her designee,~~

which for the purposes of this section may include the public records officer or the records custodians, shall consider such petition. The review decision shall be in writing and transmitted to the person prior to the end of the second business day after receipt of the written request for review.

~~((3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or his designee.~~

~~(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-11-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION AT WESTERN WASHINGTON STATE COLLEGE.

WAC 516-11-050 INFORMAL PROCEDURES REGARDING THE GENERAL COURSE AND METHODS OF DECISION.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-020 PARKING REGULATIONS.
(1) All state of Washington bicycle regulations are applicable on the campus.

(2) All city of Bellingham bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings((f,j)), on a

path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (identifiable by a plaque).

(5) Improperly parked bicycles are subject to impoundment.

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

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-134 DISRUPTION OF THE JUDICIAL PROCESS. Student rights and responsibilities contained within this code are assured through the orderly functioning of the judicial process. The failure of a student formally charged with a violation of this code to appear before the conduct officer after receiving notice of a hearing shall make the student subject to disciplinary action. A student formally charged with a violation of this code may not excuse himself or herself from judicial proceedings by withdrawing from the university and shall be prohibited from enrolling for subsequent quarters until such time as he/she does appear for a hearing.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-146 RIGHT TO ((FORMAL)) HEARING. Included with the notification of the judicial board's decision shall be a statement that the student has a right to a ((formal)) hearing pursuant to RCW ((28B.19.110)) 34.05.485 and chapter ((516-08)) 516-108 WAC.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-150 INTERIM SUSPENSION PERMITTED. In order to prevent danger to individuals, substantial destruction of property or significant disruption of teaching, research or administrative functions, the vice-president for student affairs or his or her designee may temporarily suspend a student for stated cause subject to such limitation as the vice-president shall deem appropriate.

In all cases, the student is entitled to a hearing before the appropriate conduct officer or board as soon as such hearing can be held, but not to exceed five school days after the beginning date of interim suspension unless the student should request an extension. During the interim suspension period, the student shall be allowed on university property only to the extent deemed permissible by the vice-president for student affairs.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-001 CONDUCT OF CAMPUS GUESTS AND VISITORS. (1) The rules and regulations prescribed in this Title 516 WAC shall be observed by guests and visitors while on the campus, or other ((college)) university property.

(2) Guests and visitors on campus or other ((college)) university property who willfully refuse to obey an order of a uniformed campus security officer or other law enforcement officer to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-050 COMMUNITY RELATIONS. The public information office serves as an information service center for the ((college)) university, responsible for supplying information and answering queries about the ((college)) university from news media, individuals and organizations external to the ((college)) university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-060 ALUMNI RELATIONS. The alumni relations office shall be the office through which the ((college)) university chiefly communicates with its graduates, and shall be responsible for maintenance of current files concerning alumni information. Alumni mailing lists maintained by the alumni relations office shall be confidential property of the ((college)) university and the alumni association and shall not generally be provided to any other agency. Requests for lists for purposes of conducting legitimate educational research shall be subject to the review and approval of the alumni relations office and the office of the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-115 BUSINESS OFFICE—CASHIER. The cashier's office of the Western Washington ((State College)) University business office shall be open for business during the hours posted by the ((college controller or his designee)) university director of fiscal services. Personal checks may be cashed by staff and faculty at the cashier's window, subject to such limitations as may be imposed by the ((comptroller)) director of fiscal services. No two-party, state, or ((WWSC)) WWU checks shall be cashed. Any N.S.F. checks cashed by the cashier will be referred to the appropriate department head and subsequent check cashing privileges cancelled.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-24-130 DEMONSTRATIONS. The value of active participation in political and social issues is recognized by Western Washington ((State College)) University as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under

the Constitution of the United States and will be promoted and respected at all times.

The ((college)) university further recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

To achieve these objectives it is essential that demonstrations be orderly and conducted in a manner that allows the college to function toward its established goals. Any student or group of students shall not, by their conduct, disrupt, disturb or interfere with:

(1) Classroom activities and other educational pursuits;

(2) Recognized ((college)) university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;

(3) Pedestrian and vehicular traffic;

(4) Preservation and protection of ((college)) university property and personal property of individuals.

Any person persisting in such conduct after being requested to cease by ((college)) university authorities, shall be subject to disciplinary proceedings. Such disciplinary proceedings shall be by the appropriate campus justice committee, subject to final review, hearing, and decision by the president and the board of trustees.

Where necessary for the preservation of order and to enforce the law, the president of the ((college)) university or his or her designee is authorized to call upon law enforcement officers for assistance.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-24-120 OFFICIAL DAILY BULLETIN.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-010 PURPOSE. The purpose of this chapter is to implement ((Public Law 93-380)) 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to insure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-020 DEFINITIONS. For purposes of this chapter the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Western Washington University and with respect to whom the university maintains education records or personally identifiable information.

(2)(a) "Education records" shall refer to those records, files, documents and other materials maintained

by Western Washington University or by a person acting for Western Washington University which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) If the personnel of the university's department of safety and security do not have access to education records under WAC 516-26-080, the records and documents of the department which are kept apart from records described in WAC 516-26-020 (2)(a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the university in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose except that records relating to an individual in attendance at the university who is employed as a result of his or her status as a student are education records and not excepted; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Personally identifiable information" shall refer to data or information which includes either (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) the address of the student's family, (d) a personal identifier, such as the student's social security number or student number, ~~((f))~~ (e) a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or ~~((f))~~ (f) other information which would make it possible to identify the student with reasonable certainty.

(4) "Vice-president for student affairs" shall refer to the vice-president for student affairs or his designee.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-090 DIRECTORY INFORMATION. (1) The university may release "directory information" concerning a student to the public unless the student requests in writing of the vice-president for student affairs that the student's directory information not be released except as provided in WAC 516-26-070, 516-26-075, 516-26-080 or 516-26-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, ~~((class schedule))~~ dates of attendance, degrees and awards received, participation

in officially recognized sports~~((;))~~ and activities, weight and height if a member of an athletic team, and the most recent previous educational institution attended.

AMENDATORY SECTION (Amending Order 79-05, Resolution No. 79-05, filed 5/14/79)

WAC 516-26-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER. The university shall ~~((provide reasonable notification to students of the rights of students under this chapter.~~

~~((1) Notice will be provided to students under this section at least annually, and shall include the following:~~

~~((a) A statement of the types of education records maintained by the university;~~

~~((b) The name and position of the employee of the university responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which such persons have access;~~

~~((c) A copy of the rules and procedures set forth in this chapter, and~~

~~((d) A statement concerning the cost which will be charged to a student for reproducing copies of the student's records)) annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.~~

The notice shall include a statement that the student has a right to each of the following:

(1) Inspect and review the student's education records;

(2) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the university to comply with the requirements of the act;

(5) Information concerning the cost to be charged for reproducing copies of the student's records; and

(6) Obtain a copy of the regulations in this chapter (chapter 516-26 WAC).

The notice shall indicate the places where copies of these regulations are located.

AMENDATORY SECTION (Amending Order 76-8, filed 12/14/76)

WAC 516-31-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Western Washington ~~((State College))~~ University that all actions taken by the ~~((college))~~ university shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act) and chapter ~~((197-10))~~ 197-11 WAC, as presently enacted or hereafter amended.

(2) The president of Western Washington ~~((State College))~~ University shall be responsible for administering and implementing this policy. The president shall

designate the ((college)) university personnel who will be responsible for carrying out the duties and functions of the ((college)) university as set forth or incorporated herein.

Chapter 516-36 WAC
USE OF ((COLLEGE)) UNIVERSITY FACILITIES—SCHEDULING

WAC

- 516-36-001 Use of ((college)) university facilities by off-campus persons or groups—Requests.
- 516-36-020 Use of ((college)) university facilities by off-campus persons or groups—Evaluation of request for use.
- 516-36-030 Use of ((college)) university facilities by off-campus persons or groups—Assessment of fees.
- 516-36-040 Use of facilities by persons or groups affiliated with the ((college)) university—Authority to develop policies.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-001 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—REQUESTS. Any person who is not affiliated with the ((college)) university and who desires to use ((college)) university facilities on a temporary basis for purposes other than assigned ((college)) university activities shall submit a request for use of ((college)) university facilities to the president or his designee.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-020 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—EVALUATION OF REQUEST FOR USE. (1) The president, ((f)) or the president's designee((f)), shall have the authority to accept or reject, in whole or in part, a request submitted pursuant to WAC 516-36-001.

(2) In evaluating a request submitted pursuant to WAC 516-36-001, the president shall consider the following factors:

(a) Whether the facilities requested are to be used in connection with a regularly scheduled ((college)) university program.

(b) Whether the intended use of the ((college's)) university's facilities is compatible with the educational mission and objectives of the ((college)) university.

(c) Whether the intended use might cause a disruption of the ((college's)) university's relationship with the local community by conflicting with services provided by private enterprise within the Bellingham area.

(d) The capabilities, qualifications, experience, and financial stability of the individual, organization, or group submitting the request.

(3) Whenever the president (or the president's designee) rejects, either in whole or in part, a request for use

of ((college)) university facilities, the reasons for such rejection shall be stated in writing.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-030 USE OF ((COLLEGE)) UNIVERSITY FACILITIES BY OFF-CAMPUS PERSONS OR GROUPS—ASSESSMENT OF FEES. (1) The president, ((f)) or the president's designee((f)), shall have authority to establish a schedule of fees to govern the use of ((college)) university facilities by persons who are not affiliated with the ((college)) university, and to alter or modify the fee schedule whenever such action is deemed to be necessary or appropriate or in the best interests of the ((college)) university. The fee for each campus facility shall be sufficient to insure the recovery by the ((college)) university of all direct and indirect costs associated with the use of the facility, including all direct and indirect costs of goods or services furnished by the ((college)) university in connection with the use of the facility.

(2) The president, ((f)) or the president's designee((f)), may waive all or part of the normal fee for use of a particular facility by persons not affiliated with the ((college)) university under the following circumstances:

(a) Members of the ((college)) university community will receive a substantial benefit from the intended use of the facility and no person or group will derive profit from the intended use of the facility; or

(b) The group requesting the use of the ((college's)) university's facility is an agency of the state of Washington.

AMENDATORY SECTION (Amending Order 75-10, filed 11/10/75)

WAC 516-36-040 USE OF FACILITIES BY PERSONS OR GROUPS AFFILIATED WITH THE ((COLLEGE)) UNIVERSITY—AUTHORITY TO DEVELOP POLICIES. The president, ((f)) or the president's designee((f)), shall have authority to develop and implement policies relating to the use of ((college)) university facilities by persons or groups affiliated with the ((college)) university.

Chapter 516-37 WAC
USE OF ((COLLEGE)) UNIVERSITY FACILITIES—LIBRARY AND EDUCATIONAL MEDIA SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-001 USE OF LIBRARY FACILITIES BY NONCAMPUS RELATED PERSONS. General policy is to extend the use of Wilson Library resources and facilities freely to noncampus persons who wish to make use of Wilson Library resources for some scholarly, book or study-related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well. Such use of library facilities by noncampus related persons

does not extend to borrowing privileges, except materials may be loaned to persons in the following categories upon such terms as the director of ~~((the library))~~ libraries or his or her designee shall approve:

(1) Faculty of other ~~((four-year colleges and))~~ universities are accorded borrowing privileges ((under the)) pursuant to reciprocal ((library privilege policy adopted by the Washington higher education library committee in 1969)) agreements.

(2) Persons who ~~((have joined the "Friends of the Mabel Zoe Wilson Library" at a minimum rate of ten dollars are issued cards only upon application which are renewable each year, upon application, by such persons))~~ obtain an annually renewable community card for an annual fee.

(3) Persons who join the Western Washington ~~((State College))~~ University Alumni Association ((and who subscribe ten dollars or more are issued cards only upon application)).

(4) Cooperating teachers ~~((are provided loan privileges)),~~ upon request.

(5) Individuals approved by the director of ~~((Wilson Library))~~ libraries or his or her designee, such as visiting scholars, research-oriented members of the local community, faculty from neighboring colleges, city officials, local teachers(;) who may be issued a short-term ((associate)) courtesy card."

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-005 LIBRARY HOURS. During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. Wilson Library may be open for limited service on holidays when demand for library facilities can be expected from the ~~((college))~~ university community. Hours may be adjusted without notice to meet special conditions.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-010 LIBRARY HOURS—LIBRARY—BULLETIN BOARD POSTING. All posting in Wilson Library is permitted only on the regularly designated bulletin boards. Responsibility and supervision of all bulletin boards in the library is assigned to the reference department. All posters or materials requested to be displayed by students are expected to carry the ASB stamp and to be dated. Posters that do not carry the ASB stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the assistant director for public services or his or her designee. University posters are approved at the library reference desk.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-011 LIBRARY HOURS—LIBRARY—HANDBILLS. No handbills or other literature may be passed out in the library. ~~((Upon application and with the permission of Wilson Library, any literature which qualifies under the provisions of WAC 516-20-014 may be placed at the circulation desk in a location designated by the circulation staff.))~~

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-100 ~~((EDUCATIONAL))~~ MEDIA SERVICES. ~~((Educational media services coordinate the utilization of the various media of communication in support of the instructional program. Such facilities are not available for nonacademic purposes, provided that the audio-visual reference service may, in its discretion, loan equipment to student organizations which are officially recognized by the associated students of Western Washington State College.~~

~~((1) Requests for equipment and operators must be placed with the student activities office and transmitted to the audiovisual office for scheduling and related arrangements 24 hours in advance.~~

~~((2) The student group assumes full responsibility for any damage or loss of borrowed audio-visual equipment. A loan charge shall be required for equipment which is borrowed and a schedule of loan charges shall be available at the student activities office and at the audiovisual office.))~~ Media services provides media support for the university, primarily for classroom instruction. Support is provided in two ways: Production of medial materials and distribution/utilization of media. Services include audio-visual, video, graphics, and media engineering.

Media services provides training opportunities for students in graphics, television production and distribution, and audio-visual support. This training occurs through regular student employment and internships in collaboration with academic departments. Department staff also contribute to formal instruction in regular university courses.

There is no charge for services in direct support of classroom instruction other than for materials. For some services there are charges to other units of the university. Equipment may not be borrowed for non-university purposes.

Chapter 516-38 WAC

~~((USE OF CAMPUS FACILITIES—GENERAL))~~
ACCESS TO CAMPUS SERVICES

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-050 COMPUTER CENTER. The computer center of Western Washington ~~((State College))~~ University serves the instructional, research, and administrative computing needs of the campus.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-051 COMPUTER USE. First priority for computer use shall be given the scholarly pursuits of the ~~((college's))~~ university's students and staff in research and instructional processes. The computer center may, at commercially competitive rates or for value received, sell services to noncampus clientele when, in the opinion of the director of the computer center,

~~((a))~~ (1) The sale will not in any way jeopardize, dilute or compromise the center's service to campus clientele, and

~~((b))~~ (2) Similar services are not available elsewhere in the community, and

~~((c))~~ (3) The service involves an appropriate, sensible, and nontrivial use of the computer relating to some ~~((college))~~ university program or goal.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-110 SPEECH CLINIC. The resources of the speech and audiology clinic of ~~((the))~~ Western Washington ~~((State College speech department))~~ University may be made available to persons in the ~~((county))~~ region with hearing or speech defects. Applications for the use of such resources shall be made through the chairman of the ~~((speech))~~ department, or his or her designee, who may charge a fee for such service. The fee schedule shall be prominently posted in the office of the ~~((speech))~~ department.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-115 CAREER PLANNING AND PLACEMENT CENTER. The career planning and placement center provides (1) career planning services for undergraduates and (2) placement services for the following "eligible persons": Graduating seniors (who may establish placement credentials the quarter they become a senior), graduate degree or certificate candidates (including graduates of other institutions who may establish placement credentials upon earning thirty quarter credit hours toward advanced degree or certificate at Western) and alumni (who have received ~~((a))~~ degrees or certificates from Western). Open lists of all employment opportunities and campus recruiting visits are maintained by the placement center for qualified students.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-116 CAREER PLANNING AND PLACEMENT CENTER—PLACEMENT CREDENTIALS—FEES. Eligible persons may complete registration forms at the career planning and placement center establishing placement credentials to be placed in the center's placement credentials file. The center may charge fees for its services and its schedule of fees shall be prominently posted within the ~~((placement))~~ center.

Placement center services may be denied any individual who fails to pay placement fees when due. The center shall not duplicate or mail incomplete credential files, individual recommendations or personal resumes. Credentials are confidential and may only be sent to legitimate prospective employers or transferred to other educational institutions for establishment there of placement credentials.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-38-117 RECRUITMENT ACTIVITIES. (1) ~~((All legitimate))~~ Employers, ~~((f))~~ organizations interested in hiring graduating students or alumni, and recruiting personnel from college or university graduate schools ~~((, provided, however, that no commercial or state employment agency shall be allowed to solicit students or alumni on campus))~~ may conduct recruitment activity on campus and shall be coordinated by the placement center subject to the following conditions:

~~((A))~~ (a) Employers shall not be eligible to recruit on campus unless they comply with all federal and state laws against discrimination.

~~((B))~~ (b) All interviewing arranged by the placement center shall be conducted in offices or space provided by the placement center.

~~((C))~~ (c) Recruiters for school districts, business and industrial firms and government agencies may be assigned individual rooms and eligible persons required to adhere to prearranged interview schedules.

~~((D))~~ (d) Recruiters for the military, Peace Corps and Vista may be assigned individual rooms and students may be interviewed on a "drop-in" basis.

~~((E))~~ (e) All company literature and brochures shall be displayed either within the interviewing room or on placement center literature tables.

~~((F))~~ (f) Poster boards and signs related to campus interviews may be posted on bulletin boards or other designated areas upon the approval of the placement center, in compliance with ~~((college))~~ university policy.

~~((G))~~ (2) All prospective employers shall be free to present their points of view, and all students shall be free to determine whether they desire to listen to their presentations.

~~((Z))~~ (3) To be eligible to sign up for recruitment interviews, candidates must meet the qualifications stipulated by the prospective employer. First priority on sign-up schedules shall be given students currently enrolled and eligible for placement services (provided they have established complete placement credentials with the placement center) and second priority shall be given alumni eligible for placement services (provided they have established complete placement credentials with the placement center).

AMENDATORY SECTION (Amending Order 12-5-85, filed 1/8/86)

WAC 516-52-001 SMOKING ON CAMPUS. Smoking shall not be permitted in any building on campus except in (1) clearly posted areas designated by the

president or his designee, ~~((and))~~ and (2) private enclosed inner faculty and administrative offices at the discretion of the individual in charge of each office.

NEW SECTION

WAC 516-52-020 FIREARMS AND DANGEROUS WEAPONS. (1) Illegal possession, carrying or discharge of any explosive firearm, or other weapon (including shotguns, rifles, pistols, air guns, and pellet guns) is prohibited. Only such persons who are authorized to carry firearms or other dangerous chemicals or weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, may possess firearms or any other dangerous chemicals or weapons issued for their possession by their law enforcement agencies while on the campus or other university-controlled property, including residence halls, except in transit to approved storage. No one may possess explosives unless licensed to do so for purposes of conducting activities relating to building construction or demolition.

(2) Anyone who wants access to any firearm or weapon while on campus must immediately place the firearm(s) or weapon(s) in the university-provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at the university public safety department.

Chapter 516-56 WAC ~~((COLLEGE))~~ UNIVERSITY HOUSING AND DINING

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-001 HOUSING AND DINING—GENERAL. The objectives of the housing and dining areas maintained by Western Washington ~~((State College))~~ University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of campus life.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-002 APPLICABILITY OF HOUSING AND DINING RULES. The rules set forth in this chapter are applicable to and binding upon all persons utilizing ~~((WWSU))~~ WWU housing and dining facilities.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-010 APPLICATIONS FOR RESIDENCE HALLS AND ~~((COLLEGE))~~ UNIVERSITY APARTMENTS. All applications for space in housing must be made on the forms provided by the housing office. Applications for housing shall not be accepted unless the applicant is either (1) a new student who has been admitted to the ~~((college))~~ university and has prepaid the advanced registration fee, or (2) a student

presently enrolled at Western Washington ~~((State College))~~ University, or (3) a student who has previously been enrolled at Western Washington ~~((State College))~~ University, or (4) a member of faculty or staff.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-011 ASSIGNMENTS TO RESIDENCE HALLS. In making assignments to residence halls, ~~((students already residing in the residence halls shall have first choice in the assignment of accommodations, and students who have lived in the residence halls for the longest period of time shall be given priority in such assignments. Exceptions to the assignment procedure may be made for minority groups where the program involved is recognized as a college project))~~ the following institutional goals will be considered:

- (1) Providing residence hall experience to freshmen;
- (2) Providing residence hall experience to a diverse student population.

Given those goals, students previously residing in the residence hall system shall have first choice in assignment of accommodations available, and students who have lived in the residence halls for the longest period shall be given priority in such assignments.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-012 ASSIGNMENTS TO ~~((COLLEGE))~~ UNIVERSITY APARTMENTS. The housing office shall determine which individual applicants for ~~((college))~~ university housing will have priority in receiving assignments to ~~((college))~~ university apartments by utilizing a priority point system based on the following criteria:

~~((a))~~ (1) Students already living on campus shall be given priority points;

~~((b))~~ (2) Students already residing in a particular apartment shall be given priority points in terms of re-assignment to that apartment;

~~((c))~~ (3) Priority points shall be awarded to students on the basis of their class level (e.g. graduate, senior, junior, sophomore, freshman);

~~((d))~~ (4) In determining assignments to four-person apartments, priority points will be given to applicant groups consisting of four students (as opposed to smaller groups). In determining assignments to two-person apartments, priority points will be given to applicant groups consisting of two persons.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-021 ROOM AND BOARD PAYMENTS. Room and board contracts may be offered to students on either a quarterly basis or an academic year basis. Charges for room and board shall begin on the official opening date of the residence halls, as announced.

(1) Room only contracts may be offered to those students living in the Fairhaven housing units.

(2) Board only contracts may be sold to any student, faculty or staff member of Western Washington ((~~State College~~)) University.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-023 CHARGES FOR DAMAGES. Persons assigned to ((~~college~~)) university housing are responsible for keeping the apartments and rooms, together with their contents, free from damage. The cost of any damage or extra custodial service shall be charged to those to whom the apartments or rooms are assigned. Damage shall include the cost of replacing any ((~~college~~)) university equipment or furniture moved or taken from any building without written authorization of the housing office, and removal without such permission is prohibited. Bills for such damages shall be due upon demand.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-030 ENTRY INTO ROOMS OR APARTMENTS. The ((~~college~~)) university respects the rights of the individual to his privacy. The ((~~college~~)) university expressly reserves, however, the right of entry to any room or apartment (1) to make repairs (which shall include such right even in the absence of the tenant(s) when the repairs are requested by the tenant(s)), and (2) where there are reasonable grounds to believe that a condition exists which may threaten the health, safety or welfare of persons or property within the building ((~~and (3) on the third day following a general announcement of intention to inspect physical facilities~~)).

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-56-050 RESPONSIBILITY FOR PERSONAL PROPERTY. The ((~~college~~)) university assumes no responsibility for loss or damage to any resident's personal property. Students are expected to carry their own insurance on personal property.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-060 ELIGIBILITY FOR OCCUPANCY. All students in ((~~college~~)) university housing must maintain a minimum of ((~~seven~~)) ten credit hours per quarter. Any student dropping below the required hours will be required to move unless exception for good cause is granted by the director of housing. Exception may be granted for tenants who wish to remain in their units between quarters or staff employed at Western Washington ((~~State College~~)) University. Tenants not meeting the above conditions shall be subject to immediate termination of occupancy as outlined in the housing contracts.

AMENDATORY SECTION (Amending Order 74-3, filed 3/13/74)

WAC 516-56-070 HOUSING REGULATIONS—GENERAL. Occupants found in violation of any of the following regulations or the rules and regulations outlined in the "residential community" handbook and the "guide to students rights and responsibilities," copies of which are on file in the housing office, shall be given written notice to correct the violation. If correction is not made within ten days (or immediately if an emergency is held to exist), the tenant may be asked to vacate the property. Occupants evicted because of violation of the regulations or violation of the terms of their contract shall remain responsible for fulfilling their contracts unless released by the director of housing.

(1) The introduction or maintenance of pets, with the exception of small aquarium life, in any unit of college housing is prohibited except where a specific pet policy for a particular housing unit is approved by the advisory committee on housing and dining.

(2) Additions or alterations to a room or to any housing property are prohibited.

(3) Failure to pay charges when due shall (if unexcused by the director of housing) render the account delinquent. A charge equal to 10% of the amount due (not to exceed \$5.00) shall be assessed delinquent accounts. Delinquent accounts in excess of \$50.00 shall constitute grounds for cancellation of the contract and/or eviction.

Occupants may appeal to the appeal board established by the advisory committee on housing and dining from any adverse action taken by the ((~~college~~)) university pursuant to the regulations referred to or set forth in this section.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-001 CATALOG. All dates and procedures established by the board of trustees or president relating to admissions and registration shall be published annually in the appropriate ((~~college~~)) university catalog and shall be considered contractual between the student and the ((~~college~~)) university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-002 CHANGES IN CATALOG. The board of trustees reserves the right of the board of trustees or president to make changes in any of the provisions of the ((~~college's~~)) university's catalogs without prior notice. When changes are made they shall be filed in the appropriate ((~~college~~)) university offices and placed with the appropriate catalog in the reference area of the library.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-003 FINANCES. Each applicant for admission to Western Washington ((~~State College~~)) University must pay the tuition and fees as established by the board of trustees or the president prior to the

dates for payment as designated by the board of trustees or the president.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-004 REFUND OF TUITION AND FEES. Each student who is admitted shall be required to confirm his or her intention to enroll by submitting a nonrefundable ~~((prepayment on tuition and fees))~~ admission fee.

(1) Ordinarily, a student who withdraws prior to the sixth day of general instruction in a quarter will receive a full refund of tuition and services and activities fees ~~((less the prepayment))~~.

(2) A refund of one-half of tuition and services and activities fees (less prepayment) is made to a student who withdraws on or after the sixth day of general instruction, subject to the provisions of subsection ~~((5))~~ (4) of this section.

~~(3) ((Students who, having paid part-time fees, add classes bringing their total to 7 or more credits, shall pay the difference between fees already paid and the full-time fee. Full-time students who drop classes so that their remaining total is 6 or fewer credits will receive a refund of either~~

~~(a) The difference between full and part-time fees, if the change is made before the sixth day of general instruction, or~~

~~(b) One-half such difference if the change is made on or after the sixth day of general instruction, subject to the provisions of subsection (5).~~

~~(4))~~ Nonresident fees paid by a student who, subsequent to the first day of general instruction, is reclassified a resident student shall not be refunded, nor shall refunds be granted when reclassification is based upon a petition which is filed after registration.

~~((5))~~ (4) No refunds of tuition or fees shall in any case be made after the 30th day of general instruction except the period is extended for students who withdraw for medical reasons or who are called into the military service of the United States.

(5) For courses or programs that begin after the start of the regular quarter, a student may receive a full refund of fees if the student withdraws after the third day of instruction.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-005 RESIDENCY CLASSIFICATION. Determination of residency status for fees and tuition purposes shall be made at the time of admission or readmission to Western Washington ~~((State College))~~ University. A student tentatively classified as a nonresident shall be notified of such classification. Should the student contest the classification, he may submit a petition to the director of admissions containing such information as the latter may require. If based on the evidence contained in this petition, the director denies the petition, the student shall be notified. Should the student desire a further review, the director shall ~~((forward the petition, together with any additional materials provided~~

~~by the student, to the office of the attorney general for review))~~ reconsider the petition and consider it to be a request for a brief adjudicative hearing under WAC 516-108-050 and RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-006 SANCTIONS. Admission to or registration with the ~~((college))~~ university, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the ~~((college))~~ university.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-007 HEALTH ~~((EXAMINATION))~~ HISTORY. ~~((A health examination is required of all entering students prior to registration. Appropriate forms are sent to each student who accepts an offer of admission. Such forms must be completed and returned to the college by a licensed physician and must be based on an examination made within 90 days of enrollment. The protection of immunization is strongly urged and may be required at the discretion of the health service at student expense.))~~ Entering students are required to submit a personal medical history. Appropriate forms are sent to each student who accepts an offer of admission. A health examination form may be completed for those students who obtain a health examination prior to registration. Proof of immunization against tuberculosis must be included with the health history.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-015 REGISTRATION. Currently enrolled students and all other individuals desiring to enroll in Western Washington ~~((State College))~~ University shall do so on or before the preregistration or registration dates designated by the board of trustees or president, which shall be published in the appropriate ~~((college))~~ university catalog. No registration or preregistration shall be accepted after the designated dates, provided that the registrar may, whenever possible, waive this requirement within the time designated by the board of trustees or president for late registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-016 DEADLINES. All students registering with the ~~((college))~~ university must meet those deadlines as established by the board of trustees or the president for registration.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-017 CHANGES IN REGISTRATION AND WITHDRAWAL. Students who wish to change their registration or withdraw from a particular course or the ~~((college))~~ university after having completed their registration must do so on or before the

dates established for such changes or withdrawal by the board of trustees or president as set forth in the ((college's)) university's catalog. Students may not enter new classes after the first week of instruction. Students who leave the ((college)) university without formally withdrawing shall receive failing grades. Any withdrawal after the sixth week of instruction will normally result in failing grades provided that the registrar may grant an exception where withdrawal is requested by the ((college)) university, in cases of serious illness or call to extended active military duty or in other highly extenuating circumstances.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-60-030 ADMISSION OF NONMATRICULATED STUDENTS. A nonmatriculated student does not enroll in the ((college)) university to follow the requirements for the bachelor's degree or any other program leading to a degree, credential, or certificate. A nonmatriculated student is one whose educational goals are limited and who has been granted permission by the director of admissions to enroll for credit in ((college)) university courses. Such permission implies no commitment on the part of the ((college)) university in regard to later admission as a matriculated student.

Chapter 516-108 WAC
PRACTICE AND PROCEDURE

WAC

- 516-108-010 Adoption of model rules of procedure.
- 516-108-020 Appointment of presiding officers.
- 516-108-030 Method of recording.
- 516-108-040 Application for adjudicative proceeding.
- 516-108-050 Brief adjudicative procedures.
- 516-108-060 Discovery.
- 516-108-070 Procedure for closing parts of the hearings.
- 516-108-080 Recording devices.
- 516-108-090 Petitions for stay of effectiveness.

NEW SECTION

WAC 516-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 516-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 516-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 516-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
Old Main 450, WWU
516 High Street
Bellingham, WA 98225

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 516-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 516-22 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 516-12 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 516-400 WAC.

NEW SECTION

WAC 516-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery

permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 516-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 516-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 516-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 516-108-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

Chapter 516-133 WAC ORGANIZATION

WAC
516-133-020 Organization—Operation—
Information.

NEW SECTION

WAC 516-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Western Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a seven-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Old Main 450, WWU
516 High Street
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Shannon Point Marine Center
1900 Shannon Point Road
Anacortes, WA 98221

Center for Apparel Design &
Fashion Merchandising
217 Pine, Suite 600
Seattle, WA 98101

TESC—WWU Teachers' Education Program
The Evergreen State College
Olympia, WA 98505

WWU Seattle Urban Center
1801 Broadway, Room NP 101
Seattle, WA 98122

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Registrar/Admissions Office
Old Main 200, WWU
516 High Street
Bellingham, WA 98225

Chapter 516-400 WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC
516-400-010 Immediate suspension.

NEW SECTION

WAC 516-400-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW (Legend drugs—Prescription drugs) shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-02-031 PROPOSED RULES SKAGIT VALLEY COLLEGE [Filed December 29, 1989, 9:10 a.m.]

Original Notice.

Title of Rule: Practice and procedure; Student records; Organization; and Loss of eligibility—Student athletic participation.

Purpose: To comply with new APA, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 28B.50.140.
Statute Being Implemented: RCW 34.05.220 (1)(b), 34.05.250 and chapter 69.41 RCW.

Summary: Chapter 34.05 RCW requires all agencies to adopt the model rules of procedure; Family Educational Rights and Privacy Act rules should be adopted into the WAC; chapter 34.05 RCW requires a rule on agency organization; and chapter 69.41 RCW requires a rule on loss of eligibility for student athletes.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, AAG, BNB, Bellingham, Washington

98225, (206) 676-2037; Implementation and Enforcement: James Ford, President, SVC, 2405 College Way, Mt. Vernon, 98273, 428-1150.

Name of Proponent: Skagit Valley College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of chapter 132D-108 WAC adopts model rules of procedure, chapter 10-08 RCW; the other provisions in that chapter 132D-108 WAC are required to be adopted by chapter 34.05 RCW; adoption of chapter 132D-130 WAC on student records places in WAC the rules previously only in the college policy manual; and adoption of chapter 132D-400 WAC is required by chapter 69.41 RCW, relating to loss of eligibility for student athletes who violate the law concerning legend drugs.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Skagit Valley College, 2405 East College Way, Mt. Vernon, WA 98225, on February 13, 1990, at 3:00 p.m.

Submit Written Comments to: Wendy Bohlke, by February 2, 1990.

Date of Intended Adoption: February 13, 1989 [1990].

December 18, 1989
Wendy Bohlke
Assistant Attorney General

Chapter 132D-108 WAC
PRACTICE AND PROCEDURE

WAC

132D-108-010	Adoption of model rules of procedure.
132D-108-020	Appointment of presiding officers.
132D-108-030	Method of recording.
132D-108-040	Application for adjudicative proceeding.
132D-108-050	Brief adjudicative procedures.
132D-108-060	Discovery.
132D-108-070	Procedure for closing parts of the hearings.
132D-108-080	Recording devices.
132D-108-090	Petitions for stay of effectiveness.

NEW SECTION

WAC 132D-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132D-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to

make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132D-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132D-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
2405 E. College Way
Mount Vernon, WA 98273

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132D-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132D-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 132D-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132D-400 WAC.

NEW SECTION

WAC 132D-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132D-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132D-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132D-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132D-108-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

Chapter 132D-130 WAC
STUDENT RECORDS

WAC

- 132D-130-010 Purpose.
132D-130-020 Definitions.
132D-130-030 Access to records.
132D-130-035 Access to records—Limitations on access.
132D-130-040 Right to copy records.
132D-130-045 Request for explanation or interpretation of record.
132D-130-050 Challenges—To content of records—To release of records—Or to denial of access to records.
132D-130-055 Challenges—Informal proceedings.
132D-130-060 Challenges—Hearing before grievance review committee.
132D-130-070 Release of personally identifiable information or education records.
132D-130-075 Release of personally identifiable information or education records—Nature of consent required.
132D-130-080 Release of personally identifiable information or education records—Exceptions to consent requirement.
132D-130-085 Release of information in emergencies.
132D-130-090 Directory information.
132D-130-095 Destruction of student records.
132D-130-100 Notification of rights under this chapter.

NEW SECTION

WAC 132D-130-010 PURPOSE. The purpose of this chapter is to implement 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to ensure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees.

NEW SECTION

WAC 132D-130-020 DEFINITIONS. For purposes of this chapter, the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is or has been officially registered at and attending Skagit Valley College and with respect to whom the college maintains education records or personally identifiable information.

(a) "Education records" shall refer to those records, files, documents, and other materials maintained by Skagit Valley College or by a person acting for Skagit Valley College which contain information directly related to a student.

(b) The term "education records" does not include the following:

(i) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) If the personnel of the college's department of safety and security do not have access to education records under WAC 132D-130-080, and records and documents of the department which are kept apart from records described in (a) of this subsection, are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) Records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose except that records relating to an individual in attendance at the college who is employed as a result of his or her status as a student are education records not excepted; or

(iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(2) "Personally identifiable information" shall refer to data or information which includes either:

(a) The name of a student, the student's parent, or other family member;

- (b) The address of the student;
(c) The address of the student's family;
(d) A personal identifier, such as the student's Social Security number or student number;
(e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or
(f) Other information which would make it possible to identify the student with reasonable certainty.
(3) "Dean of administrative and student services" shall refer to the dean of administrative and student services or his or her designee.

NEW SECTION

WAC 132D-130-030 ACCESS TO RECORDS. (1) Except as provided in WAC 132D-130-035, each student at Skagit Valley College shall have access to his or her education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The dean of administrative and student services shall prepare a list of the types of student education records which are maintained by Skagit Valley College.

(3) A student wishing access to his or her education records shall submit a written request for access to the dean of administrative and student services. A request for access shall be acted upon by the dean of administrative and student services within a reasonable period of time, not to exceed twenty days.

(4) The dean of administrative and student services shall provide students of the college with an opportunity for reasonable access to education records, provided that the dean of administrative and student services shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records while being inspected by students.

(5) The dean of administrative and student services will inform in writing a student who has requested access to his or her education records of the nature of any records which are being withheld from the student on the basis of the exceptions set forth in WAC 132D-130-035. A student may challenge a decision by the dean of administrative and student services to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132D-120-230.

(6) This section shall not prohibit the college registrar from providing a student with a copy of the student's academic transcript without prior clearance from the dean of administrative and student services.

NEW SECTION

WAC 132D-130-035 ACCESS TO RECORDS—LIMITATIONS ON ACCESS. (1) Skagit Valley College shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluation or comment which were provided to the college in confidence, either expressed or implied, prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of the student's right of access in accordance with subsection (2) of this section, confidential records relating to the following:

- (i) Admission to any educational agency or institution;
(ii) An application for employment; or
(iii) The receipt of an honor or honorary recognition.

(2) A student, or a person applying for admission to the college, may waive his or her right of access to the type of confidential records referred to in subsection (1)(c) of this section, provided that such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. Such a waiver may not be required as a condition for admission to, receipt of financial aid from, or receipt of other services or benefits from the college.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document.

NEW SECTION

WAC 132D-130-040 RIGHT TO COPY RECORDS. (1) The dean of administrative and student services shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the university of providing the copies.

(2) Official copies of transcripts from other educational institutions, such as high school or other college transcripts, will not be provided to students by the college.

NEW SECTION

WAC 132D-130-045 REQUEST FOR EXPLANATION OR INTERPRETATION OF RECORD. The dean of administrative and student services shall respond to reasonable requests for explanations or interpretations of the contents of student education records.

NEW SECTION

WAC 132D-130-050 CHALLENGES—TO CONTENT OF RECORDS—TO RELEASE OF RECORDS—OR TO DENIAL OF ACCESS TO RECORDS. (1) Any student who believes that inaccurate, misleading, or otherwise inappropriate data is contained within his or her education records shall be permitted to have included within the record a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 132D-130-055 and 132D-130-060, to:

(a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the college to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's records fail to accurately reflect the grades actually assigned by an instructor.

NEW SECTION

WAC 132D-130-055 CHALLENGES—INFORMAL PROCEEDINGS. A student wishing to exercise the rights set forth in WAC 132D-130-050(2) shall first discuss with the dean of administrative and student services the nature of the corrective action sought by the student.

NEW SECTION

WAC 132D-130-060 CHALLENGES—HEARING BEFORE GRIEVANCE REVIEW COMMITTEE. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the dean of administrative and student services a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the student rights and responsibilities committee shall conduct a hearing concerning the student's request for corrective action.

The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that the student's education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of the student's education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.

(5) If a student demonstrates that the student is entitled to access to particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

NEW SECTION

WAC 132D-130-070 RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS. Except as provided in WAC 132D-130-080, 132D-130-085, or 132D-130-090, the college shall not permit access to or the release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student.

NEW SECTION

WAC 132D-130-075 RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS—NATURE OF CONSENT REQUIRED. Where the consent of a student is required under WAC 132D-130-070 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

NEW SECTION

WAC 132D-130-080 RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS—EXCEPTIONS TO CONSENT REQUIREMENT. (1) The college may permit the access to or release of a student's education records or personally identifiable information contained therein without the written consent of the student to the following parties:

(a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the college and will be used only in connection with the performance of those responsibilities;

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

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

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

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

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the assistant attorney general representing the college.

(2) Education records of a student or personally identifiable information contained therein which are released to third parties, with or without the consent of the student involved, shall be accompanied by a written statement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, which have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the college responsible for

maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

NEW SECTION

WAC 132D-130-085 RELEASE OF INFORMATION IN EMERGENCIES. (1) The dean of administrative and student services or his or her designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties and to whom the records or information have been released and of the reasons for the release.

NEW SECTION

WAC 132D-130-090 DIRECTORY INFORMATION. (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the dean of administrative and student services that the student's directory information not be released except as provided in WAC 132D-130-070, 132D-130-080, or 132D-130-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received, participation in officially-recognized sports and activities, weight and height if a member of an athletic team, and the most recent previous educational institution attended.

NEW SECTION

WAC 132D-130-095 DESTRUCTION OF STUDENT RECORDS. Except as otherwise provided by law, the college shall not be precluded under this chapter from destroying all or any portion of a student's education records, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

NEW SECTION

WAC 132D-130-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER. The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement that the student has a right to each of the following:

(1) Inspect and review the student's education records;

(2) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;

(5) Information concerning the cost to be charged for reproducing copies of the student's records; and

(6) Obtain a copy of the regulations in this chapter.

The notice shall indicate the places where copies of these regulations are located.

Chapter 132D-133 WAC ORGANIZATION

WAC

132D-133-020 Organization—Operation—Information.

NEW SECTION

WAC 132D-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Whatcom Community College, Community College District No. 21, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

2405 E. College Way
Mount Vernon, WA 98273

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Whidbey Campus
1201 E. Pioneer Way
Oak Harbor, WA 98277

South Whidbey Campus
5611 S. Bayview Road
Langley, WA 98260

San Juan Center
P. O. Box 1432
Friday Harbor, WA 98250

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

2405 E. College Way
Mount Vernon, WA 98273

Chapter 132D-400 WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132D-400-010 Immediate suspension.

NEW SECTION

WAC 132D-400-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-02-032 PROPOSED RULES WHATCOM COMMUNITY COLLEGE [Filed December 29, 1989, 9:14 a.m.]

Original Notice.

Title of Rule: Practice and procedure; Organization; Loss of eligibility—Student athletic participation; and Parking regulations.

Purpose: To comply with the new APA, chapters 34.05 and 69.41 RCW and amend parking regulations.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 34.05.220 (1)(b), 34.05.250 and chapter 69.41 RCW.

Summary: Chapter 34.05 RCW requires all agencies to adopt the model rules of procedure; and other changes are housekeeping.

Reasons Supporting Proposal: Required by law.

Name of Agency Personnel Responsible for Drafting: Wendy Bohlke, AAG, 320 BNB, Bellingham, WA 98225, (206) 676-2037; Implementation and Enforcement: Harold Heiner, WCC, 237 West Kellogg, Bellingham, WA 98225, (206) 676-2170.

Name of Proponent: Whatcom Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of chapter 132U-03 WAC adopts model rules of procedure, chapter 10-08 RCW; the other provisions in that chapter are required to be adopted by chapter 34.05 RCW; adoption of chapter 132U-400 WAC is required by chapter 69.41 RCW, relating to loss of eligibility for student athletes who use legend drugs; and amendment of chapter 132U-116 WAC broadens college authority to enforce its parking regulations.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA, on February 6, 1990, at 3 p.m.

Submit Written Comments to: Wendy Bohlke, by February 2, 1990.

Date of Intended Adoption: February 13, 1990.

December 18, 1989

Wendy Bohlke

Assistant Attorney General

Chapter 132U-03 WAC
ORGANIZATION

WAC

- 132U-03-010 Purpose.
- 132U-03-020 Organization—Operation—Information.
- 132U-03-030 Rules coordinator.

NEW SECTION

WAC 132U-03-010 PURPOSE. The purpose of this chapter is to establish rules implementing RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

NEW SECTION

WAC 132U-03-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Whatcom Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of Whatcom Community College is at the following address:

237 West Kellogg Road
Bellingham, Washington 98226

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

245 Marine Drive
Blaine, Washington 98230

1600 Grover Street
Lynden, Washington 98264

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Admissions Office
Whatcom Community College
237 West Kellogg Road
Bellingham, Washington 98226

NEW SECTION

WAC 132U-03-030 RULES COORDINATOR. The rules coordinator for this institution shall have an office located at the office of the president, with the following mailing address:

Office of the President
Whatcom Community College
237 West Kellogg Road
Bellingham, WA 98226

Chapter 132U-108 WAC
PROCEDURE

WAC

- 132U-108-010 Rules of procedure.
- 132U-108-020 Brief adjudicative procedure.
- 132U-108-021 Presiding officer.
- 132U-108-030 Adjudicative proceedings open.

NEW SECTION

WAC 132U-108-010 RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC.

NEW SECTION

WAC 132U-108-020 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings in which the proposed penalty is less than dismissal.

NEW SECTION

WAC 132U-108-021 PRESIDING OFFICER. This rule is adopted in accordance with RCW 34.05.425. The presiding officer in an administrative hearing for this institution shall be an adjudicative law judge or an attorney in good standing with the Washington State Bar Association, and designated by the president.

NEW SECTION

WAC 132U-108-030 ADJUDICATIVE PROCEEDINGS OPEN. Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public; and faculty and administrative exempt disciplinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

AMENDATORY SECTION (Amending Order 88-02, filed 3/15/88)

WAC 132U-116-030 PARKING AND TRAFFIC REGULATIONS. (1) All students, faculty members and staff at Whatcom Community College may be issued parking permits upon registration or employment with the college may be required to display those permits on their vehicles in a prominent place.

(2) People who come upon the campus as guests, and people who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher education may park in the campus visitor parking lot.

(3) Students, faculty, staff and visitors shall obey any signs or painted instructions regarding parking regulations on the campus.

(4) The college reserves the right to have towed from the college premises any abandoned vehicle ((or)), any vehicle blocking a fire lane ((or)), any vehicle parked in a handicapped parking space without the appropriate permit, or any vehicle parked outside of designated parking spaces, or otherwise in violation of college parking and traffic regulations.

(5) Cars left in excess of 48 hours will be considered abandoned and may be towed at the expense of the owner.

(6) A student's failure to abide by these regulations shall constitute a conduct violation, subjecting the student to fines as authorized by the board of trustees or to discipline under Chapter 132U-120 WAC.

(7) Faculty, administration or staff members who fail to abide by these regulations shall be subject to discipline under the system appropriate to the employee's status and classification.

Chapter 132U-400 WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132U-400-010 Immediate suspension.

NEW SECTION

WAC 132U-400-010 IMMEDIATE SUSPENSION. Student athletes found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-02-033

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 29, 1989, 9:29 a.m.]

Original Notice.

Title of Rule: WAC 388-42-150 Maximum cost standards.

Purpose: To amend the WAC to show the increase of the funeral/interment program standards by two percent.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This change will update the new payment standard and allow DSHS staff to legally authorize payment at these amounts.

Reasons Supporting Proposal: This rule is necessary to amend the WAC to show the increase of the funeral/interment program standards by two percent, in accordance with the distribution of vendor rate funding as instructed by the legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, Income Assistance, 753-7393.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2682, filed 8/30/88)

WAC 388-42-150 MAXIMUM COST STANDARDS.

- (1) Mortuary services—Actual costs, but not to exceed:
 - (a) Essential services only \$ ((273)) 287
 - (b) Essential services plus funeral/memorial service \$ ((626)) 658
- (2) Burial services—Actual costs, but not to exceed:
 - (a) Burial only, no plot included \$ ((342)) 359
 - (b) Burial with plot included, single or multiple interment \$ ((395)) 415
- (3) Cremation services—Actual costs, but not to exceed:
 - (a) Cremation only \$ ((162)) 170
 - (b) Cremation and disposition \$ ((243)) 255
- (4) These standards include all applicable taxes.
- (5) These standards shall be effective ((September 1, 1988)) January 1, 1990.

WSR 90-02-034

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 29, 1989, 9:30 a.m.]

Original Notice.

Title of Rule: WAC 388-82-115 Categorically needy medical assistance eligibility.

Purpose: An AFDC family who become ineligible because of the collection of child or spousal support shall be eligible for medical assistance for four months if certain criteria are met.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Same as Purpose.

Reasons Supporting Proposal: This rule is necessary to incorporate the four month extension for AFDC families who become ineligible for medical assistance due to the collection of child or spousal support.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe J. Andersen, Medical Assistance, 753-0529.

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

Rule is necessary because of federal law, Congressional Record No. 165—Part III.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2734, filed 12/2/88)

WAC 388-82-115 CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

- (1) A client who:
 - (a) In August 1972, received:
 - (i) Old age assistance (OAA);
 - (ii) Aid to blind (AB);
 - (iii) Aid to families with dependent children (AFDC); or
 - (iv) Aid to the permanently and totally disabled (APTD); and
 - (b) Received retirement, survivors, and disability insurance (RSDI) benefits; and
 - (c) Is ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

- (2) A client who:
 - (a) Was entitled to RSDI benefits in August 1972; and
 - (b) Is ineligible for AFDC, family independence program (FIP), or supplemental security income (SSI) solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

- (3) A family unit which becomes ineligible for AFDC before April 1, 1990, 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; (~~and~~)

- (b) A member of such family continues to be employed; and
- (c) (~~The family is otherwise eligible for AFDC; and~~) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.

- (4) A current recipient of Title II, Social Security Administration (SSA) benefits who:

- (a) Was a concurrent recipient of Title II and SSI benefits; (~~and~~)
- (b) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

- (c) Would be eligible for SSI benefits if the following are deducted from the current Title II benefit amount:

- (i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and

- (ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

- (5) A recipient of SSI, after January 1, 1981, who continues to be eligible for medical assistance (MA) under P.L. 96-265 and 99-643.

- (6) A pregnant woman, with no other eligible children, who is ineligible for AFDC cash assistance solely because she has not reached the sixth month of pregnancy.

- (7) A client who is denied AFDC or FIP cash payments solely because of a departmental recovery of an overpayment.

- (8) A child under seven years of age, who is born after September 30, 1983, and who meets the income and resource requirements of AFDC or FIP financial assistance.

- (9) A family unit shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated before April 1, 1990, from AFDC financial assistance solely because of:
 - (a) The loss of the thirty dollars plus one-third exemption; or
 - (b) The thirty-dollar income exemption.

- (10) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:
 - (a) The child remains a member of the mother's household; and
 - (b) The mother remains eligible for medical assistance (~~and~~

- (c) ~~The child was born on or after October 1, 1984~~).

- (11) A family unit ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility; provided the family unit:
 - (a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of ineligibility; and
 - (b) Became ineligible for AFDC or FIP on or after August 16, 1984 (~~and before October 1, 1989~~).

- (12) A pregnant woman who does not meet the deprivation requirements of AFDC or FIP financial assistance if:
 - (a) She would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and
 - (b) She meets the AFDC or FIP financial assistance resource requirements.

- (13) An alien denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of the alien's sponsors.

- (14) A current disabled client receiving widow's or widower's benefits under section 202 (e) or (f) of the Social Security Act if the disabled client:
 - (a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; (~~and~~)
 - (b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; (~~and~~)
 - (c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client; (~~and~~)
 - (d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; (~~and~~)
 - (e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; (~~and~~)
 - (f) Is fifty through fifty-nine years of age; and
 - (g) Filed an application for Medicaid coverage before July 1, 1988.

- (15) Effective July 1, 1988, a disabled or blind client receiving Title II disabled widow/widower benefits (DWB) under section 202 (e) or (f) of the SSA, if the client:
 - (a) Is sixty through sixty-four years of age; (~~and~~)
 - (b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; (~~and~~)
 - (c) Received SSI/SSP (~~prior to~~) before sixty years of age; (~~and~~)
 - (d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and
 - (e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

- (16) A family unit suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC 388-77-737.

- (17) A family unit which becomes ineligible for FIP before April 1, 1990, solely because of increased hours of employment shall remain

categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided ~~((that))~~:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed~~((;~~

~~((c) The family unit is otherwise eligible for FIP)).~~

(18) A disabled or blind client receiving Title II disabled adult childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; ~~((and))~~

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA act were disregarded.

WSR 90-02-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed December 29, 1989, 9:32 a.m.]

Original Notice.

Title of Rule: WAC 388-92-015 Eligibility determination—SSI.

Purpose: To amend the WAC to show the division of medical assistance is responsible for SSI related disability decisions.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Amend WAC to show the division of medical assistance is responsible for SSI related disability decisions.

Reasons Supporting Proposal: This rule is necessary to amend WAC to show the division of medical assistance is responsible for SSI related disability decisions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe J. Andersen, Medical Assistance, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989
Bill Griffith
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2326, filed 1/15/86)

WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI.

(1) For the purposes of medical assistance related to SSI, the applicant ~~((must))~~ shall be:

(a) Sixty-five years of age ((65)) or over; or

(b) Blind((;)) with;

(i) Central visual acuity of 20/200 degrees or less in the better eye with the use of a correcting lens((;)); or ((with))

(ii) A limitation in the fields of vision ((such that)) so the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than ((+2)) twelve months or, in the case of a child under the age of ((+8)) eighteen, if ((he)) the child suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the ~~((office of disability insurance benefits;))~~ division of medical assistance((;)) and ~~((are))~~ shall be subject to the authority of federal statutes and regulations codified at 42 U.S.C. Sec. 1382c and 20 C.F.R. Parts 404 and 416, as amended, as well as controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for Medicaid as categorically needy.

(2) A resident of Washington ~~((who requires))~~ requiring medical assistance outside the United States ~~((with))~~ shall be provided care according to chapter 388-82 WAC.

(3) The applicant ~~((and/))~~ or recipient ~~((must))~~ shall be resource eligible ~~((see))~~ under WAC 388-92-050((;)) on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

WSR 90-02-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed December 29, 1989, 9:33 a.m.]

Original Notice.

Title of Rule: WAC 388-95-337 Availability of resources; and 388-95-360 Allocation of income—Institutionalized recipient.

Purpose: Increase the resource and maintenance allowance needs of the community spouse of an institutionalized person.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Effective January 1, 1990, the resource allowance for Washington for the community spouse is raised to \$62,580, the maximum maintenance needs allowance will be \$1,565. Changes the community spouse shelter expense from \$245 to \$244.50.

Reasons Supporting Proposal: This rule is necessary to incorporate the new amounts.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe J. Andersen, Medical Assistance, 753-0529.

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

Rule is necessary because of federal law, Social Security Act of 1989, Section 1924.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2864 [2898], filed 9/1/89 [11/17/89], effective 10/2/89 [12/18/89])

WAC 388-95-337 AVAILABILITY OF RESOURCES.

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) ~~The department shall ((determine resources of the institutional spouse, as defined under WAC 388-95-395, available to the community spouse, as defined under WAC 388-95-395, at the time of)) follow Washington state community property principles in determining the ownership of resources:~~

~~(a) ((Application for Medicaid institutional care, or)) For persons:
(i) Whose most recent period of institutionalization began before October 1, 1989; and~~

~~(ii) Who remain continuously institutionalized.~~

~~(b) ((Institutionalization of a Medicaid recipient)) For purposes of Medicaid eligibility, the department shall presume all resources are:~~

~~(i) Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only;~~

~~(ii) The separate property of the nonapplicant spouse if:~~

~~(A) Held in the separate name of the nonapplicant spouse; or~~

~~(B) Transferred between spouses as described under WAC 388-92-043(4).~~

~~(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.~~

~~(4) A person is no longer continuously institutionalized if, for thirty consecutive days, the person:~~

~~(a) Is absent from an institution; or~~

~~(b) Does not receive COPES/CAP waived services.~~

~~(5) The department shall use the following criteria for the purpose(s) of determining Medicaid eligibility((:)) of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:~~

~~(a) The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) of this section. One automobile per couple is totally excluded without regard to use;~~

~~(b) The department shall consider available to the community spouse, resources in the names of either the community spouse ((and/)) or the institutionalized spouse, except resources exceeding the greater of:~~

~~((+)) (i) Sixty-two thousand five hundred eighty dollars;~~

~~((+)) (ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or~~

~~((+)) (iii) An amount ordered transferred to the community spouse by the court.~~

~~((+)) (c) The resources ((in subsection (4) of this section)) available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole~~

~~benefit of the community spouse ((within ninety days)) before the first regularly scheduled eligibility review after the initial eligibility determination is completed((:)); and~~

~~((+)) (d) The department shall consider resources greater than such resources in subsection ((+)) (5)(b) of this section available to the institutional spouse.~~

~~(6) The department shall consider resources of the community spouse:~~

~~(a) Unavailable to the institutionalized spouse during a continuous period of institutionalization; or~~

~~(b) When the institutionalized spouse acquires resources in excess of the one-person resource maximum, if the most recent period of institutionalization began after September 30, 1989.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

AMENDATORY SECTION (Amending Order 2864 [2898], filed 9/1/89 [11/17/89], effective 10/2/89 [12/18/89])

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the ((supplemental security income)) SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) No deductions are allowed for expenses of employment; and

(ii) The excess wages shall apply to the cost of care((:)) when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount ((shall be increased)) by:

(i) Shelter expenses exceeding two hundred ((forty-five)) forty-four dollars and fifty cents. The department shall calculate actual expenses for the community spouse's principal residence for:

(A) Rent((:));

(B) Mortgage((:));

(C) Taxes((:)) and insurance((:));

(D) Any maintenance charge for a condominium or cooperative((:)); and

(E) A food stamp standard allowance for utilities provided the utilities are not included in ((another expense)) the maintenance charges for a condominium or cooperative; and

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred sixty-five dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) A family member's maintenance needs of one-third of the amount eight hundred fifteen dollars exceeds the family member's income for each:

(i) Dependent or minor child((:));

(ii) Dependent parent((:)); or

(iii) Dependent sibling of the ((institutional)) institutionalized or community spouse ((living)) residing with the community spouse;

(f) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and
 (ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(g) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to ~~((not more than))~~ a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the ~~((individual))~~ person's circumstances after ninety days. ~~((Also see chapter 388-28 WAC.))~~

~~((2))~~ (3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the ~~((remaining))~~ income ~~((after allocations specified))~~ remaining after allocations specified in subsection ((+)) (2) of this section, toward payment of the recipient's cost of care at the department rate.

~~((3))~~ (5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) ~~((The))~~ Stay in the institution or facility is not expected to exceed three months; and

(ii) ~~((The))~~ SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider ~~((this))~~ the SSI payment when computing the participation amount.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 90-02-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed December 29, 1989, 9:36 a.m.]

Original Notice.

Title of Rule: WAC 388-95-400 Medically needy—Eligibility determination—Institutional.

Purpose: To implement a change in the federal law.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Certification for nursing home care for eligible medically needy persons shall be on a three or six-month basis. See WAC 388-88-115 for the effect of a social absence from an institutional living arrangement.

Reasons Supporting Proposal: This rule is necessary to clarify the certification period for nursing home persons. To add that persons can be considered institutionalized if they are expected to reside in a medical facility for 30 consecutive days. To add a cross-reference for the effect of a social absence from an institutional living arrangement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe J. Andersen, Medical Assistance, 753-0529.

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

Rule is necessary because of federal law, Medicare Catastrophic Coverage Act of 1988.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-95-400 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) The department shall consider ~~((individuals))~~ persons institutionalized ~~((if they))~~ when the persons reside in or are expected to reside in a medical facility ((at least a full calendar month)) for thirty consecutive days or more.

(a) SSI/SSP-related ~~((individuals))~~ persons in medical facilities are medically needy if ~~((their))~~ the person's gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related clients or FIP enrollees in medical facilities are medically needy if countable income exceeds the one-person AFDC or FIP grant standard.

(b) The department shall determine applicants for the medically needy program ineligible when countable income is more than the private nursing home rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy applicant residing in a nursing home by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC, FIP, or SSI/SSP.

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the applicant.

~~((c))~~ (d) The department shall determine nursing home residents eligible ~~((if their))~~ when the nursing home resident's countable income is less than the department's contracted rate plus verifiable recurring medical expenses. These ((individuals)) residents shall:

(i) Participate in the cost of ~~((their))~~ nursing home care per WAC 388-95-360 for post-eligibility allocation of income; and

(ii) Be certified for six months.

~~((d))~~ The department shall determine applicants for the medically needy program ineligible if countable income is above the private nursing home rate plus verifiable recurring medical expenses.)

(e) The department shall determine ~~((eligibility for individuals))~~ applicants with countable income ~~((below))~~ less than the private nursing home rate plus recurring medical expenses, but ((above)) more than the department's contracted rate ((plus medical expenses as follows:

(i) ~~Such applicants shall be certified))~~ eligible for nursing home care. These recipients shall:

(i) Participate in the cost of their nursing home care. See WAC 388-95-360 for post-eligibility allocation of income;

(ii) ~~((Eligibility for nonnursing home medical care shall require spenddown of))~~ Spenddown all income remaining after allocating income ((per subdivision (c)(i) above. Coupons shall be issued)) to the department's contracted rate to be eligible for nonnursing home medical care. Medical assistance shall be certified for noninstitutional eligibility only after spenddown has been met; and

(iii) ~~((Certification))~~ Be certified for nursing home care ~~((for such individuals shall be))~~ on a three- or six-month basis. Spenddown of a person's nonnursing home medical expenses shall be on a three- or six-month basis.

~~(f) ((Absence of not more than fourteen consecutive days)) For the effect of a social absence from an institutional living arrangement ((shall not interrupt an individual's institutional status)), see WAC 388-88-115.~~

~~((i)) (g) A transfer between institutions shall not change institutional status.~~

~~((ii) A transfer from a hospital to a nursing home and discharge within the same calendar month shall not constitute continuous institutional status.))~~

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

~~((3) The department shall determine eligibility for individuals who reside in a medical facility less than a full calendar month as for a noninstitutionalized person.))~~

**WSR 90-02-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed December 29, 1989, 9:37 a.m.]

Original Notice.

Title of Rule: WAC 388-99-020 Eligibility determination—Medically needy in own home.

Purpose: To incorporate in the Medicaid rules the increase in the federal cost of living adjustment.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The federal cost of living adjustment raises the medically needy income level.

Reasons Supporting Proposal: This rule is necessary to raise the medically needy income level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe J. Andersen, Medical Assistance, 753-0529.

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

Rule is necessary because of federal law, 42 CFR 435.812.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
Administrative Services

~~((1989))~~ 1990, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ ((396))	414
(b) Two persons	\$ ((532))	542
(c) Three persons	\$ ((599))	612
(d) Four persons	\$ ((667))	683
(e) Five persons	\$ ((767))	783
(f) Six persons	\$ ((875))	892
(g) Seven persons	\$ ((1,008))	1,025
(h) Eight persons	\$ ((1,117))	1,133
(i) Nine persons	\$ ((1,225))	1,250
(j) Ten persons and above	\$ ((1,333))	1,358

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children in a nondesignated FIP geographic area. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for individuals applying solely for medical assistance;

(b) SSI/SSP eligibility for aged, blind, or disabled individuals; and

(c) FIP eligibility for families and children.

(3) The department shall allow the following special income disregards:

(a) Health insurance premiums the individual expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse not to exceed the one person medically needy income level; and

(c) Child care payment amounts allowed as if the individual was a FIP enrollee.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or individual eligible.

(5) If countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period under WAC 388-99-055.

(6) The department shall consider the income and resources of the spouse or of the parent of an applicant under eighteen years of age:

(a) In the same household, available to the applicant, whether or not actually contributed; and

(b) Not in the same household, only to the extent of what is actually contributed.

(7) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under chapter 388-92 WAC(~~;~~ ~~determining of income~~).

(8) In mixed households, where more than one assistance unit exists, the department shall determine income for:

(a) The AFDC-related assistance unit according to subsections (2)(a) and (3) of this section; ((b-and))

(b) The SSI-related assistance unit according to subsections (2)(b) and (3) of this section; and

(c) The FIP-related assistance unit according to subsections (2)(c) and (3) of this section.

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

**WSR 90-02-039
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2904—Filed December 29, 1989, 9:40 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To amend food stamp program rules to require a combined food stamp allotment for the first and second months when an eligible household applies on the 16th or after.

AMENDATORY SECTION (Amending Order 2758, filed 2/13/89)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) Effective January 1,

Citation of Existing Rules Affected by this Order:
Amending WAC 388-49-560.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement provisions of Hunger Prevention Act of 1988 and the implementing federal regulations in 7 CFR 274.2 and 274.3(e).

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575,
filed 12/31/87)

WAC 388-49-560 ISSUANCE. (1) The department shall issue food coupons through a:

(a) ~~((A))~~ Food coupon authorization (FCA) system staggered through the tenth of the month, or

(b) ~~((A))~~ Direct coupon mail out system staggered through the tenth of the month.

(2) For FCAs issued after the ~~((twenty-fifth))~~ twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date, or

(b) For the current month's benefits valid in the following month.

(3) For eligible households applying on the sixteenth of the month or after, the department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time, except for:

(a) Households eligible for expedited services for which missing or postponed verification have not been provided; and

(b) Households ineligible for the initial month, or the second month.

(4) The department shall maintain issuance records for a period of three years from the month of origin.

WSR 90-02-040
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2919—Filed December 29, 1989, 9:43 a.m.]

Date of Adoption: December 29, 1989.

Purpose: Payment standards are reviewed/updated annually.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-29-260; and amending WAC

388-29-001, 388-29-100, 388-29-110, 388-29-112, 388-29-160, 388-29-200, 388-29-220, 388-29-230, 388-29-280 and 388-29-295.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to enable field staff to use correct standards in making benefit payments to clients effective January 1, 1990.

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Bill Griffith
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2801,
filed 5/24/89)

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program.

(2) "Board and room" means a living arrangement in which an individual purchases food, shelter, and household maintenance requirements from ~~((a single))~~ one vendor.

(3) "Boarding home" means any place where one or more persons purchase ~~((s))~~ food, shelter, and household maintenance requirements from ~~((a single))~~ one vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.

(6) "Life estate" means the right to use property for the duration of a specific person's ~~((life time))~~ lifetime.

(7) ~~((("Living in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.~~

~~((8)))~~ "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

~~((9)))~~ (8) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

~~((10)))~~ (9) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

~~((11)))~~ (10) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

~~((12)))~~ (11) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

~~((13))~~ (12) "Requirement" means an item or service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.

(13) "Residing in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

AMENDATORY SECTION (Amending Order 2882, filed 10/17/89)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standards for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective August 1, 1989.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

Recipients in Household	Need Standard
1	\$ 579
2	733
3	907
4	1,068
5	1,230
6	1,395
7	1,612
8	1,784
9	1,959
10 or more	2,129

(b) Households without shelter costs effective August 1, 1989.

The monthly standard for clients without shelter costs includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ 341
2	432
3	535
4	630
5	725
6	823
7	951
8	1,052
9	1,155
10 or more	1,256

(2) One hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:

(a) Households with shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 1,071
2	1,356
3	1,677
4	1,975
5	2,275
6	2,580
7	2,982
8	3,300
9	3,624
10 or more	3,938

(b) Households without shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard
1	\$ 630
2	799
3	989
4	1,165
5	1,341
6	1,522
7	1,759
8	1,946
9	2,136
10 or more	2,323

(3) The state-wide monthly payment standard shall be:

(a) Effective ~~((August 1, 1989))~~ January 1, 1990, payment standards for households with shelter costs reflecting a ratable reduction of ~~((45.9))~~ 44.9 percent of need standards.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

Recipients in Household	Payment Standard
1	\$ ((314)) <u>320</u>
2	((397)) <u>404</u>
3	((492)) <u>501</u>
4	((578)) <u>589</u>
5	((666)) <u>679</u>
6	((756)) <u>771</u>
7	((873)) <u>890</u>
8	((966)) <u>985</u>
9	((1,061)) <u>1,082</u>
10 or more	((1,153)) <u>1,176</u>

(b) Effective ~~((August 1, 1989))~~ January 1, 1990, payment standards for households without shelter costs

reflecting a ratable reduction of ~~((45.8))~~ 44.9 percent of the need standard.

The monthly payment standard for clients without shelter costs shall include requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ ((186)) <u>188</u>
2	((235)) <u>238</u>
3	((290)) <u>295</u>
4	((342)) <u>347</u>
5	((393)) <u>400</u>
6	((446)) <u>453</u>
7	((515)) <u>524</u>
8	((570)) <u>580</u>
9	((626)) <u>637</u>
10 or more	((680)) <u>692</u>

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-110 STANDARDS OF ASSISTANCE—GRANT MAXIMUM((S)). (1) Grants to families of eight or more shall not exceed the following maximum((s)). In computing the grant amount, nonexempt income (and resources; general assistance only) available to meet need shall be deducted from the monthly payment standard specified in this chapter.

(2) Effective January 1, ~~((1986))~~ 1990, the maximum is:

Number in household	Maximum
8 or more	\$ ((966)) <u>985</u>

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-112 STANDARDS OF ASSISTANCE—CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP). The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard.

(1) Maximum grant.

Recipients in Household	Maximum Grant
1	\$ ((314)) <u>320</u>
2	((397)) <u>404</u>
3	((492)) <u>501</u>
4	((578)) <u>589</u>
5	((666)) <u>679</u>
6	((756)) <u>771</u>
7	((873)) <u>890</u>
8 or more	((966)) <u>985</u>

(2) Payment maximums for individual emergent need items.

	1	2	3	4	5	6	7	8 (or more)
Food	((171))	(216)	(268)	(315)	(363)	(412)	(476)	(526))
	<u>194</u>	<u>246</u>	<u>304</u>	<u>359</u>	<u>413</u>	<u>468</u>	<u>534</u>	<u>591</u>
Shelter	((201))	(242)	(300)	(352)	(406)	(460)	(531)	(588))
	<u>236</u>	<u>299</u>	<u>370</u>	<u>436</u>	<u>502</u>	<u>569</u>	<u>659</u>	<u>729</u>
Clothing	((23))	(28)	(35)	(41)	(47)	(54)	(62)	(69))
	<u>28</u>	<u>35</u>	<u>44</u>	<u>51</u>	<u>59</u>	<u>67</u>	<u>77</u>	<u>86</u>
Minor Medical	((132))	(167)	(207)	(243)	(280)	(317)	(367)	(406))
	<u>165</u>	<u>209</u>	<u>259</u>	<u>304</u>	<u>350</u>	<u>396</u>	<u>459</u>	<u>508</u>
Utilities	((44))	(57)	(70)	(82)	(95)	(108)	(125)	(138))
	<u>80</u>	<u>101</u>	<u>125</u>	<u>147</u>	<u>169</u>	<u>193</u>	<u>223</u>	<u>246</u>
Household Maint.	((56))	(71)	(88)	(103)	(118)	(135)	(156)	(172))
	<u>59</u>	<u>75</u>	<u>92</u>	<u>109</u>	<u>125</u>	<u>142</u>	<u>164</u>	<u>181</u>

Job-related transportation – as needed not to exceed the grant maximum. Transportation of a child to home – as needed not to exceed the grant maximum.

(3) These standards are effective January 1, ~~((1986))~~ 1990.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-160 ADDITIONAL REQUIREMENTS—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) Effective January 1, ~~((1986))~~ 1990, the monthly standard for restaurant meals shall be one hundred ~~((sixty-eight))~~ seventy-one dollars and thirty-six cents.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-200 ADDITIONAL REQUIREMENTS—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant or recipient has a guide dog assigned to him or her by an accredited guide dog organization.

(2) Effective January 1, ~~((1986))~~ 1990, the monthly standard for food for a guide dog shall be thirty-three dollars and sixty-six cents.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-220 ADDITIONAL REQUIREMENTS—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) Effective January 1, ~~((1986))~~ 1990, the monthly standard for laundry shall be ten dollars and twenty cents.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-230 **ADDITIONAL REQUIREMENTS—WINTERIZING HOMES—AFDC.** (1) Repairs to homes owned or being purchased by AFDC recipients are an additional requirement under the following circumstances:

(a) The primary purpose of the repairs is to minimize heat loss or otherwise increase the efficiency of the home heating system;

(b) The repairs are necessary to render the home habitable;

(c) Lack of repairs would require the assistance unit to move to rental quarters;

(d) The rental costs expended by the assistance unit over a period of two years would exceed the costs, including repairs, attributable to continued occupancy of the home; and

(e) No expenditures for repair of the home have been made previously under the policies outlined in subsection (1)(a) through (d) of this section.

(2) All expenditures for repairs shall be paid by vendor payments when there is sufficient recorded evidence that the home repair was performed.

(3) Effective January 1, 1990, the maximum allowance for winterizing a home is five hundred ten dollars.

AMENDATORY SECTION (Amending Order 2694, filed 9/12/88)

WAC 388-29-280 **STANDARDS OF ASSISTANCE—ADULT FAMILY HOME CARE.** (1) The basic monthly standard for adult family home care shall be ~~((three))~~ four hundred ~~((eighty-four))~~ dollars and ~~((sixty-five))~~ four cents.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be thirty-eight dollars and eighty-four cents.

(3) ~~((Activities of daily living add-ons~~

(a) ~~1-3~~ activities..... \$38.43

(b) ~~4-7~~ activities..... \$57.63

(c) ~~8-12~~ activities..... \$83.24

(4) ~~Health-related services,~~

~~maximum of nine.....each.. \$25.61))~~ Addition-

~~al service hours are computed at five dollars and thirty-six cents per hour to a maximum of sixty hours.~~

AMENDATORY SECTION (Amending Order 2759, filed 2/13/89)

WAC 388-29-295 **STANDARDS OF ASSISTANCE—SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM.** Effective January 1, ~~((1989))~~ 1990, the standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Living alone			
Individuals	((396.00-368.00)) \$414.00	\$386.00	\$ 28.00
Couples			
Both eligible	((575.00-553.00)) 601.00	579.00	22.00
With essential person	((574.00-552.00)) 601.00	579.00	22.00
With ineligible spouse	((560.00-368.00)) 578.00	386.00	192.00
Area II: All Counties Other Than the Above			
Living alone			
Individuals	((375.55-368.00)) 393.55	386.00	7.55
Couples			
Both eligible	((553.00-553.00)) 579.00	579.00	0
With essential person	((552.00-552.00)) 579.00	579.00	0
With ineligible spouse	((528.15-368.00)) 546.15	386.00	160.15
Areas I and II: Shared living (all counties)			
Individuals	((251.15-245.34)) 263.15	257.34	5.81
Couples			
Both eligible	((374.97-368.67)) 392.30	386.00	6.30
With essential person	((374.30-368.00)) 392.30	386.00	6.30
With ineligible spouse	((364.97-245.34)) 376.97	257.34	119.63

REPEALER

The following section of the Washington Administrative Code is repealed:

388-29-260 **STANDARDS OF ASSISTANCE—PERSONS IN BOARDING HOMES—GENERAL ASSISTANCE.**

WSR 90-02-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2920—Filed December 29, 1989, 9:44 a.m.]

Date of Adoption: December 29, 1989.

Purpose: Increase the resource and maintenance allowance needs of the community spouse of an institutionalized person.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-337 and 388-95-360.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to incorporate the new amounts.

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2864 [2898], filed 9/1/89 [11/17/89], effective 10/2/89 [12/18/89])

WAC 388-95-337 AVAILABILITY OF RESOURCES.

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall ~~((determine resources of the institutional spouse, as defined under WAC 388-95-395, available to the community spouse, as defined under WAC 388-95-395, at the time of))~~ follow Washington state community property principles in determining the ownership of resources:

(a) ~~((Application for Medicaid institutional care, or))~~ For persons:

(i) ~~Whose most recent period of institutionalization began before October 1, 1989, and~~

(ii) ~~Who remain continuously institutionalized.~~

(b) ~~((Institutionalization of a Medicaid recipient))~~ For purposes of Medicaid eligibility, the department shall presume all resources are:

(i) ~~Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only,~~

(ii) ~~The separate property of the nonapplicant spouse if:~~

(A) ~~Held in the separate name of the nonapplicant spouse, or~~

(B) ~~Transferred between spouses as described under WAC 388-92-043(4).~~

(c) ~~The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.~~

(4) ~~A person is no longer continuously institutionalized if, for thirty consecutive days, the person:~~

(a) ~~Is absent from an institution, or~~

(b) ~~Does not receive COPEs/CAP waived services.~~

(5) ~~The department shall use the following criteria for the purpose(s) of determining Medicaid eligibility(-) of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:~~

(a) ~~The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) of this section. One automobile per couple is totally excluded without regard to use,~~

(b) ~~The department shall consider available to the community spouse, resources in the names of either the community spouse ((and/)) or the institutionalized spouse, except resources exceeding the greater of:~~

((~~(a)~~)) (i) ~~Sixty-two thousand five hundred eighty dollars;~~

((~~(b)~~)) (ii) ~~An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or~~

((~~(c)~~)) (iii) ~~An amount ordered transferred to the community spouse by the court.~~

((~~(5)~~)) (c) ~~The resources ((in subsection (4) of this section)) available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse ((within ninety days)) before the first regularly scheduled eligibility review after the initial eligibility determination is completed((-); and~~

((~~(6)~~)) (d) ~~The department shall consider resources greater than such resources in subsection ((~~(4)~~)) (5)(b) of this section available to the institutional spouse.~~

(6) ~~The department shall consider resources of the community spouse:~~

(a) ~~Unavailable to the institutionalized spouse during a continuous period of institutionalization; or~~

(b) ~~When the institutionalized spouse acquires resources in excess of the one-person resource maximum, if the most recent period of institutionalization began after September 30, 1989.~~

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 2864 [2898], filed 9/1/89 [11/17/89], effective 10/2/89 [12/18/89])

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) ~~The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:~~

(a) ~~Specified personal needs allowance;~~

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the ((supplemental security income)) SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) No deductions are allowed for expenses of employment; and

(ii) The excess wages shall apply to the cost of care(;) when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount ((shall be increased)) by:

(i) Shelter expenses exceeding two hundred ((forty-five)) forty-four dollars and fifty cents. The department shall calculate actual expenses for the community spouse's principal residence for:

(A) Rent(;) ;

(B) Mortgage(;) ;

(C) Taxes(;) and insurance(;) ;

(D) Any maintenance charge for a condominium or cooperative(;) ; and

(E) A food stamp standard allowance for utilities provided the utilities are not included in ((another expense)) the maintenance charges for a condominium or cooperative; and

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred sixty-five dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) A family member's maintenance needs of one-third of the amount eight hundred fifteen dollars exceeds the family member's income for each:

(i) Dependent or minor child(;) ;

(ii) Dependent parent(;) ; or

(iii) Dependent sibling of the ((institutional)) institutionalized or community spouse ((living)) residing with the community spouse;

(f) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(g) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and
(ii) Limited to ((not more than)) a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the ((individual)) person's circumstances after ninety days. ((Also see chapter 388-28 WAC.))

((2)) (3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the ((remaining)) income(, -after allocations specified) remaining after allocations specified in subsection ((+)) (2) of this section, toward payment of the recipient's cost of care at the department rate.

((3)) (5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) ((The)) Stay in the institution or facility is not expected to exceed three months; and

(ii) ((The)) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider ((this)) the SSI payment when computing the participation amount.

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-02-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2921—Filed December 29, 1989, 9:45 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To incorporate in the Medicaid rules the increase in the federal cost of living adjustment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-99-020.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to raise the medically needy income level.

Effective Date of Rule: January 1, 1990, 12:01 a.m.
 December 29, 1989
 Bill Griffith
 for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2758, filed 2/13/89)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) Effective January 1, ~~((1989))~~ 1990, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ ((396))	414
(b) Two persons	\$ ((532))	542
(c) Three persons	\$ ((599))	612
(d) Four persons	\$ ((667))	683
(e) Five persons	\$ ((767))	783
(f) Six persons	\$ ((875))	892
(g) Seven persons	\$ ((1,008))	1,025
(h) Eight persons	\$ ((1,117))	1,133
(i) Nine persons	\$ ((1,225))	1,250
(j) Ten persons and above	\$ ((1,333))	1,358

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children in a nondesignated FIP geographic area. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for individuals applying solely for medical assistance;

(b) SSI/SSP eligibility for aged, blind, or disabled individuals; and

(c) FIP eligibility for families and children.

(3) The department shall allow the following special income disregards:

(a) Health insurance premiums the individual expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse not to exceed the one person medically needy income level; and

(c) Child care payment amounts allowed as if the individual was a FIP enrollee.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or individual eligible.

(5) If countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period under WAC 388-99-055.

(6) The department shall consider the income and resources of the spouse or of the parent of an applicant under eighteen years of age:

(a) In the same household, available to the applicant, whether or not actually contributed; and

(b) Not in the same household, only to the extent of what is actually contributed.

(7) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under chapter 388-92 WAC(~~(-deeming of income)~~).

(8) In mixed households, where more than one assistance unit exists, the department shall determine income for:

(a) The AFDC-related assistance unit according to subsections (2)(a) and (3) of this section; ~~((b-and))~~

(b) The SSI-related assistance unit according to subsections (2)(b) and (3) of this section; and

(c) The FIP-related assistance unit according to subsections (2)(c) and (3) of this section.

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

WSR 90-02-043
 EMERGENCY RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 2922—Filed December 29, 1989, 9:47 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To amend the WAC to show the division of medical assistance is responsible for SSI related disability decisions.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-015.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to amend WAC to show the division of medical assistance is responsible for SSI related disability decisions.

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2326, filed 1/15/86)

WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI. (1) For the purposes of medical assistance related to SSI, the applicant ~~((must))~~ shall be:

(a) Sixty-five years of age ~~((65))~~ or over; or

(b) Blind~~((;))~~ with:

(i) Central visual acuity of 20/200 degrees or less in the better eye with the use of a correcting lens~~((;))~~; or ~~((with))~~

(ii) A limitation in the fields of vision ~~((such that))~~ so the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than ~~(+2)~~ twelve months or, in the case of a child under the age of ~~((+8))~~ eighteen, if ~~((he))~~ the child suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the ~~((office of disability insurance benefits,))~~ division of medical assistance~~(;)~~ and ~~((are))~~ shall be subject to the authority of federal statutes and regulations codified at 42 U.S.C. Sec. 1382c and 20 C.F.R. Parts 404 and 416, as amended, as well as controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for Medicaid as categorically needy.

(2) A resident of Washington ~~((who requires))~~ requiring medical assistance outside the United States ~~((with))~~ shall be provided care according to chapter 388-82 WAC.

(3) The applicant ~~((and/))~~ or recipient ~~((must))~~ shall be resource eligible ~~((see))~~ under WAC 388-92-050~~(?)~~ on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

WSR 90-02-044
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2923—Filed December 29, 1989, 9:48 a.m.]

Date of Adoption: December 29, 1989.

Purpose: An AFDC family who become ineligible because of the collection of child or spousal support shall be eligible for medical assistance for four months if certain criteria are met.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-115.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to incorporate the four month extension for AFDC families who become ineligible for medical assistance due to the collection of child or spousal support.

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2734, filed 12/2/88)

WAC 388-82-115 CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

(1) A client who:

(a) In August 1972, received:

(i) Old age assistance (OAA);

(ii) Aid to blind (AB);

(iii) Aid to families with dependent children (AFDC);
 or

(iv) Aid to the permanently and totally disabled (APTD); and

(b) Received retirement, survivors, and disability insurance (RSDI) benefits; and

(c) Is ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(2) A client who:

(a) Was entitled to RSDI benefits in August 1972; and

(b) Is ineligible for AFDC, family independence program (FIP), or supplemental security income (SSI) solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(3) A family unit which becomes ineligible for AFDC before April 1, 1990, 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; ~~((and))~~

(b) A member of such family continues to be employed; and

(c) ~~((The family is otherwise eligible for AFDC, and~~ ~~((d))~~) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.

(4) A current recipient of Title II, Social Security Administration (SSA) benefits who:

(a) Was a concurrent recipient of Title II and SSI benefits; ~~((and))~~

(b) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

(c) Would be eligible for SSI benefits if the following are deducted from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

(5) A recipient of SSI, after January 1, 1981, who continues to be eligible for medical assistance (MA) under P.L. 96-265 and 99-643.

(6) A pregnant woman, with no other eligible children, who is ineligible for AFDC cash assistance solely because she has not reached the sixth month of pregnancy.

(7) A client who is denied AFDC or FIP cash payments solely because of a departmental recovery of an overpayment.

(8) A child under seven years of age, who is born after September 30, 1983, and who meets the income and resource requirements of AFDC or FIP financial assistance.

(9) A family unit shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated before April 1, 1990, from AFDC financial assistance solely because of:

(a) The loss of the thirty dollars plus one-third exemption; or

(b) The thirty-dollar income exemption.

(10) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:

(a) The child remains a member of the mother's household; and

(b) The mother remains eligible for medical assistance(~~, and~~

~~(c) The child was born on or after October 1, 1984).~~

(11) A family unit ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility, provided the family unit:

(a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of ineligibility; and

(b) Became ineligible for AFDC or FIP on or after August 16, 1984(~~, and before October 1, 1989~~).

(12) A pregnant woman who does not meet the deprivation requirements of AFDC or FIP financial assistance if:

(a) She would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) She meets the AFDC or FIP financial assistance resource requirements.

(13) An alien denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of the alien's sponsors.

(14) A current disabled client receiving widow's or widower's benefits under section 202 (e) or (f) of the Social Security Act if the disabled client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; (~~and~~)

(b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; (~~and~~)

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client; (~~and~~)

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; (~~and~~)

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; (~~and~~)

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(15) Effective July 1, 1988, a disabled or blind client receiving Title II disabled widow/widower benefits (DWB) under section 202 (e) or (f) of the SSA, if the client:

(a) Is sixty through sixty-four years of age; (~~and~~)

(b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; (~~and~~)

(c) Received SSI/SSP (~~prior to~~) before sixty years of age; (~~and~~)

(d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and

(e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

(16) A family unit suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC 388-77-737.

(17) A family unit which becomes ineligible for FIP before April 1, 1990, solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided (~~that~~):

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed(~~;~~

~~(c) The family unit is otherwise eligible for FIP).~~

(18) A disabled or blind client receiving Title II disabled adult childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; (~~and~~)

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA act were disregarded.

WSR 90-02-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2924—Filed December 29, 1989, 9:49 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To implement a change in the federal law.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-95-400.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to clarify the certification period for nursing home persons. To add that persons can be considered institutionalized if they are expected to reside in a medical facility for 30 consecutive days. To add a cross-reference for the effect of a social absence from an institutional living arrangement.

Effective Date of Rule: January 1, 1990, 12:01 a.m.

December 29, 1989

Bill Griffith

for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-95-400 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL.

(1) The department shall consider ~~((individuals))~~ persons institutionalized ~~((if they))~~ when the persons reside in or are expected to reside in a medical facility ~~((at least a full calendar month))~~ for thirty consecutive days or more.

(a) SSI/SSP-related ~~((individuals))~~ persons in medical facilities are medically needy if ~~((their))~~ the person's gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related clients or FIP enrollees in medical facilities are medically needy if countable income exceeds the one-person AFDC or FIP grant standard.

(b) The department shall determine applicants for the medically needy program ineligible when countable income is more than the private nursing home rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy applicant residing in a nursing home by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC, FIP, or SSI/SSP.

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the applicant.

~~((f))~~ (d) The department shall determine nursing home residents eligible ~~((if their))~~ when the nursing home resident's countable income is less than the department's contracted rate plus verifiable recurring medical expenses. These ~~((individuals))~~ residents shall:

(i) Participate in the cost of ~~((their))~~ nursing home care per WAC 388-95-360 for post-eligibility allocation of income; and

(ii) Be certified for six months.

~~((d))~~ The department shall determine applicants for the medically needy program ineligible if countable income is above the private nursing home rate plus verifiable recurring medical expenses.)

(e) The department shall determine ~~((eligibility for individuals))~~ applicants with countable income ~~((below))~~ less than the private nursing home rate plus recurring medical expenses, but ~~((above))~~ more than the department's contracted rate ~~((plus medical expenses as follows:~~

~~((i) Such applicants shall be certified))~~ eligible for nursing home care. These recipients shall:

(i) Participate in the cost of their nursing home care. See WAC 388-95-360 for post-eligibility allocation of income;

(ii) ~~((Eligibility for nonnursing home medical care shall require spenddown of))~~ Spenddown all income remaining after allocating income ~~((per subdivision (e)(i) above. Coupons shall be issued))~~ to the department's contracted rate to be eligible for nonnursing home medical care. Medical assistance shall be certified for noninstitutional eligibility only after spenddown has been met; and

(iii) ~~((Certification))~~ Be certified for nursing home care ~~((for such individuals shall be))~~ on a three- or six-month basis. Spenddown of a person's nonnursing home medical expenses shall be on a three- or six-month basis.

(f) ~~((Absence of not more than fourteen consecutive days))~~ For the effect of a social absence from an institutional living arrangement ~~((shall not interrupt an individual's institutional status))~~, see WAC 388-88-115.

~~((f))~~ (g) A transfer between institutions shall not change institutional status.

~~((ii))~~ A transfer from a hospital to a nursing home and discharge within the same calendar month shall not constitute continuous institutional status.)

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

~~((3))~~ The department shall determine eligibility for individuals who reside in a medical facility less than a full calendar month as for a noninstitutionalized person.)

WSR 90-02-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2925—Filed December 29, 1989, 9:52 a.m.]

Date of Adoption: December 29, 1989.
Purpose: To amend the WAC to show the increase of the funeral/interment program standards by two percent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-42-150.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to amend the WAC to show the increase of the funeral/interment program standards by two percent, in accordance with the distribution of vendor rate funding as instructed by the legislature.

Effective Date of Rule: January 1, 1990, 12:01 a.m.
December 29, 1989

Bill Griffith
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2682, filed 8/30/88)

WAC 388-42-150 MAXIMUM COST STANDARDS.

(1) Mortuary services—Actual costs, but not to exceed:

- (a) Essential services only \$ ((273)) 287
(b) Essential services plus funeral/memorial service. . . . \$ ((626)) 658

(2) Burial services—Actual costs, but not to exceed:

- (a) Burial only, no plot included. \$ ((342)) 359
(b) Burial with plot included, single or multiple interment . . \$ ((395)) 415

(3) Cremation services—Actual costs, but not to exceed:

- (a) Cremation only \$ ((+62)) 170
(b) Cremation and disposition. \$ ((243)) 255
(4) These standards include all applicable taxes.

(5) These standards shall be effective ((September 1, +988)) January 1, 1990.

WSR 90-02-047
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2926—Filed December 29, 1989, 9:53 a.m., effective February 1, 1990]

Date of Adoption: December 29, 1989.
Purpose: To clarify residence rules and to incorporate the definitions from WAC 388-80-002(58) into the residence rules for easier access to the residence material. Adds that a person is not considered a resident if entering the state for the sole purpose of receiving medical care.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-025.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 89-23-106 on November 22, 1989.

Effective Date of Rule: February 1, 1990.
December 29, 1989

Bill Griffith
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-025 RESIDENCE. (1) ((An applicant or recipient)) A client of the benefits of the medical care program ((must)) shall be a resident of the state of Washington; ((an applicant-recipient)) a client need not be a resident of the county in which medical care is obtained.

(2) The department shall consider a client a resident if the client:

- (a) Intends to remain permanently or for an indefinite period in the state; or
(b) Enters the state with a job commitment or seeks employment, whether the client is or is not currently employed.
(3) The department shall not consider a person, entering the state temporarily for the sole purpose of obtaining medical care, a resident.

(4) The department shall consider a client's residence the state:

- (a) Making a state supplemental security income (SSI) supplementary payment;
(b) Making Federal payments for foster or adoption assistance under Title IV-E of the Social Security Act;
(c) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized minor child;
(d) Of residence of the parent or legal guardian, if one has been appointed, for an institutionalized client twenty-one years of age or older who became incapable of determining residential intent before twenty-one years of age;
(e) Where a client is residing if the person becomes incapable before twenty-one years of age; and
(f) Making placement in an out-of-state institution.

(5) State of residence of a noninstitutionalized minor child, unless married or emancipated, follows the rules under chapter 388-24 WAC.

(6) Married or emancipated minor children follow the rules of subsections (1), (2), (3), and (4) of this section.

(7) Where two or more states cannot resolve which state is the client's state of residence, the state where the client is physically located is the state of residence.

WSR 90-02-048
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed December 29, 1989, 10:00 a.m.]

Date of Adoption: December 28, 1989.

Purpose: To fix certain fees for real estate brokers, salespersons and land development representatives.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees.

Statutory Authority for Adoption: RCW 18.85.220.

Other Authority: RCW 43.24.086.

Pursuant to notice filed as WSR 89-23-096 on November 21, 1989.

Effective Date of Rule: Thirty-one days after filing.
 December 28, 1989
 Mary G. Faulk
 Director

(Option B)

AMENDATORY SECTION (Amending Order PM 829, filed 3/24/89)

WAC 308-124A-460 REAL ESTATE BROKERS AND SALESPERSONS AND LAND DEVELOPMENT REPRESENTATIVE FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

TITLE OF FEE	FEE
Real Estate Broker:	
Application/examination	((\$60.00)) <u>\$85.00</u>
Reexamination	((\$60.00)) <u>85.00</u>
Walk-in for examination	((\$15.00)) <u>25.00</u>
Original license	((\$50.00)) <u>80.00</u>
License renewal	((\$50.00)) <u>80.00</u>
Late renewal with penalty	((\$75.00)) <u>105.00</u>
Duplicate license	((\$15.00)) <u>25.00</u>
Certification	<u>25.00</u>
Name or address change, transfer or license activation	((\$15.00)) <u>25.00</u>
Real Estate Broker - Branch Office:	
Original license	((\$40.00)) <u>\$75.00</u>
License renewal	((\$40.00)) <u>75.00</u>
Late renewal with penalty	((\$20.00)) <u>100.00</u>
Duplicate license	((\$15.00)) <u>25.00</u>
Name or address change	((\$15.00)) <u>25.00</u>

TITLE OF FEE FEE

Real Estate Salesperson:	
Application/examination	((\$60.00)) <u>\$85.00</u>
Reexamination	((\$60.00)) <u>85.00</u>
Walk-in for examination	((\$15.00)) <u>25.00</u>
Original license	((\$35.00)) <u>50.00</u>
License renewal	((\$35.00)) <u>50.00</u>
Late renewal with penalty	((\$20.00)) <u>75.00</u>
Duplicate license	((\$15.00)) <u>25.00</u>
Certification	<u>25.00</u>
Name or address change, transfer or license activation	((\$15.00)) <u>25.00</u>

Land Development Representative:	
Registration	((\$20.00)) <u>25.00</u>

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

WSR 90-02-049
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed December 29, 1989, 10:11 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-628, 458-40-660 and 458-40-670.

Statutory Authority for Adoption: RCW 84.33.096.

Other Authority: RCW 82.32.300.

Pursuant to notice filed as WSR 89-22-100 on November 1, 1989.

Effective Date of Rule: Thirty-one days after filing.
 December 29, 1989
 John B. Conklin
 Assistant Director
 Forest Tax

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-628 TIMBER EXCISE TAX—TAX LIABILITY—PUBLIC TIMBER(~~(, TAX DUE WHEN BILLED BY THE SELLER))~~ LUMP SUM VS. SCALE SALES. For purposes of determining the proper quarter in which to pay taxes on timber harvested from public land, the taxes due under RCW 84.33.041 shall be due and payable as follows:

(1) LUMP SUM SALE: The tax shall be due and payable on the last day of the month following the quarter in which the purchaser is billed by the seller for the timber (~~(harvested)~~): PROVIDED, That if payments are made to the seller before any harvest, road construction or other work has begun on the timber sale contract, taxes may be deferred until the quarter in which harvest or other contract work begins. In the quarter that harvest commences, taxes shall become due and payable on all

((payments made to the seller)) billings accrued by the buyer in all prior quarters as well as the current quarter.

(2) **SCALE SALE:** The tax shall be due and payable on the last day of the month following the end of the calendar quarter in which the timber was harvested. For tax purposes the timber is to be considered harvested in the quarter for which the volumes and values appear on the monthly billing statements. Indexing or escalation amounts shall be included in the quarter in which they apply.

(3) **OTHER CONSIDERATIONS:** Tax due on considerations other than cash shall be due and payable not later than the last quarter of harvest: **PROVIDED,** That if road credits (United States Forest Service Sales) are used as payment for stumpage, the tax is due in the quarter in which the road credits are applied as payment.

AMENDATORY SECTION (Amending Order FT-89-2, filed 6/30/89)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July)) January 1 through ((December 31, 1989)) June 30, 1990:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality		Hauling Distance Zone Number					
		Code	Number	1	2	3	4	5	
Douglas-Fir	DF	1	\$375	\$368	\$361	\$354	\$347		
		2	309	302	295	288	281		
		3	305	298	291	284	277		
		4	253	246	239	232	225		
		5	200	193	186	179	172		
		6	133	126	119	112	105		
Western Redcedar ²	RC	1	492	485	478	471	464		
		2	464	457	450	443	436		
		3	269	262	255	248	241		
		4	249	242	235	228	221		
Sitka Spruce	SS	1	480	473	466	459	452		
		2	440	433	426	419	412		
		3	276	269	262	255	248		
		4	209	202	195	188	181		
		5	185	178	171	164	157		
		6	146	139	132	125	118		
Western Hemlock ³	WH	1	392	385	378	371	364		
		2	264	257	250	243	236		
		3	213	206	199	192	185		
		4	212	205	198	191	184		
		5	187	180	173	166	159		
		6	115	108	101	94	87		
Other Conifer	OC	1	392	385	378	371	364		
		2	264	257	250	243	236		
		3	213	206	199	192	185		
		4	212	205	198	191	184		
		5	187	180	173	166	159		
		6	115	108	101	94	87		
Red Alder	RA	1	101	94	87	80	73		

TABLE 1—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Black Cottonwood	BC	1	52	45	38	31	24	
Other Hardwood	OH	1	70	63	56	49	42	
Hardwood Utility	HU	5	23	23	23	23	23	
Conifer Utility	CU	5	10	10	10	10	10	

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381	
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130	
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54	
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25	
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50	

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-Fir	DF	1	\$446	\$439	\$432	\$425	\$418	
		2	347	340	333	326	319	
		3	284	277	270	263	256	
		4	235	228	221	214	207	
		5	175	168	161	154	147	
		6	158	151	144	137	130	

TABLE 3—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ²	RC	1	516	509	502	495	488
		2	445	438	431	424	417
		3	371	364	357	350	343
		4	176	169	162	155	148
Sitka Spruce	SS	1	428	421	414	407	400
		2	254	247	240	233	226
		3	231	224	217	210	203
		4	223	216	209	202	195
		5	182	175	168	161	154
		6	140	133	126	119	112
Western Hemlock ³	WH	1	276	269	262	255	248
		2	263	256	249	242	235
		3	225	218	211	204	197
		4	207	200	193	186	179
		5	143	136	129	122	115
		6	65	58	51	44	37
Other Conifer	OC	1	276	269	262	255	248
		2	263	256	249	242	235
		3	225	218	211	204	197
		4	207	200	193	186	179
		5	143	136	129	122	115
		6	65	58	51	44	37
Red Alder	RA	1	79	72	65	58	51
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$480	\$473	\$466	\$459	\$452
		2	334	327	320	313	306
		3	320	313	306	299	292
		4	316	309	302	295	288
		5	200	193	186	179	172
		6	133	126	119	112	105
Western Redcedar ³	RC	1	399	392	385	378	371
		2	356	349	342	335	328
		3	279	272	265	258	251
		4	252	245	238	231	224
Western Hemlock ⁴	WH	1	349	342	335	328	321
		2	307	300	293	286	279
		3	243	236	229	222	215
		4	235	228	221	214	207
		5	159	152	145	138	131
		6	123	116	109	102	95
Other Conifer	OC	1	349	342	335	328	321
		2	307	300	293	286	279
		3	243	236	229	222	215
		4	235	228	221	214	207
		5	159	152	145	138	131
		6	123	116	109	102	95
Red Alder	RA	1	94	87	80	73	66
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	15	15	15	15	15

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130

TABLE 6—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Timber		Hauling Distance Zone Number		
			Code	Number	1	2	3
Douglas-Fir ²	DF	1	\$389	\$382	\$375	\$368	\$361
		2	322	315	308	301	294
		3	298	291	284	277	270
		4	222	215	208	201	194
		5	180	173	166	159	152
		6	132	125	118	111	104
Western Redcedar ³	RC	1	441	434	427	420	413
		2	318	311	304	297	290
		3	270	263	256	249	242
		4	242	235	228	221	214
Western Hemlock ⁴	WH	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Other Conifer	OC	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	6	6	6	6	6

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Timber		Hauling Distance Zone Number		
			Code	Number	1	2	3
Douglas-Fir ²	DF	1	\$490	\$483	\$476	\$469	\$462
		2	296	289	282	275	268
		3	290	283	276	269	262
		4	214	207	200	193	186
		5	174	167	160	153	146
		6	133	126	119	112	105
Western Redcedar ³	RC	1	514	507	500	493	486
		2	488	481	474	467	460
		3	384	377	370	363	356
		4	216	209	202	195	188
Western Hemlock ⁴	WH	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Other Conifer	OC	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Red Alder	RA	1	88	81	74	67	60
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23

TABLE 9—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	7	7	7	7	7

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$180	\$174	\$168	\$162	\$156
Engelmann Spruce	ES	1	79	73	67	61	55
Lodgepole Pine	LP	1	79	73	67	61	55
Ponderosa Pine	PP	1	311	305	299	293	287
		2	143	137	131	125	119
Western Redcedar ³	RC	1	169	163	157	151	145
True Firs ⁴	WH	1	135	129	123	117	111
Western White Pine	WP	1	169	163	157	151	145

TABLE 11—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	12	12	12	12	12

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$114	\$108	\$102	\$96	\$90
Engelmann Spruce	ES	1	87	81	75	69	63
Lodgepole Pine	LP	1	93	87	81	75	69
Ponderosa Pine	PP	1	178	172	166	160	154
		2	118	112	106	100	94
Western Redcedar ³	RC	1	164	158	152	146	140
True Firs ⁴	WH	1	90	84	78	72	66
Western White Pine	WP	1	202	196	190	184	178

TABLE 13—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	11	11	11	11	11

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
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Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
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Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$289	\$283	\$277	\$271	\$265
		2	198	192	186	180	174
		3	129	123	117	111	105
Engelmann Spruce	ES	1	122	116	110	104	98
		2	117	111	105	99	93
		3	112	106	100	94	88
Lodgepole Pine	LP	1	117	111	105	99	93
		2	112	106	100	94	88
		3	106	100	94	88	82
Ponderosa Pine	PP	1	230	224	218	212	206
		2	212	206	200	194	188
		3	120	114	108	102	96

TABLE 15—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	269	263	257	251	245
		2	198	192	186	180	174
		3	127	121	115	109	103
Fruce Firs ⁴	WH	1	326	320	314	308	302
		2	190	184	178	172	166
		3	151	145	139	133	127
Western White Pine	WP	1	224	218	212	206	200
		2	206	200	194	188	182
		3	128	122	116	110	104
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	7	7	7	7	7

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
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Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
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Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.)

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$730	\$723	\$716	\$709	\$702
		2	349	342	335	328	321
		3	345	338	331	324	317
		4	277	270	263	256	249

TABLE 1—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			5	261	254	247	240
		6	237	230	223	216	209
Western Redcedar ²	RC	1	521	514	507	500	493
		2	500	493	486	479	472
		3	335	328	321	314	307
		4	313	306	299	292	285
Sitka Spruce	SS	1	543	536	529	522	515
		2	438	431	424	417	410
		3	283	276	269	262	255
		4	208	201	194	187	180
		5	193	186	179	172	165
		6	177	170	163	156	149
Western Hemlock ³	WH	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Other Conifer	OC	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Red Alder	RA	1	121	114	107	100	93
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	21	21	21	21	21

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$724	\$717	\$710	\$703	\$696
		2	514	507	500	493	486
		3	303	296	289	282	275
		4	263	256	249	242	235
		5	223	216	209	202	195
		6	206	199	192	185	178
Western Redcedar ²	RC	1	687	680	673	666	659
		2	635	628	621	614	607
		3	331	324	317	310	303
		4	256	249	242	235	228
Sitka Spruce	SS	1	550	543	536	529	522
		2	415	408	401	394	387
		3	278	271	264	257	250
		4	245	238	231	224	217
		5	237	230	223	216	209
		6	206	199	192	185	178
Western Hemlock ³	WH	1	454	447	440	433	426
		2	356	349	342	335	328
		3	234	227	220	213	206
		4	229	222	215	208	201
		5	171	164	157	150	143
		6	151	144	137	130	123
Other Conifer	OC	1	454	447	440	433	426
		2	356	349	342	335	328
		3	234	227	220	213	206
		4	229	222	215	208	201
		5	171	164	157	150	143
		6	151	144	137	130	123
Red Alder	RA	1	102	95	88	81	74
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	37	37	37	37	37

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$629	\$622	\$615	\$608	\$601
		2	410	403	396	389	382
		3	355	348	341	334	327
		4	298	291	284	277	270
		5	291	284	277	270	263
		6	164	157	150	143	136
Western Redcedar ³	RC	1	584	577	570	563	556
		2	384	377	370	363	356
		3	333	326	319	312	305
		4	288	281	274	267	260
Western Hemlock ⁴	WH	1	446	439	432	425	418
		2	368	361	354	347	340
		3	267	260	253	246	239
		4	258	251	244	237	230
		5	239	232	225	218	211
		6	157	150	143	136	129
Other Conifer	OC	1	446	439	432	425	418
		2	368	361	354	347	340
		3	267	260	253	246	239
		4	258	251	244	237	230
		5	239	232	225	218	211
		6	157	150	143	136	129
Red Alder	RA	1	79	72	65	58	51
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	15	15	15	15	15

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$630	\$623	\$616	\$609	\$602
		2	419	412	405	398	391
		3	325	318	311	304	297
		4	250	243	236	229	222
		5	196	189	182	175	168
		6	144	137	130	123	116
Western Redcedar ³	RC	1	414	407	400	393	386
		2	312	305	298	291	284
		3	293	286	279	272	265
		4	291	284	277	270	263
Western Hemlock ⁴	WH	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Other Conifer	OC	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Red Alder	RA	1	92	85	78	71	64
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	20	20	20	20	20

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ¹	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$606	\$599	\$592	\$585	\$578
		2	464	457	450	443	436
		3	336	329	322	315	308
		4	217	210	203	196	189
		5	182	175	168	161	154
		6	170	163	156	149	142
Western Redcedar ³	RC	1	638	631	624	617	610
		2	610	603	596	589	582
		3	503	496	489	482	475
		4	275	268	261	254	247
Western Hemlock ⁴	WH	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Other Conifer	OC	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Red Alder	RA	1	113	106	99	92	85
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	21	21	21	21	21

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ¹	RCP	1	0.59	0.59	0.59	0.59	0.59

TABLE 10—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir Christmas Trees ¹	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$156	\$150	\$144	\$138	\$132
Engelmann Spruce	ES	1	118	112	106	100	94
Lodgepole Pine	LP	1	143	137	131	125	119
Ponderosa Pine	PP	1	367	361	355	349	343
		2	161	155	149	143	137
Western Redcedar ³	RC	1	160	154	148	142	136
True Firs ⁴	WH	1	163	157	151	145	139
Western White Pine	WP	1	110	104	98	92	86
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	8	8	8	8	8

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35

TABLE 12—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Pine Christmas Trees ¹	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$136	\$130	\$124	\$118	\$112
Engelmann Spruce	ES	1	94	88	82	76	70
Lodgepole Pine	LP	1	91	85	79	73	67
Ponderosa Pine	PP	1	265	259	253	247	241
		2	146	140	134	128	122
Western Redcedar ³	RC	1	170	164	158	152	146
True Firs ⁴	WH	1	113	107	101	95	89
Western White Pine	WP	1	203	197	191	185	179
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35

TABLE 14—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Number	Hauling Distance Zone				
			1	2	3	4	5
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Number	Hauling Distance Zone				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$328	\$322	\$316	\$310	\$304
		2	187	181	175	169	163
		3	116	110	104	98	92
Engelmann Spruce	ES	1	204	198	192	186	180
		2	169	163	157	151	145
		3	134	128	122	116	110
Lodgepole Pine	LP	1	147	141	135	129	123
		2	142	136	130	124	118
		3	137	131	125	119	113
Ponderosa Pine	PP	1	423	417	411	405	399
		2	145	139	133	127	121
		3	137	131	125	119	113
Western Redcedar ³	RC	1	322	316	310	304	298
		2	243	237	231	225	219
		3	165	159	153	147	141
True Firs ⁴	WH	1	255	249	243	237	231
		2	208	202	196	190	184
		3	154	148	142	136	130
Western White Pine	WP	1	224	218	212	206	200
		2	169	163	157	151	145
		3	138	132	126	120	114
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	6	6	6	6	6

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Number	Hauling Distance Zone				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order FT-89-2, filed 6/30/89)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((July)) January 1 through ((December 31, 1989)) June 30, 1990:

**TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
(~~(July)~~) January 1 through
(~~(December 31, 1989)~~) June 30, 1990**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- (\$18.00) \$22.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- (\$92.00) \$84.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
(~~(July)~~) January 1 through
(~~(December 31, 1989)~~) June 30, 1990**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- (\$18.00) \$22.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- (\$92.00) \$84.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

Table 3—Domestic Market Adjustment

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1: All eligible species in Western Washington (SVA's 1 through 5) - ~~\$(28.00)~~ 63.00 per MBF

Class 2: All eligible species in Eastern Washington (SVA's 6, 7, and 10) - \$17.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 90-02-050

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed December 29, 1989, 10:14 a.m.]

Date of Adoption: December 29, 1989.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-628, 458-40-660 and 458-40-670.

Statutory Authority for Adoption: RCW 84.33.096.

Other Authority: RCW 82.32.300.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Statute requires stumpage values be established and in effect by January 1, 1990.

Effective Date of Rule: Immediately.

December 29, 1989

John B. Conklin
Assistant Director
Forest Tax

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-628 **TIMBER EXCISE TAX—TAX LIABILITY—PUBLIC TIMBER((~~TAX DUE WHEN BILLED BY THE SELLER~~)) LUMP SUM VS. SCALE SALES.** For purposes of determining the proper quarter in which to pay taxes on timber harvested from public land, the taxes due under RCW 84.33.041 shall be due and payable as follows:

(1) **LUMP SUM SALE:** The tax shall be due and payable on the last day of the month following the quarter in which the purchaser is billed by the seller for the timber (~~harvested~~): **PROVIDED,** That if payments are made to the seller before any harvest, road construction or other work has begun on the timber sale contract, taxes may be deferred until the quarter in which harvest or other contract work begins. In the quarter that harvest commences, taxes shall become due and payable on all (~~payments made to the seller~~) billings accrued by the buyer in all prior quarters as well as the current quarter.

(2) **SCALE SALE:** The tax shall be due and payable on the last day of the month following the end of the calendar quarter in which the timber was harvested. For tax purposes the timber is to be considered harvested in the quarter for which the volumes and values appear on the monthly billing statements. Indexing or escalation amounts shall be included in the quarter in which they apply.

(3) **OTHER CONSIDERATIONS:** Tax due on considerations other than cash shall be due and payable not later than the last quarter of harvest: **PROVIDED,** That if road credits (United States Forest Service Sales) are used as payment for stumpage, the tax is due in the quarter in which the road credits are applied as payment.

AMENDATORY SECTION (Amending Order FT-89-2, filed 6/30/89)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period (~~July~~) January 1 through (~~December 31, 1989~~) June 30, 1990:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir	DF	1	\$375	\$368
		2	309	302	295	288	281
		3	305	298	291	284	277
		4	253	246	239	232	225
		5	200	193	186	179	172
		6	133	126	119	112	105
Western Redcedar ²	RC	1	492	485	478	471	464
		2	464	457	450	443	436
		3	269	262	255	248	241
		4	249	242	235	228	221
Sitka Spruce	SS	1	480	473	466	459	452
		2	440	433	426	419	412
		3	276	269	262	255	248
		4	209	202	195	188	181
		5	185	178	171	164	157
		6	146	139	132	125	118
Western Hemlock ³	WH	1	392	385	378	371	364
		2	264	257	250	243	236
		3	213	206	199	192	185
		4	212	205	198	191	184
		5	187	180	173	166	159
		6	115	108	101	94	87
Other Conifer	OC	1	392	385	378	371	364
		2	264	257	250	243	236
		3	213	206	199	192	185
		4	212	205	198	191	184
		5	187	180	173	166	159
		6	115	108	101	94	87
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	10	10	10	10	10

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Western Redcedar Shake Blocks & Boards	RCS	1	\$409	\$402
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	158	151	144	137	130

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-Fir	DF	1	\$446	\$439	\$432	\$425	\$418	
		2	347	340	333	326	319	
		3	284	277	270	263	256	
		4	235	228	221	214	207	
		5	175	168	161	154	147	
		6	158	151	144	137	130	
Western Redcedar ²	RC	1	516	509	502	495	488	
		2	445	438	431	424	417	
		3	371	364	357	350	343	
		4	176	169	162	155	148	
Sitka Spruce	SS	1	428	421	414	407	400	
		2	254	247	240	233	226	
		3	231	224	217	210	203	
		4	223	216	209	202	195	
		5	182	175	168	161	154	
		6	140	133	126	119	112	
Western Hemlock ³	WH	1	276	269	262	255	248	
		2	263	256	249	242	235	
		3	225	218	211	204	197	
		4	207	200	193	186	179	
		5	143	136	129	122	115	
		6	65	58	51	44	37	
Other Conifer	OC	1	276	269	262	255	248	
		2	263	256	249	242	235	
		3	225	218	211	204	197	
		4	207	200	193	186	179	
		5	143	136	129	122	115	
		6	65	58	51	44	37	
Red Alder	RA	1	79	72	65	58	51	
Black Cottonwood	BC	1	52	45	38	31	24	
Other Hardwood	OH	1	70	63	56	49	42	
Hardwood Utility	HU	5	23	23	23	23	23	
Conifer Utility	CU	5	6	6	6	6	6	

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Includes Alaska Cedar.

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381	
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130	
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54	
Douglas-Fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25	
True Fir & Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50	

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-Fir ²	DF	1	\$480	\$473	\$466	\$459	\$452	
		2	334	327	320	313	306	
		3	320	313	306	299	292	
		4	316	309	302	295	288	
		5	200	193	186	179	172	
		6	133	126	119	112	105	
Western Redcedar ³	RC	1	399	392	385	378	371	
		2	356	349	342	335	328	
		3	279	272	265	258	251	
		4	252	245	238	231	224	
Western Hemlock ⁴	WH	1	349	342	335	328	321	
		2	307	300	293	286	279	
		3	243	236	229	222	215	
		4	235	228	221	214	207	
		5	159	152	145	138	131	
		6	123	116	109	102	95	
Other Conifer	OC	1	349	342	335	328	321	
		2	307	300	293	286	279	
		3	243	236	229	222	215	
		4	235	228	221	214	207	
		5	159	152	145	138	131	
		6	123	116	109	102	95	
Red Alder	RA	1	94	87	80	73	66	
Black Cottonwood	BC	1	52	45	38	31	24	
Other Hardwood	OH	1	70	63	56	49	42	
Hardwood Utility	HU	5	23	23	23	23	23	

TABLE 5—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	15	15	15	15	15

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

Western Redcedar Shake Blocks & Boards¹

Western Redcedar Flatsawn & Shingle Blocks¹

Western Redcedar & Other Posts²

Douglas-Fir Christmas Trees³

True Fir & Other Christmas Trees³

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$389	\$382	\$375	\$368	\$361
		2	322	315	308	301	294
		3	298	291	284	277	270
		4	222	215	208	201	194
		5	180	173	166	159	152
		6	132	125	118	111	104
Western Redcedar ³	RC	1	441	434	427	420	413
		2	318	311	304	297	290
		3	270	263	256	249	242
		4	242	235	228	221	214

TABLE 7—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ³	WH	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Other Conifer	OC	1	376	369	362	355	348
		2	279	272	265	258	251
		3	238	231	224	217	210
		4	231	224	217	210	203
		5	158	151	144	137	130
		6	141	134	127	120	113
Red Alder	RA	1	73	66	59	52	45
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

Western Redcedar Shake Blocks & Boards¹

Western Redcedar Flatsawn & Shingle Blocks¹

Western Redcedar & Other Posts²

Douglas-Fir Christmas Trees³

True Fir & Other Christmas Trees³

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1989

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$490	\$483	\$476	\$469	\$462
		2	296	289	282	275	268
		3	290	283	276	269	262
		4	214	207	200	193	186
		5	174	167	160	153	146
		6	133	126	119	112	105
Western Redcedar ³	RC	1	514	507	500	493	486
		2	488	481	474	467	460
		3	384	377	370	363	356
		4	216	209	202	195	188
Western Hemlock ⁴	WH	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Other Conifer	OC	1	410	403	396	389	382
		2	334	327	320	313	306
		3	211	204	197	190	183
		4	195	188	181	174	167
		5	143	136	129	122	115
		6	130	123	116	109	102
Red Alder	RA	1	88	81	74	67	60
Black Cottonwood	BC	1	52	45	38	31	24
Other Hardwood	OH	1	70	63	56	49	42
Hardwood Utility	HU	5	23	23	23	23	23
Conifer Utility	CU	5	7	7	7	7	7

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1989

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$409	\$402	\$395	\$388	\$381
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	158	151	144	137	130
Western Redcedar & Other Posts ²	RCP	1	0.54	0.54	0.54	0.54	0.54

TABLE 10—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$180	\$174	\$168	\$162	\$156
Engelmann Spruce	ES	1	79	73	67	61	55
Lodgepole Pine	LP	1	79	73	67	61	55
Ponderosa Pine	PP	1	311	305	299	293	287
		2	143	137	131	125	119
Western Redcedar ³	RC	1	169	163	157	151	145
True Firs ⁴	WH	1	135	129	123	117	111
Western White Pine	WP	1	169	163	157	151	145
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	12	12	12	12	12

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35

TABLE 12—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$114	\$108	\$102	\$96	\$90
Engelmann Spruce	ES	1	87	81	75	69	63
Lodgepole Pine	LP	1	93	87	81	75	69
Ponderosa Pine	PP	1	178	172	166	160	154
		2	118	112	106	100	94
Western Redcedar ³	RC	1	164	158	152	146	140
True Firs ⁴	WH	1	90	84	78	72	66
Western White Pine	WP	1	202	196	190	184	178
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	11	11	11	11	11

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.²

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30

TABLE 14—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25

Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1989

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$289	\$283	\$277	\$271	\$265
		2	198	192	186	180	174
		3	129	123	117	111	105
Engelmann Spruce	ES	1	122	116	110	104	98
		2	117	111	105	99	93
		3	112	106	100	94	88
Lodgepole Pine	LP	1	117	111	105	99	93
		2	112	106	100	94	88
		3	106	100	94	88	82
Ponderosa Pine	PP	1	230	224	218	212	206
		2	212	206	200	194	188
		3	120	114	108	102	96
Western Redcedar ³	RC	1	269	263	257	251	245
		2	198	192	186	180	174
		3	127	121	115	109	103
True Firs ⁴	WH	1	326	320	314	308	302
		2	190	184	178	172	166
		3	151	145	139	133	127
Western White Pine	WP	1	224	218	212	206	200
		2	206	200	194	188	182
		3	128	122	116	110	104
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	7	7	7	7	7

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.²

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1989

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$730	\$723	\$716	\$709	\$702
		2	349	342	335	328	321
		3	345	338	331	324	317
		4	277	270	263	256	249
		5	261	254	247	240	233
		6	237	230	223	216	209
Western Redcedar ²	RC	1	521	514	507	500	493
		2	500	493	486	479	472
		3	335	328	321	314	307
		4	313	306	299	292	285
Sitka Spruce	SS	1	543	536	529	522	515
		2	438	431	424	417	410
		3	283	276	269	262	255
		4	208	201	194	187	180
		5	193	186	179	172	165
		6	177	170	163	156	149
Western Hemlock ³	WH	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Other Conifer	OC	1	437	430	423	416	409
		2	325	318	311	304	297
		3	263	256	249	242	235
		4	239	232	225	218	211
		5	217	210	203	196	189
		6	157	150	143	136	129
Red Alder	RA	1	121	114	107	100	93
Black Cottonwood	BC	1	76	69	62	55	48

TABLE 1—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	21	21	21	21	21

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$724	\$717	\$710	\$703	\$696
		2	514	507	500	493	486
		3	303	296	289	282	275
		4	263	256	249	242	235
		5	223	216	209	202	195
		6	206	199	192	185	178
Western Redcedar ²	RC	1	687	680	673	666	659
		2	635	628	621	614	607
		3	331	324	317	310	303
		4	256	249	242	235	228

TABLE 3—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	550	543	536	529	522
		2	415	408	401	394	387
		3	278	271	264	257	250
		4	245	238	231	224	217
		5	237	230	223	216	209
		6	206	199	192	185	178
Western Hemlock ³	WH	1	454	447	440	433	426
		2	356	349	342	335	328
		3	234	227	220	213	206
		4	229	222	215	208	201
		5	171	164	157	150	143
		6	151	144	137	130	123
Other Conifer	OC	1	454	447	440	433	426
		2	356	349	342	335	328
		3	234	227	220	213	206
		4	229	222	215	208	201
		5	171	164	157	150	143
		6	151	144	137	130	123
Red Alder	RA	1	102	95	88	81	74
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	37	37	37	37	37

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$629	\$622	\$615	\$608	\$601
		2	410	403	396	389	382
		3	355	348	341	334	327
		4	298	291	284	277	270
		5	291	284	277	270	263
		6	164	157	150	143	136
Western Redcedar ³	RC	1	584	577	570	563	556
		2	384	377	370	363	356
		3	333	326	319	312	305
		4	288	281	274	267	260
Western Hemlock ⁴	WH	1	446	439	432	425	418
		2	368	361	354	347	340
		3	267	260	253	246	239
		4	258	251	244	237	230
		5	239	232	225	218	211
		6	157	150	143	136	129
Other Conifer	OC	1	446	439	432	425	418
		2	368	361	354	347	340
		3	267	260	253	246	239
		4	258	251	244	237	230
		5	239	232	225	218	211
		6	157	150	143	136	129
Red Alder	RA	1	79	72	65	58	51
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	15	15	15	15	15

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59

TABLE 6—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir Christmas Trees ¹	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ²	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$630	\$623	\$616	\$609	\$602
		2	419	412	405	398	391
		3	325	318	311	304	297
		4	250	243	236	229	222
		5	196	189	182	175	168
		6	144	137	130	123	116
Western Redcedar ³	RC	1	414	407	400	393	386
		2	312	305	298	291	284
		3	293	286	279	272	265
		4	291	284	277	270	263
Western Hemlock ⁴	WH	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Other Conifer	OC	1	424	417	410	403	396
		2	332	325	318	311	304
		3	256	249	242	235	228
		4	248	241	234	227	220
		5	191	184	177	170	163
		6	120	113	106	99	92
Red Alder	RA	1	92	85	78	71	64
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27
Conifer Utility	CU	5	20	20	20	20	20

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1990

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$606	\$599	\$592	\$585	\$578
		2	464	457	450	443	436
		3	336	329	322	315	308
		4	217	210	203	196	189
		5	182	175	168	161	154
		6	170	163	156	149	142
Western Redcedar ³	RC	1	638	631	624	617	610
		2	610	603	596	589	582
		3	503	496	489	482	475
		4	275	268	261	254	247
Western Hemlock ⁴	WH	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Other Conifer	OC	1	423	416	409	402	395
		2	326	319	312	305	298
		3	282	275	268	261	254
		4	240	233	226	219	212
		5	177	170	163	156	149
		6	134	127	120	113	106
Red Alder	RA	1	113	106	99	92	85
Black Cottonwood	BC	1	76	69	62	55	48
Other Hardwood	OH	1	82	75	68	61	54
Hardwood Utility	HU	5	27	27	27	27	27

TABLE 9—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	21	21	21	21	21

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table

Stumpage Value Area 5

January 1 through June 30, 1990

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$370	\$363	\$356	\$349	\$342
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	157	150	143	136	129
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Western Redcedar & Other Posts ²	RCP	1	0.59	0.59	0.59	0.59	0.59
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Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ⁴	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table

Stumpage Value Area 6

January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Douglas-Fir ²	DF	1	\$156	\$150	\$144	\$138	\$132
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Engelmann Spruce	ES	1	118	112	106	100	94
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Lodgepole Pine	LP	1	143	137	131	125	119
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Ponderosa Pine	PP	1	367	361	355	349	343
			2	161	155	149	143

Western Redcedar ³	RC	1	160	154	148	142	136
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True Firs ⁴	WH	1	163	157	151	145	139
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Western White Pine	WP	1	110	104	98	92	86
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TABLE 11—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	8	8	8	8	8

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table

Stumpage Value Area 6

January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
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Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
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Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table

Stumpage Value Area 7

January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Douglas-Fir ²	DF	1	\$136	\$130	\$124	\$118	\$112
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Engelmann Spruce	ES	1	94	88	82	76	70
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Lodgepole Pine	LP	1	91	85	79	73	67
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Ponderosa Pine	PP	1	265	259	253	247	241
			2	146	140	134	128

Western Redcedar ³	RC	1	170	164	158	152	146
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True Firs ⁴	WH	1	113	107	101	95	89
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Western White Pine	WP	1	203	197	191	185	179
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TABLE 13—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
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Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
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Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$328	\$322	\$316	\$310	\$304
		2	187	181	175	169	163
		3	116	110	104	98	92
Engelmann Spruce	ES	1	204	198	192	186	180
		2	169	163	157	151	145
		3	134	128	122	116	110
Lodgepole Pine	LP	1	147	141	135	129	123
		2	142	136	130	124	118
		3	137	131	125	119	113
Ponderosa Pine	PP	1	423	417	411	405	399
		2	145	139	133	127	121
		3	137	131	125	119	113

TABLE 15—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	322	316	310	304	298
		2	243	237	231	225	219
		3	165	159	153	147	141
True Firs ⁴	WH	1	255	249	243	237	231
		2	208	202	196	190	184
		3	154	148	142	136	130
Western White Pine	WP	1	224	218	212	206	200
		2	169	163	157	151	145
		3	138	132	126	120	114
Hardwoods	OH	1	61	55	49	43	37
Utility	CU	5	6	6	6	6	6

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1990

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
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Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
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Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
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Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
--	-----	---	------	------	------	------	------

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order FT-89-2, filed 6/30/89)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~(July)~~ January 1 through (December 31, 1989) June 30, 1990:

**TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
~~(July)~~ January 1 through
~~(December 31, 1989)~~ June 30, 1990**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	– \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	– \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	– \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	– \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	– (\$18.00) <u>\$22.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	– \$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– (\$92.00) <u>\$84.00</u>

TABLE 1—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	– \$25.00
Class 2	Average log volume of less than 50 board feet.	– \$35.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
~~(July)~~ January 1 through
~~(December 31, 1989)~~ June 30, 1990**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	– \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	– \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	– (\$18.00) <u>\$22.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	– \$35.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– (\$92.00) <u>\$84.00</u>

III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00

Table 3—Domestic Market Adjustment

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. – 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. – 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1: All eligible species in Western Washington (SVA's 1 through 5) – ~~\$(28.00)~~ \$63.00 per MBF

Class 2: All eligible species in Eastern Washington (SVA's
6, 7, and 10) - \$17.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

Social Work
Sociology
Speech & Hearing Sciences
Speech Communication
Surgery
Women Studies

WSR 90-02-051

NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—December 28, 1989]

In accordance with RCW 42.30.075, the University of Washington is providing the following list of governing bodies that maintain regular meeting schedules at the University of Washington Visitors Information Center.

[These schedules are available for public inspection at the following address:

Visitors Information Center
University of Washington
4014 University Way N.E.
Seattle, WA 98195]

Anthropology
Architecture
Asian Languages & Literature
ASUW
Astronomy
Atmospheric Sciences
Biochemistry
Biological Structure
Chemical Engineering
Chemistry
Classics
Communications
Dentistry
Drama
Education
Electrical Engineering
Endodontics
Environmental Health
Faculty Senate
Fisheries
Forest Resources
Geophysics
Graduate School
Graduate School of Public Affairs
History
International Studies
Laboratory Medicine
Law
Mathematics
Mechanical Engineering
Microbiology & Immunology
Music
Nursing
Oceanography
Ophthalmology
Orthodontics
Orthopedics
Pediatrics
Physics
Physiological Nursing
Physiology & Biophysics
Prostodontics
Psychological Nursing
Restorative Dentistry
Public Health & Community
Medicine
Quantitative Science, Forestry,
Fisheries & Wildlife
Regents
Scandinavian Languages &
Literature

WSR 90-02-052

PERMANENT RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed December 29, 1989, 2:40 p.m., effective February 1, 1990]

Date of Adoption: December 7, 1989.
Purpose: To correct an erroneous rule cross reference citation within this rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 251-06-070.

Statutory Authority for Adoption: RCW 28B.16.100.
Pursuant to notice filed as WSR 89-22-121 on
November 1, 1989.

Effective Date of Rule: February 1, 1990.

December 21, 1989

John A. Spitz
Director

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-06-070 ALLOCATION APPEAL—
HIGHER EDUCATION PERSONNEL BOARD. (1)
The employee or employee representative may file a
written appeal with the board under provisions of WAC
251-06-050 or 251-06-060 when:

(a) The response required in WAC ((250-06-060))
251-06-060(2) is not issued to the employee or employ-
ee representative within the required sixty calendar day
period following receipt of the employee request; or

(b) The response fails to address the specific reason(s)
that the request was not approved; or

(c) The employee disagrees with the results of a posi-
tion review conducted by the personnel officer. The writ-
ten appeal should include information which will assist
the board in determining the proper allocation of the
position.

(2) Allocation appeals will be processed under the
procedure provided in WAC 251-12-075 (1) or (2).

WSR 90-02-053

PERMANENT RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed December 29, 1989, 2:41 p.m., effective February 1, 1990]

Date of Adoption: December 7, 1989.

Purpose: To specify the use and implementation of
special pay and pro rata pay.

Citation of Existing Rules Affected by this Order:
Amending WAC 251-08-130, 251-09-010 and 251-09-
040.

Statutory Authority for Adoption: RCW 28B.16.100.

Pursuant to notice filed as WSR 89-22-122 on
November 1, 1989.

Effective Date of Rule: February 1, 1990.

December 21, 1989

John A. Spitz
Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-130 SALARY—PART TIME. Part-time employment shall be compensated on the same pro rata basis as the appointment bears to a full-time appointment unless otherwise adjusted per WAC 251-09-090.

AMENDATORY SECTION (Amending Order 62, filed 8/30/77, effective 10/1/77)

WAC 251-09-010 HOURS OF WORK—GENERAL. (1) Hours of work for classified employees of the higher education institutions are to be established by the employing official.

(2) Nothing in these rules shall preclude the assignment of overtime outside of normally scheduled shifts. Overtime worked is compensated per WAC 251-09-030 unless otherwise adjusted per WAC 251-09-090.

AMENDATORY SECTION (Amending Order 129, filed 6/28/85)

WAC 251-09-040 SHIFT DIFFERENTIAL. (1) Shift differential for employees assigned to a shift in which a majority of time worked daily or weekly is between 5:00 p.m. and 7:00 a.m. shall be \$.50 per hour or \$87.00 per month unless otherwise adjusted per WAC 251-09-090.

(2) Shift differential shall be paid for the entire daily or weekly shift which qualifies under subsection (1) of this section. Shift differential may also be computed and paid at the above monthly rate for employees permanently assigned to a qualifying afternoon or night shift.

(3) An employee assigned to a shift that qualifies for shift differential pay shall receive the same shift differential for authorized periods of paid leave.

(4) When an employee is regularly assigned to an afternoon or evening shift that qualifies for shift differential, he/she shall continue to receive the shift differential during temporary assignment, not to exceed five working days, to a shift that does not qualify for shift differential.

(5) Shift differential shall not apply to police and fire officers where salaries are correlated with a rotating shift in accordance with local prevailing rate practice.

WSR 90-02-054

PERMANENT RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed December 29, 1989, 2:42 p.m., effective February 1, 1990]

Date of Adoption: December 7, 1989.

Purpose: To delete requirement that the Human Rights Commission review affirmative action plans prepared by institutions of higher education.

Citation of Existing Rules Affected by this Order: Amending WAC 251-23-020 Affirmative action plans—Requirements—Approval.

Statutory Authority for Adoption: RCW 28B.16.100.

Pursuant to notice filed as WSR 89-22-123 on November 1, 1989.

Effective Date of Rule: February 1, 1990.

December 21, 1989

John A. Spitz
Director

AMENDATORY SECTION (Amending Order 145, filed 2/28/86, effective 4/1/86)

WAC 251-23-020 AFFIRMATIVE ACTION PLANS—REQUIREMENTS—APPROVAL. (1) Each higher education institution/related board shall be required to develop and implement both an equal employment opportunity/affirmative action policy statement and an affirmative action plan.

(2) Equal employment opportunity/affirmative action policy statements and affirmative action plans shall comply with applicable state and federal laws, regulations, and guidelines, and shall require the approval of the director of the higher education personnel board (~~(and the executive secretary of the human rights commission)~~) or (~~(their)~~) designee(s).

WSR 90-02-055

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-150—Filed December 29, 1989, 3:14 p.m.]

Date of Adoption: December 29, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600U.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Coastal crab stocks have recovered from seasonal molting and are no longer in need of protection. Condition and abundance of crab stocks justifies a coastal crab season.

Effective Date of Rule: 8:00 a.m., January 8, 1990.

December 29, 1989

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-52-04600V CRAB FISHERY—SEASONS AND AREAS. *Notwithstanding the provisions of WAC 20-52-046, effective 8:00 a.m. January 8, 1990 until further notice it is unlawful to fish for or possess*

Dungeness crab taken for commercial purposes from those waters of the Pacific Ocean, Coastal, Grays Harbor, Willapa Bay, and Columbia River except:

(1) open 12:01 a.m. January 10, 1990 until further notice.

(2) lawful to set baited crab gear.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. January 8, 1990:

WAC 220-52-04600U CRAB FISHERY—SEASONS AND AREAS. (89-146)

WSR 90-02-056

NOTICE OF PUBLIC MEETINGS

GREEN RIVER COMMUNITY COLLEGE

[Memorandum—December 21, 1989]

The board of trustees of Green River Community College will meet the third Thursday of each month as follows:

- January 18
February 15
March 15
April 19
May 17
June 21
July 19
August 16
September 27
October 18
November 15
December 20

The board of trustees of Community College District No. 10 does hereby set the regular meeting dates for the board of trustees on the third Thursday of each month, commencing at 4:00 p.m., in the Board Room of the Administration Building, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002. Notice of any change from such meeting schedule shall be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

WSR 90-02-057

NOTICE OF PUBLIC MEETINGS

TACOMA COMMUNITY COLLEGE

[Memorandum—December 27, 1989]

Please be advised that the dates of the meetings of the board of trustees of Tacoma Community College District 22 for 1990 are as follows:

- January 11
February 8
March 8
April 12
May 10
June 13
July 12
August 9
September 13
October 11
November 8
December 13

All regularly scheduled meetings of the board will be held at 4 p.m. in the John Binns Room of the college.

WSR 90-02-058

EMERGENCY RULES

BOARD OF PHARMACY

[Order 022—Filed December 29, 1989, 3:30 p.m.]

Date of Adoption: December 14, 1989.

Purpose: To extend the time limit for pharmacist preceptors to have completed the board approved training program.

Citation of Existing Rules Affected by this Order: Amending WAC 360-10-050.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Present rule requires all pharmacist preceptors to have completed an approved training program by January 1, 1990. Approved training programs are not presently available and pharmacist preceptorships would thus be precluded effective January 1, 1990, unless the training requirement deadline is extended.

Effective Date of Rule: Immediately.

December 14, 1989
Joseph M. Honda
Chair

AMENDATORY SECTION (Amending Order 211, filed 3/2/88)

WAC 360-10-050 REQUIREMENTS FOR PRECEPTOR CERTIFICATION. (1) A pharmacist who is licensed and actively engaged in practice in a Class A pharmacy in the state of Washington, and who has met certification requirements prescribed in this section of the regulation and who has completed a board approved training program within the last five years, and who has been certified by the board of pharmacy shall be known as "pharmacist preceptor." The requirement for completion of an approved training program becomes effective January 1, ((1990)) 1991.

(2) The pharmacist preceptor must have completed twelve months as a licensed pharmacist engaged in the practice of pharmacy as defined in RCW 18.64.011(11).

(3) Any preceptor or preceptor applicant who has been found guilty of a drug or narcotic violation or whose pharmacist license has been revoked, suspended, or placed on probation by the state board of pharmacy shall not be eligible for certification as a preceptor, until completion of the probationary period, and a showing of good cause for certification as a pharmacist preceptor.

(4) The preceptor shall be responsible for the quality of the internship training under his/her supervision and he/she shall assure that the intern actually engages in pharmaceutical activities during that training period.

(5) The board of pharmacy shall withdraw a preceptor's certification upon proof that the preceptor failed to meet or maintain the requirements as stated in this section.

(6) In considering the approval of special internship programs pursuant to WAC 360-10-080, the board may approve alternative qualification requirements for the preceptors of such programs.

WSR 90-02-059

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed December 29, 1989, 4:53 p.m.]

Date of Adoption: December 29, 1989.

Purpose: These labeling rules provide for requirements to implement truth in labeling requirements of the Washington State Seed Act. Treated seed rules are modified to remove inconsistencies with the act.

Citation of Existing Rules Affected by this Order: Amending chapter 16-318 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: State law deadline is January 1, 1990. This emergency order is to cover the period between January 1, 1990, and the date the permanent rule becomes effective.

Effective Date of Rule: Immediately.

December 29, 1989

Michael Schwisow

Deputy Director

for C. Alan Pettibone

Director

AMENDATORY SECTION (Amending Order 1700, filed 5/30/80)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. ~~((The information required in section 15.49.320 (1)(c) of))~~ For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate

tag or label, attached to each container, ~~((for))~~ or printed in a conspicuous manner on the side or top of each container the following:

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) That information required in WAC 16-318-050 through 16-318-090.

NEW SECTION

WAC 16-318-065 INOCULANTS. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

NEW SECTION

WAC 16-318-200 LABELING—REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS. Each container of agricultural, vegetable or flower seeds which is sold, offered for sale or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as described in WAC 16-318-040 through 16-318-090 for treated seeds and WAC 16-318-205 through 16-318-235, which statement shall not be modified or denied in the labeling or on another label attached to the container.

NEW SECTION

WAC 16-318-205 LABELING—GENERAL REQUIREMENTS FOR AGRICULTURAL SEEDS EXCEPT FOR GRASS SEED MIXTURES AND FOR HYBRIDS WHICH CONTAIN LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The label for agricultural seeds, except for grass seed mixtures and for hybrids that contain less than ninety-five percent hybrid seed shall contain the following information:

(1) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each: PROVIDED, That if the variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrids shall be labeled as hybrids.

(2) The lot number or other lot identification.

(3) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(4) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent by weight except as provided in WAC 16-317-080 for small grain, field pea, lentil, and soybean seed.

(5) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present.

(6) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(7) The percentage by weight of inert matter.

(8) For each named agricultural seed, except vegetable seeds as described in WAC 16-318-220 and flower seeds described in WAC 16-318-230:

(a) The percentage of germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage.

(b) The calendar month and year the test was completed to determine such percentages.

(9) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-210 LABELING—FOR SEED MIXTURES FOR LAWN AND/OR TURF PURPOSES. The labeling for seed mixtures for lawn or turf purposes shall be as follows:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"): PROVIDED, That if the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage by weight of all weed seeds: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-215 LABELING—SPECIAL REQUIREMENTS FOR SEEDS THAT ARE COATED. The labeling for seeds that are coated shall include the following information in addition to the requirements of WAC 16-318-205:

(1) The percentage of pure seed with coating material removed.

(2) The percentage of coating material shown as a separate item in close association with the percentage of inert material.

(3) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

NEW SECTION

WAC 16-318-220 LABELING—SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN PACKETS AS PREPARED FOR USE IN HOME. Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) The year in which the seed was packed for sale as "packed for planting in" or the percentage germination and the calendar month and the year the test was completed to determine that percentage.

(2) For seeds which germinate less than the standard established by the department in WAC 16-304-010:

(a) Percentage of germination, exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The words "below standard" in not less than eight-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

NEW SECTION

WAC 16-318-225 LABELING—SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN CONTAINERS OTHER THAN PACKETS. The labeling for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices shall be deemed to have been met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

NEW SECTION

WAC 16-318-230 LABELING—SPECIAL REQUIREMENTS FOR FLOWER SEEDS. The labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) For all kinds of flower seeds:

(a) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder.

(b) The calendar month and year the seed was tested or the year for which the seed was packaged.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW:

(a) The percentage of germination exclusive of hard seeds.

(b) The words "below standard" in not less than eight-point type.

NEW SECTION

WAC 16-318-235 LABELING FOR AGRICULTURAL AND VEGETABLE HYBRID SEED WHICH CONTAINS LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed shall include the following:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The kind or variety labeled as "hybrid": **PROVIDED**, That varieties in which pure seed contain less than seventy-five percent hybrid seed shall not be labeled as hybrids.

(4) The percent which is hybrid labeled parenthetically in direct association following named variety, i.e., Comet (eighty-five percent hybrid).

(5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.

(6) The percentage by weight of inert matter.

(7) The percentage, by weight, of all weed seeds present: **PROVIDED**, That the maximum weed seed content may not exceed two percent by weight.

(8) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-240 LABELING—PROHIBITIONS. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW:

(1) Represents seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety, in compliance with the rules and laws of that agency pertaining to such seed.

(2) Represents seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

WSR 90-02-060
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed January 2, 1990, 8:50 a.m.]

Date of Adoption: January 2, 1990.

Purpose: To establish standards for the registration of commercial telephone solicitors.

Statutory Authority for Adoption: Chapter 20, Laws of 1989 and RCW 34.05.220.

Pursuant to notice filed as WSR 89-22-117 on November 1, 1989; and WSR 90-01-002 on December 7, 1989.

Changes Other than Editing from Proposed to Adopted Version: Proposed new section WAC 308-320-050 was deemed repetitive and deleted. Effective Date of Rule: Thirty-one days after filing.

January 2, 1990
 Mary Faulk
 Director

**Chapter 308-320 WAC
 COMMERCIAL TELEPHONE SOLICITATION**

WAC

308-320-010	Authority and purpose.
308-320-020	Applicable statute.
308-320-030	Definitions.
308-320-040	Registration.
308-320-050	Registration fees.
308-320-060	Annual renewal dates, forms, and fees.
308-320-070	Changes and fees.
308-320-080	Business records.
308-320-090	Director of the department of licensing as repository for notice of purchase cancellation.

NEW SECTION

WAC 308-320-010 AUTHORITY AND PURPOSE. These rules are adopted under the authority of chapter 20, Laws of 1989 and RCW 34.05.220 to establish standards for the registration of commercial telephone solicitors as defined by chapter 20, Laws of 1989.

NEW SECTION

WAC 308-320-020 APPLICABLE STATUTE. The regulations in this chapter shall be considered a supplement to and not a replacement for chapter 20, Laws of 1989 and do not apply to the provisions of RCW 80.36.390 and 80.36.400.

NEW SECTION

WAC 308-320-030 DEFINITIONS. As used in this regulation:

(1) "Business" means any person, sole proprietorship, partnership, corporation, or other concern which engages in commercial telephone solicitation.

(2) "Business location" means the premises where business is conducted.

(3) "Business location address" means the address of the geographic location where the business is conducted.

(4) "Business mailing address" means the address where mail deliveries are made for the business.

(5) "Campaign" means a method of marketing a product or service employing specific incentives, sales techniques, or presentations to prospective purchasers.

(6) "Department" means the department of licensing.

(7) "Manager" means the person in charge of business operations at a business location.

(8) "Nonrefundable fees" means fees which are not returned to an applicant after a registration is issued.

(9) "Nontransferable registration" means a registration that cannot be transferred to another person or business.

(10) "Ownership structure" means the manner in which a business is owned, such as sole proprietorship, partnership, or corporation.

(11) "Proratable fees" means fees that are calculated for a period of time less than twelve months.

(12) "Registration number" means the unified business identifier (UBI) number issued to a business by the state of Washington.

(13) "Solicitor" means a commercial telephone solicitor as defined in chapter 20, Laws of 1989.

(14) "Unified business identifier (UBI)" means a nine-digit number used to identify a business registered or licensed with one or more state agencies.

NEW SECTION

WAC 308-320-040 REGISTRATION. Any commercial telephone solicitor who wishes to engage in commercial telephone solicitation as defined by chapter 20, Laws of 1989 must register with the department by:

(1) Completing the following forms prescribed by the department:

- (a) Master business application;
- (b) Supplemental information form;
- (c) Personal history form for each sole proprietor, partner, manager or the president, vice-president, secretary and treasurer of each corporation; and

(2) Paying the registration fee established in WAC 308-320-060. A commercial telephone solicitor must receive notice of registration from the department prior to conducting business in the state of Washington. A commercial telephone solicitor registration is nontransferable.

NEW SECTION

WAC 308-320-050 REGISTRATION FEES. The fee for any commercial telephone solicitor required to register in this state shall be seventy-two dollars for each business location annually. The annual fee shall be proratable and nonrefundable.

NEW SECTION

WAC 308-320-060 ANNUAL RENEWAL DATES, FORMS, AND FEES. Registration renewals must be made annually on the form and date required by the department. The fee for annual renewal shall be seventy-two dollars.

NEW SECTION

WAC 308-320-070 CHANGES AND FEES. Registrants shall inform the department of any changes in filed information when the change occurs.

(1) Changes in ownership or ownership structure or a change of more than fifty percent of the partners in a partnership requires submission of a new master business application, new supplemental information statement, new personal history statement(s), and a fee of seventy-two dollars for each business location.

(2) Changes in business location requires a new master business application and a fee of seventy-two dollars.

(3) Changes in managers, general partners of a limited partnership, partners in a general partnership or the president, vice-president, secretary or treasurer of a corporation requires completion of a personal history form for the new individual(s).

(4) Changes in the business mailing address or the location where business records are kept shall be made in writing.

NEW SECTION

WAC 308-320-080 BUSINESS RECORDS. A commercial telephone solicitor shall maintain records of each commercial solicitation campaign and shall inform the department of the location where the business records are kept. The following business records shall be kept for a period of two years after the campaign has been completed unless otherwise stated below.

(1) A list of the names, principal residence addresses, and dates of employment of salespersons who solicit on behalf of the commercial telephone solicitor and the name(s) the salesperson(s) uses while soliciting.

(2) A list and a description of the items the solicitor is offering for sale and the suppliers name, address, and telephone number.

(3) A copy of all sales scripts the solicitor requires salespersons to use when soliciting prospective purchasers, or if no sales script is required to be used, a statement to that effect.

(4) A copy of all sales training information and literature, including but not limited to, scripts, outlines, instructions, and information regarding how to conduct telephone sales, sample introductions, sample closings, product information, and contest or premium awards information provided by the solicitor to salespersons in writing or orally, and a copy of all written materials the solicitor sends to any prospective or actual purchaser.

(5) If the solicitor represents or implies, or directs salespersons to represent or imply to purchasers that the purchaser will receive certain specific items or certificates, whether the items or certificates are described as gifts, premiums, bonuses, prizes, or otherwise, the solicitor shall maintain a written record which includes:

(a) A list of the items offered.

(b) The value or worth of each item described to the prospective purchasers and the basis for the valuation.

(c) The price paid by the solicitor to the supplier for each of these items and the name, address and telephone number of each supplier.

(d) Paper documentation of all rules, regulations, terms, and conditions a prospective purchaser must meet in order to receive an item.

(6) If the purchaser is to receive fewer than all of the items described by the solicitor, the record shall include the following:

(a) The manner in which the solicitor decides which item or items a particular prospective purchaser is to receive.

(b) The odds a single prospective purchaser has of receiving each described item.

(c) The name and address of each recipient who has during the preceding twelve months, or as long as the solicitor has been in business if less than twelve months, received the item having:

(i) The greatest value; and

(ii) The item having the least odds of being received.

(7) A historical listing of all products sold by the solicitor clearly showing when the sale of each product was initiated and subsequently terminated.

(8) A list of the business telephone numbers at each location where telephone solicitation is taking place.

(9) The name of the manager or other person in charge at each location where telephone solicitation is taking place.

NEW SECTION

WAC 308-320-090 DIRECTOR OF THE DEPARTMENT OF LICENSING AS REPOSITORY FOR NOTICE OF PURCHASE CANCELLATION. In the event that the purchaser is unable to send the notice of cancellation to the seller, the purchaser may send a written notice of cancellation to the Director, Department of Licensing, Business License Services, 405 Black Lake Place, Olympia, WA 98504. When notices of cancellation are mailed to the department, the effective date shall be the postmark date stamped on the mailing envelope or metered stamp. When notices of cancellation are hand delivered, the effective date shall be upon receipt by the department.

The department shall not be the repository for undeliverable cancelled merchandise.

WSR 90-02-061
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Filed January 2, 1990, 8:52 a.m.]

Date of Adoption: January 2, 1990.

Purpose: To establish standards for the registration of commercial telephone solicitors.

Statutory Authority for Adoption: Chapter 20, Laws of 1989 and RCW 34.05.220.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The telemarketing legislation, SSB 5088, becomes law on January 1, 1990. The responsibility for establishing the requirements and fees

for registration of commercial telephone solicitors is placed with the Department of Licensing. However, since the law doesn't take effect until January 1, 1990, there is a question of whether the director of a department has authority to adopt rules prior to the effective date of the law. These emergency rules are needed to cover the interim between the effective date of the legislation and the effective date of the permanent rules.

Effective Date of Rule: Immediately.

January 2, 1990
Mary Faulk
Director

Chapter 308-320 WAC
COMMERCIAL TELEPHONE SOLICITATION

WAC

<i>308-320-010</i>	<i>Authority and purpose.</i>
<i>308-320-020</i>	<i>Applicable statute.</i>
<i>308-320-030</i>	<i>Definitions.</i>
<i>308-320-040</i>	<i>Registration.</i>
<i>308-320-050</i>	<i>Registration fees.</i>
<i>308-320-060</i>	<i>Annual renewal dates, forms, and fees.</i>
<i>308-320-070</i>	<i>Changes and fees.</i>
<i>308-320-080</i>	<i>Business records.</i>
<i>308-320-090</i>	<i>Director of the department of licensing as repository for notice of purchase cancellation.</i>

NEW SECTION

WAC 308-320-010 AUTHORITY AND PURPOSE. *These rules are adopted under the authority of chapter 20, Laws of 1989 and RCW 34.05.220 to establish standards for the registration of commercial telephone solicitors as defined by chapter 20, Laws of 1989.*

NEW SECTION

WAC 308-320-020 APPLICABLE STATUTE. *The regulations in this chapter shall be considered a supplement to and not a replacement for chapter 20, Laws of 1989 and do not apply to the provisions of RCW 80.36.390 and 80.36.400.*

NEW SECTION

WAC 308-320-030 DEFINITIONS. *As used in this regulation:*

(1) "*Business*" means any person, sole proprietorship, partnership, corporation, or other concern which engages in commercial telephone solicitation.

(2) "*Business location*" means the premises where business is conducted.

(3) "*Business location address*" means the address of the geographic location where the business is conducted.

(4) "*Business mailing address*" means the address where mail deliveries are made for the business.

(5) "*Campaign*" means a method of marketing a product or service employing specific incentives, sales techniques, or presentations to prospective purchasers.

(6) "*Department*" means the department of licensing.

(7) "Manager" means the person in charge of business operations at a business location.

(8) "Nonrefundable fees" means fees which are not returned to an applicant after a registration is issued.

(9) "Nontransferable registration" means a registration that cannot be transferred to another person or business.

(10) "Ownership structure" means the manner in which a business is owned, such as sole proprietorship, partnership, or corporation.

(11) "Proratable fees" means fees that are calculated for a period of time less than twelve months.

(12) "Registration number" means the unified business identifier (UBI) number issued to a business by the state of Washington.

(13) "Solicitor" means a commercial telephone solicitor as defined in chapter 20, Laws of 1989.

(14) "Unified business identifier (UBI)" means a nine-digit number used to identify a business registered or licensed with one or more state agencies.

NEW SECTION

WAC 308-320-040 REGISTRATION. Any commercial telephone solicitor who wishes to engage in commercial telephone solicitation as defined by chapter 20, Laws of 1989 must register with the department by:

(1) Completing the following forms prescribed by the department:

- (a) Master business application;
- (b) Supplemental information form;
- (c) Personal history form for each sole proprietor, partner, manager or the president, vice-president, secretary and treasurer of each corporation; and

(2) Paying the registration fee established in WAC 308-320-060. A commercial telephone solicitor must receive notice of registration from the department prior to conducting business in the state of Washington. A commercial telephone solicitor registration is nontransferable.

NEW SECTION

WAC 308-320-050 REGISTRATION FEES. The fee for any commercial telephone solicitor required to register in this state shall be seventy-two dollars for each business location annually. The annual fee shall be proratable and nonrefundable.

NEW SECTION

WAC 308-320-060 ANNUAL RENEWAL DATES, FORMS, AND FEES. Registration renewals must be made annually on the form and date required by the department. The fee for annual renewal shall be seventy-two dollars.

NEW SECTION

WAC 308-320-070 CHANGES AND FEES. Registrants shall inform the department of any changes in filed information when the change occurs.

(1) Changes in ownership or ownership structure or a change of more than fifty percent of the partners in a

partnership requires submission of a new master business application, new supplemental information statement, new personal history statement(s), and a fee of seventy-two dollars for each business location.

(2) Changes in business location requires a new master business application and a fee of seventy-two dollars.

(3) Changes in managers, general partners of a limited partnership, partners in a general partnership or the president, vice-president, secretary or treasurer of a corporation requires completion of a personal history form for the new individual(s).

(4) Changes in the business mailing address or the location where business records are kept shall be made in writing.

NEW SECTION

WAC 308-320-080 BUSINESS RECORDS. A commercial telephone solicitor shall maintain records of each commercial solicitation campaign and shall inform the department of the location where the business records are kept. The following business records shall be kept for a period of two years after the campaign has been completed unless otherwise stated below.

(1) A list of the names, principal residence addresses, and dates of employment of salespersons who solicit on behalf of the commercial telephone solicitor and the name(s) the salesperson(s) uses while soliciting.

(2) A list and a description of the items the solicitor is offering for sale and the suppliers name, address, and telephone number.

(3) A copy of all sales scripts the solicitor requires salespersons to use when soliciting prospective purchasers, or if no sales script is required to be used, a statement to that effect.

(4) A copy of all sales training information and literature, including but not limited to, scripts, outlines, instructions, and information regarding how to conduct telephone sales, sample introductions, sample closings, product information, and contest or premium awards information provided by the solicitor to salespersons in writing or orally, and a copy of all written materials the solicitor sends to any prospective or actual purchaser.

(5) If the solicitor represents or implies, or directs salespersons to represent or imply to purchasers that the purchaser will receive certain specific items or certificates, whether the items or certificates are described as gifts, premiums, bonuses, prizes, or otherwise, the solicitor shall maintain a written record which includes:

- (a) A list of the items offered.
- (b) The value or worth of each item described to the prospective purchasers and the basis for the valuation.
- (c) The price paid by the solicitor to the supplier for each of these items and the name, address and telephone number of each supplier.

(d) Paper documentation of all rules, regulations, terms, and conditions a prospective purchaser must meet in order to receive an item.

(6) If the purchaser is to receive fewer than all of the items described by the solicitor, the record shall include the following:

(a) *The manner in which the solicitor decides which item or items a particular prospective purchaser is to receive.*

(b) *The odds a single prospective purchaser has of receiving each described item.*

(c) *The name and address of each recipient who has during the preceding twelve months, or as long as the solicitor has been in business if less than twelve months, received the item having:*

(i) *The greatest value, and*

(ii) *The item having the least odds of being received.*

(7) *A historical listing of all products sold by the solicitor clearly showing when the sale of each product was initiated and subsequently terminated.*

(8) *A list of the business telephone numbers at each location where telephone solicitation is taking place.*

(9) *The name of the manager or other person in charge at each location where telephone solicitation is taking place.*

NEW SECTION

WAC 308-320-090 DIRECTOR OF THE DEPARTMENT OF LICENSING AS REPOSITORY FOR NOTICE OF PURCHASE CANCELLATION. *In the event that the purchaser is unable to send the notice of cancellation to the seller, the purchaser may send a written notice of cancellation to the Director, Department of Licensing, Business License Services, 405 Black Lake Place, Olympia, WA 98504. When notices of cancellation are mailed to the department, the effective date shall be the postmark date stamped on the mailing envelope or metered stamp. When notices of cancellation are hand delivered, the effective date shall be upon receipt by the department.*

The department shall not be the repository for undeliverable cancelled merchandise.

WSR 90-02-062

PROPOSED RULES

EDMONDS COMMUNITY COLLEGE

[Filed January 2, 1990, 3:14 p.m.]

Original Notice.

Title of Rule: Practice and procedure.

Purpose: To adopt procedural rules for adjudicative proceedings.

Other Identifying Information: Chapter 132Y-108 WAC.

Statutory Authority for Adoption: RCW 34.05.250.

Statute Being Implemented: RCW 34.05.250.

Summary: This rule adopts the model rules of procedures for adjudicative proceedings at Edmonds Community College.

Name of Agency Personnel Responsible for Drafting: Barbara Patterson, Lynnwood Hall, (206) 771-1535; Implementation and Enforcement: Thomas C. Nielsen, President, Lynnwood Hall, (206) 771-1515.

Name of Proponent: Edmonds Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adopts the model rules of procedure for adjudicative hearings at Edmonds Community College.

Proposal Changes the Following Existing Rules: Changes rules previously promulgated under chapter 28B.19 RCW.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Lynnwood Hall, Room 424, Edmonds Community College, Lynnwood, Washington, on February 15, 1990, at 4:00 p.m.

Submit Written Comments to: Barbara Patterson, by February 15, 1990.

Date of Intended Adoption: February 15, 1990.

December 29, 1990 [1989]

Barbara Patterson

Director of Human Resources
and Assistant to the President

Chapter 132Y-108 WAC PRACTICE AND PROCEDURE

NEW SECTION

WAC 132Y-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132Y-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132Y-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132Y-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

20000 68th Avenue West
Lynnwood, WA 98036

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132Y-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482

through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office.
- (2) Challenges to contents of education records.
- (3) Student conduct proceedings. The procedural rules in chapter 132Y-125 WAC apply to these proceedings.
- (4) Parking violations. The procedural rules in WAC 132Y-100-108 apply to these proceedings.
- (5) Outstanding debts owed by students or employees.
- (6) Loss of eligibility for participation in institution-sponsored athletic events.

NEW SECTION

WAC 132Y-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132Y-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132Y-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132Y-108-010, except for the method of official recording selected by the institution.

WSR 90-02-063
PROPOSED RULES
EDMONDS COMMUNITY COLLEGE
 [Filed January 2, 1990, 3:16 p.m.]

Original Notice.

Title of Rule: Organization.

Purpose: Describes organization as recommended by Attorney General's Office for implementation of new Administrative Procedure Act.

Other Identifying Information: Chapter 132Y-133 WAC.

Statutory Authority for Adoption: RCW 34.05.220 [(1)](b).

Statute Being Implemented: RCW 34.05.220 [(1)](b).

Summary: This rule describes the organization of Edmonds Community College, the location of the administrative office, and where additional and detailed information concerning the educational offerings may be obtained.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Patterson, Lynnwood

Hall, 771-1535; and Enforcement: Thomas C. Nielsen, Lynnwood Hall, 771-1515.

Name of Proponent: Edmonds Community College, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To describe basic organization of Edmonds Community College and set out the location and open times where the public can obtain information.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Lynnwood Hall, Room 424, Edmonds Community College, Lynnwood, Washington, on February 15, 1990, at 4:00 p.m.

Submit Written Comments to: Barbara Patterson, by 3:00 p.m., February 15.

Date of Intended Adoption: February 15, 1990.

December 29, 1989

Barbara Patterson

Director of Human Resources
and Assistant to the President

CHAPTER 132Y-133

ORGANIZATION

NEW SECTION

WAC 132Y-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Edmonds Community College, Community College District 23, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a 5-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

20000 68th Avenue West
Lynnwood, WA 98036

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

20000 68th Avenue West
Lynnwood, WA 98036

WSR 90-02-064

NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
 [Memorandum—December 29, 1989]

The Washington Traffic Safety Commission meetings scheduled for 1990 are as follows:

- January 23, 1990
- April 24, 1990
- July 24, 1990
- October 23, 1990

WSR 90-02-065
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 418—Filed January 2, 1990, 3:25 p.m.]

Date of Adoption: January 2, 1990.

Purpose: Early closure of Canada goose season in Clark, Cowlitz, Pacific, and Wahkiakum counties to protect dusky Canada goose breeding population.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 1989-90 Southwest Washington Canada goose season was adopted by the Wildlife Commission on August 12, 1989, to be open eight days during the period November 25, 1989, through January 13, 1990. The season was restricted from the previous year due to record low nest success of dusky Canada geese in 1989. At the time the season was adopted, the agency stated its intent to recommend closure of the season when the established harvest quota for dusky Canada geese was exceeded. The quota of 45 was exceeded on December 30, 1989. The harvest of dusky Canada geese must be restricted to ensure protection of remaining breeding stock for future production.

Effective Date of Rule: Immediately.

January 2, 1990
 Curt Smitch
 Director
 for John McGlenn
 Chairman

NEW SECTION

WAC 232-28-41303 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL HUNTING SEASONS — CANADA GOOSE — CLARK, COWLITZ, PACIFIC, AND WAHAKIUM COUNTIES Notwithstanding the provisions of WAC 232-28-413, effective January 3, 1990, it is unlawful to hunt Canada geese in Clark, Cowlitz, Pacific, and Wahkiakum Counties.

WSR 90-02-066
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 419—Filed January 2, 1990, 3:26 p.m.]

Date of Adoption: January 2, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Spokane River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The rules establishing game fish seasons and catch limits are published by the Department of Wildlife in a regulations pamphlet. The printing deadline for the 1990 Game fish seasons and catch limits pamphlet is January 1990. The adoption of this regulation is necessary in order to assure that this change is included in the 1990 pamphlet and to avoid public confusion about the time, place and manner in which people may lawfully fish.

Effective Date of Rule: Immediately.

January 2, 1990
 Curt Smitch
 Director
 for John McGlenn
 Chairman

NEW SECTION

WAC 232-28-61805 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS — SPOKANE RIVER. Notwithstanding the provisions of WAC 232-28-618 for the Spokane River, effective April 15, 1990, the following regulations apply:

SPOKANE RIVER, from the mouth at Lake Roosevelt upstream to the Greene St. Bridge in Spokane, including Long Lake, formed by Long Lake Dam: year around season. TROUT — catch limit — 5, no more than 2 over 20". WALLEYE — catch limit — 8, no more than 1 over 20". Only walleye less than 16" or over 20" may be kept; CLOSED Apr. 1-May 31.

From Greene St. Bridge in Spokane upstream to the Idaho/Washington state line: Apr. 22, 1990-Sep. 30, 1990 and Apr. 21, 1991-Sep. 30, 1991 seasons. TROUT — catch limit — 1, min. lgth. 8"; BAIT PROHIBITED.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

WSR 90-02-067
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 420—Filed January 2, 1990, 3:27 p.m.]

Date of Adoption: January 2, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Sauk River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The rules establishing game fish seasons and catch limits are published by the Department of Wildlife in a regulations pamphlet. The printing deadline for the 1990 Game fish seasons and catch limits pamphlet is January 1990. The adoption of this regulation is necessary in order to assure that this change is included in the 1990 pamphlet and to avoid public confusion about the time, place and manner in which people may lawfully fish.

Effective Date of Rule: Immediately.

January 2, 1990
Curt Smitch
Director
for John McGlenn
Chairman

NEW SECTION

WAC 232-28-61802 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - SAUK RIVER. Notwithstanding the provisions of WAC 232-28-618 for the Sauk River, effective April 15, 1990, the following regulations apply:

SAUK RIVER, 150, from its mouth to the mouth of the White Chuck River: June 15-last day of Feb. season. TROUT - catch limit - 2, min. lgth. 12".

From the mouth of the White Chuck River to headwaters, including North and South Forks: June 1-Oct. 31 season. TROUT - catch limit - 2, min. lgth. 12", max. lgth. 20". Retaining steelhead over 20" in length is prohibited. BAIT PROHIBITED.

From its mouth to the Darrington Bridge: additional Mar. 1-Apr. 30 season. Catch-and-Release Only, Selective Fishery Regulations, see pages 3 and 5.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-02-068
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)**

[Order 421—Filed January 2, 1990, 3:28 p.m.]

Date of Adoption: January 2, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Tye River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The rules establishing game fish seasons and catch limits are published by the Department of Wildlife in a regulations pamphlet. The

printing deadline for the 1990 Game fish seasons and catch limits pamphlet is January 1990. The adoption of this regulation is necessary in order to assure that this change is included in the 1990 pamphlet and to avoid public confusion about the time, place and manner in which people may lawfully fish.

Effective Date of Rule: Immediately.

January 2, 1990
Curt Smitch
Director
for John McGlenn
Chairman

NEW SECTION

WAC 232-28-61083 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - TYE RIVER. Notwithstanding the provisions of WAC 232-28-618 for the Tye River, effective April 15, 1990, the following regulations apply:

TYE RIVER: TROUT - catch limit - 2, min. lgth. 12". WILD STEELHEAD RELEASE, see page 3. BAIT PROHIBITED. Additional Nov. 1-last day of Feb. season for WHITEFISH only.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-02-069
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)**

[Order 422—Filed January 2, 1990, 3:29 p.m.]

Date of Adoption: January 2, 1990.

Purpose: To modify catch limits for the 1990-92 Washington game fish seasons on the Toutle River, South Fork.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The rules establishing game fish seasons and catch limits are published by the Department of Wildlife in a regulations pamphlet. The printing deadline for the 1990 Game fish seasons and catch limits pamphlet is January 1990. The adoption of this regulation is necessary in order to assure that this change is included in the 1990 pamphlet and to avoid public confusion about the time, place and manner in which people may lawfully fish.

Effective Date of Rule: Immediately.

January 2, 1990
Curt Smitch
Director
for John McGlenn
Chairman

NEW SECTION

WAC 232-28-61804 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - TOUTLE RIVER, SOUTH FORK. Notwithstanding the provisions of WAC 232-28-618 for the Toutle River, South Fork, effective April 15, 1990, the following regulations apply:

TOUTLE RIVER, South Fork, 188, mouth to 4100 road bridge (Note: all tributaries CLOSED): June 15-Jan. 31 season. Open only to the taking of steelhead over 20". **WILD STEELHEAD RELEASE, see page 3.** Additional Feb. 1-Mar. 31 season, open on Fridays and Saturdays only. Steelhead - catch and possession limit - 1, min. lgth. 20". Open only to steelhead fishing.

From 4100 road bridge to source, including all tributaries: **CLOSED WATERS.**

All other provisions of WAC 232-28-618 remain in effect and unchanged.

WSR 90-02-070
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 423—Filed January 2, 1990, 3:32 p.m.]

Date of Adoption: January 2, 1990.

Purpose: The 1989-90 Lake Washington wild steelhead run size is estimated to be [be] 2,093 fish. Of the 2,093, it is estimated that 1,157 will be taken by sea lions and 94 will be taken by the Suquamish and Muckleshoot tribes in their gillnet fisheries. 842 wild steelhead are expected to reach the spawning grounds which is 53 percent of the escapement goal of 1,600 fish. The harvest must be restricted to ensure protection of wild steelhead.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 89-23-112 on November 22, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990

Curt Smitch

Director

for John McGlenn

Chairman

NEW SECTION

WAC 232-28-61728 AMENDMENT TO 1988-90 GAME FISH SEASONS AND CATCH LIMITS - CEDAR AND SAMMAMISH RIVER SYSTEMS, AND IN LAKES WASHINGTON AND SAMMAMISH, SALMON BAY, AND LAKE WASHINGTON SHIP CANAL (ALSO KNOWN AS LAKE UNION SHIP CANAL). Notwithstanding the provisions of WAC 232-28-617, on the Cedar and Sammamish River systems, and in Lakes Washington and Sammamish, Salmon Bay, and Lake Washington Ship Canal (also known as Lake Union Ship Canal), **WILD STEELHEAD RELEASE, only steelhead with missing**

adipose or ventral fins may be possessed (there must be a healed scar in the location of the missing fin) as follows:

Effective 12:01 a.m. December 1, 1989 to 11:59 p.m. February 28, 1990, Cedar and Sammamish River Systems, Salmon Bay, Lake Washington, Lake Sammamish, and Lake Washington Ship Canal (also known as the Lake Union Ship Canal).

Also, notwithstanding the provisions of WAC 232-28-617, the following waters are closed to the taking of steelhead:

Effective 12:01 a.m. March 1, 1990 to 11:59 p.m. March 31, 1990, Cedar and Sammamish River Systems, and Salmon Bay (only that portion as follows—from the east end of the north wing wall of the Chittenden Locks to a line approximately 175 feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore).

Also, notwithstanding the provisions of WAC 232-28-617 and WAC 232-28-618, the following waters are closed to the taking of steelhead:

Effective 12:01 a.m. March 1, 1990 to 11:59 p.m. May 31, 1990, Lake Washington, Lake Sammamish, Salmon Bay (only that portion as follows—all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge), and Lake Washington Ship Canal (also known as the Lake Union Ship Canal).

All other provisions of WAC 232-28-617 and WAC 232-28-618 relating to the above waters remain in effect.

WSR 90-02-071
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 424—Filed January 2, 1990, 3:33 p.m., effective February 1, 1990]

Date of Adoption: January 2, 1990.

Purpose: The wild steelhead run size in the Puyallup River is unknown, however, all available data indicates that the wild run is underescaped. It is estimated that the acceptable incidental harvest of wild steelhead for the Puyallup River system will have been caught by January 31. The steelhead harvest must be limited to hatchery fish after January 31, 1989, to ensure protection of wild stock.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 89-23-113 on November 22, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The agency for good cause finds an effective date earlier than 31 days after filing is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements would be contrary to the public interest.

Reason for Finding: The department finds that limiting the harvest as of January 31 is necessary to ensure protection of wild stock.

Effective Date of Rule: February 1, 1990.

January 2, 1990
Curt Smitch
Director
for John McGlenn
Chairman

NEW SECTION

WAC 232-28-61729 AMENDMENT TO 1988-90 GAME FISH REGULATIONS - PUYALLUP AND CARBON RIVERS Notwithstanding the provisions of WAC 232-28-617, effective 12:01 a.m. on February 1, 1990, the game fish regulations for the Puyallup and Carbon Rivers are as follows: WILD STEELHEAD RELEASE, only steelhead with missing adipose or ventral fins may be possessed (there must be a healed scar in the location of the missing fin) between the dates of February 1 and March 31, 1990, inclusive. All other provisions of WAC 232-28-617 relating to the Puyallup and Carbon Rivers remain in effect.

WSR 90-02-072
PROPOSED RULES
BOARD OF HEALTH

[Filed January 2, 1990, 3:42 p.m.]

Original Notice.

Title of Rule: Chapter 248-98 WAC, Rules and regulations of the State Board of Health governing safety, sanitation, and water quality of water recreation facilities.

Purpose: To revise regulations to address issues of safety and health for water recreation facilities.

Statutory Authority for Adoption: RCW 70.90.120.

Statute Being Implemented: Chapter 70.90 RCW.

Summary: The proposed action will revise and update state and local health jurisdiction authority to regulate water recreation facilities for ensuring conditions for safety, sanitation and water quality and evaluate deaths, injuries and illnesses associated with them.

Reasons Supporting Proposal: To reduce incidence of death, injury and disease associated with these facilities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Fraser, 217 Pine Street, Suite 220, Seattle, 464-5401.

Name of Proponent: Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule is revised in response to statutory changes in chapter 70.90 RCW. Rule addresses concerns with health and safety of facilities, has provisions for construction and operating permits, provisions for record-keeping, reporting of deaths or serious injury. Revisions will enable department to address concerns with injury, deaths and illnesses associated with water recreation facilities and work on means to reduce health effects in these areas.

Proposal Changes the Following Existing Rules: Changes include administrative agreements between

state and local health agencies; permit process; changes in water quality standards, new regulations on spa facilities, revised regulations on swimming, wading and spray pools—design, construction and operation sections; provisions for reporting of deaths and serious injuries; and enforcement provisions, responsibilities for retail companies to instruct clients on proper use of facilities, procedures for closed and abandoned pools.

Small Business Economic Impact Statement: An analysis of small business economic impact was made. It was determined that existing regulations have an economic impact on small businesses, but these proposed rules add only a minor impact. A report was made noting the steps taken to mitigate the impact on small businesses. This report is available by contacting Leslie Baldwin, 1300 Quince S.E., Olympia, WA 98504.

Hearing Location: St. Placid Priory, Multi-Purpose Room 1, Lacey, Washington, on February 14, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince S.E., Olympia, WA, by February 13, 1990.

Date of Intended Adoption: February 14, 1990.

January 2, 1990

Pam Campbell Mead
Deputy Secretary
for Kristine M. Gebbie

AMENDATORY SECTION (Amending Regulation .98.001, effective 3/11/60)

WAC 248-98-001 DEFINITIONS. (1) ~~(The term "public swimming pool" as used in these regulations shall mean an artificial pool of water having a depth of 24 inches or more used for swimming or recreative bathing together with buildings and appurtenances in connection therewith, and shall be construed as including all pools of water used for swimming or recreative bathing, in which it is necessary to employ such measures as the addition of clean water or disinfectant or both, for the purpose of maintaining the water quality standards included in these regulations, and shall include any swimming pool owned or operated by the state of Washington or any of its political subdivisions or is a pool generally available to the general public upon the payment of a specific admission charge for the use of the same; and shall include pools maintained by hotels, motels, or private clubs as an additional facility for members or guests where the same is 1500 square feet or more in surface area; or any pools not otherwise defined in this section:~~

(2) ~~The term "semipublic pool" shall mean a pool provided by a hotel, motel, or private club as an additional facility for members or guests where the same is less than 1500 square feet in surface area and having a water depth of 24 inches or more.~~

(3) ~~The term "bathing beach" shall mean a bathing place, together with buildings and appurtenances used in connection therewith, on a natural pond, lake, stream, or other body of fresh or salt water, which is open to the public for bathing by express permission of the owner, or which is operated for a fee, or which is openly advertised as a place for bathing by the public.~~

(4) ~~The term "wading pool" shall mean any artificial pool of water intended for wading purposes.~~

(5) ~~The term "spray pool" shall mean a pool or artificially constructed depression for use by children, into which water is sprayed but is not allowed to pond in the bottom of the pool.~~

(6) ~~The term "private pool" shall mean a swimming pool, bathing beach, wading pool, or spray pool maintained by an individual for use of his family and friends and shall not be subject to the provisions of these rules and regulations.~~

(7) ~~The term "health officer" shall mean the state director of health or the city, county, city-county, or district health officer, as defined in RCW 43.20.010 and chapters 70.04, 70.08, and 70.46 RCW, or their authorized representatives.)~~ "Abbreviations" (technical):

(a) "DE" means diatomaceous earth;

(b) "fps" means feet per second;

- (c) "gpm" means gallons per minute;
- (d) "mg/l" means milligrams per liter. When requirements in this regulation specify limits for liquid volume measurements using mg/l or ppm, either may be used depending on the type of testing equipment available;
- (e) "ppm" means parts per million. See notation under mg/l for use;
- (f) "TU" means turbidity unit as measured by the nephelometric method.
- (2) "ANSI" means American National Standards Institute.
- (3) "APHA" means American Public Health Association.
- (4) "Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with chapter 248-98 WAC.
- (5) "ARC" means American Red Cross.
- (6) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.
- (7) "ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers.
- (8) "Assistant lifeguard" means a person appointed by the owner or manager meeting the training requirements of this chapter actively assisting lifeguards (under direct lifeguard supervision) for the purpose of ensuring bather safety.
- (9) "Attendant" means a person appointed by the owner or manager meeting the training requirements of this chapter, monitoring activities and conditions for the purpose of ensuring bather safety.
- (10) "Bathing beach" means a bathing place, together with buildings and appurtenances used in connection therewith, on a natural pond, lake, stream, or other body of fresh or salt water, which is open to the public for bathing by express permission of the owner, or which is operated for a fee, or openly advertised as a place for bathing by the public.
- (11) "Board" means the state board of health.
- (12) "CNCA" means Council for National Cooperation in Aquatics.
- (13) "CPSC" means Consumer Product Safety Commission (U.S.).
- (14) "Communication system" means any combination of devices permitting the passage of or exchange of messages between personnel and/or personnel and bathers. Systems can include but are not limited to two-way radios, hard wired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.
- (15) "Contaminant" means any physical, chemical, or biological substance present in the WRF water which may adversely affect the health or safety of the bather and/or the quality of the water.
- (16) "Cross-connection" means any physical arrangement connecting a:
- (a) Potable water system directly or indirectly, with anything other than another potable water system; or
- (b) WRF pool to any potable or nonpotable water source capable of contaminating either the WRF pool, its components, or potable water source as a result of backflow.
- (17) "Department" means the department of health.
- (18) "Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or pool decking intended for users to dive.
- (19) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW in Washington state.
- (20) "FINA" means Federation Internationale de Natation Amateur.
- (21) "General use pool" means any swimming, spa, wading or spray pool regulated by this chapter not meeting the definition of a "limited use pool." If limited-use pools provide organized programs (as noted in limited-use definition), the limited-use pools shall conform with the general-use pool requirements during periods of such activity.
- (22) "Handhold" means a structure not over twelve inches above the water line around the perimeter of the pool wall, affording physical means for the bather to grasp the pool sides.
- (23) "Illness or injury report" means the written record of all facts regarding an injury or illness associated with the WRF.
- (24) "Lifeguard" means a person appointed by the owner or manager to maintain surveillance over the bathers on the deck or in the pool and to supervise bather safety. The lifeguard shall meet the training requirements of this chapter.
- (25) "Lifeguard station" means designated work station of a lifeguard.
- (26) "Lifesaving equipment" means emergency equipment and barrier protection.
- (27) "Limited use pool" means any swimming, spa, wading, or spray pool regulated by this chapter at an apartment, boarding home, condominium, home owner's association, hotel, mobile home park, motel, recreational vehicle park, or rental housing unit and is for the use of the persons living or residing at these facilities and the resident's invited guests. If such pool provides organized programs at the facility (that is, formal instructional lessons for swimming or diving, swim meets, exercise classes, or other activities planned for users besides those specified under the limited use pool category), the pool facility shall conform with the general use pool requirements during periods of such activity.
- (28) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.
- (29) "NSF" means National Sanitation Foundation.
- (30) "NSPI" means National Spa and Pool Institute.
- (31) "Operations" means all aspects of a WRF which must be controlled to make the facility safe, healthy, and usable for the purpose intended.
- (32) "Owner" means a person owning and responsible for a WRF or authorized agent.
- (33) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.
- (34) "Pool" means swimming pool, wading pool, spray pool, or spa pool or the like.
- (35) "Plummet" means a line perpendicular to water surface and extending vertically to a point located at the front end of the diving board and at the center line directly in front of the diving board.
- (36) "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.
- (37) "Radius of curvature" means the radius arc denoting the curved surface from the point of departure from the springline (vertical sidewall) of the pool to the pool bottom.
- (38) "Response time" means time between bather distress and initiation of rescue assistance contact by a lifeguard in facilities providing lifeguards.
- (39) "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, and that includes but is not limited to water slides, wave pools, and water lagoons. These facilities are regulated by chapter 248-97 WAC.
- (40) "RLSSC" means the Royal Life Saving Society Canada.
- (41) "Secretary" means the secretary of the department of health.
- (42) "Serious injury" means any injury:
- (a) Requiring emergency service response where a person requires medical treatment as determined by the emergency medical response personnel; and/or
- (b) Resulting in a person seeking medical attention at a hospital emergency room or admittance to a hospital.
- (43) "Spa pool" means a pool designed for relaxation or recreational use where the user is sitting, reclining, or at rest and the pool is not drained, cleaned, or refilled for each user. The spa pool may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles in any combination.
- (44) "Spray pool" means a pool or artificially constructed depression for use by bathers in which water is sprayed, but is not allowed to pond, in the bottom of the pool.
- (45) "Springline" means the point where the pool wall breaks from vertical and begins its arc in the radius of curvature (for cove construction) to the bottom of the pool.
- (46) "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational bathing and having a depth of two feet or more at any point and including all associated facilities.
- (47) "Turnover time" means the minimum time necessary to circulate the entire volume of the pool facility through the treatment system.
- (48) "Wading pool" means any artificial pool of water equal to or less than two feet deep and intended for wading purposes.
- (49) "Walking surface" means any surface used as a direct access surface for a pool area and the walking surface's change room facilities where the user is bare foot.
- (50) "Water treatment operator" means the appointed person operating the physical and mechanical equipment and performing related

water quality monitoring and associated record keeping for proper operation of the physical facility.

(51) "Water recreation facility (WRF)" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

- (a) Conventional swimming pools, wading pools, and spray pools;
- (b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 248-97 WAC;
- (c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and
- (d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

NEW SECTION

WAC 248-98-003 PURPOSE AND AUTHORITY. The purpose of this chapter is to protect the health, safety, and welfare of users of water recreation facilities (WRF). This chapter is established per RCW 70.90.120.

NEW SECTION

WAC 248-98-005 GENERAL ADMINISTRATION. (1) The department and local health officer for each local health jurisdiction shall develop an interagency agreement listing the responsibilities of each agency for administering these rules. The agreement shall designate the person responsible for:

- (a) Issuance of construction permits with plan review and review of completed facilities;
 - (b) Issuance of operation permits and routine surveillance of facilities; and
 - (c) Enforcement actions.
- (2) Fees may be charged as authorized in RCW 70.90.150.
- (3) The interagency agreement shall be reviewed periodically to ensure effective use of local and state resources.
- (4) The department shall conduct a local health jurisdiction program review a minimum of once every five years to ensure conformance with state board of health standards.
- (5) The department shall review this chapter for changes at least once every five years.

AMENDATORY SECTION (Amending Regulation .98.010, effective 3/11/60)

WAC 248-98-010 ((APPROVAL OF PLANS)) CONSTRUCTION PERMIT. ((No municipality, person.)) Persons ((, firm, corporation, association, organization, or institution shall)) planning to construct ((a public or semipublic swimming pool, or make changes in any such pools already built, or in the appurtenances thereof, until the)), alter, or modify a WRF pool, except for routine maintenance, shall submit plans to the department or local health officer as required for review and approval:

- (a) A completed construction permit application form obtained from the department or local health officer;
 - (b) Three sets of plans and specifications ((therefor shall first have been submitted to and received the approval of the state director of health. The state director of health may stipulate when granting this approval such modifications or conditions as the public health or safety may require. Such plans and specifications shall be)) prepared and signed by ((a professional)) an engineer or architect ((registered in the state of Washington)).
- (2) The architect or engineer shall provide the following information for plan review approval and project completion:
- (a) Plans drawn to scale and in sufficient detail to completely illustrate construction including, but not limited to:
 - (i) One plan view;
 - (ii) One or more cross sections through the main drain;
 - (iii) Overall plan showing the pool in relation to other facilities in the area;
 - (iv) Detailed view of the equipment layout and the associated room or location;
 - (v) A piping schematic showing piping configuration, pipe size, valves, inlets, main drains, overflow outlets, make-up water, and backwash from filter;
 - (vi) Dimensional drawings of pool bottom and sidewalls;

- (vii) Specifications of all required components;
- (viii) Such other department-required information.

(b) Engineers or architects may submit standard plans for prefabricated structures or structures virtually identical from one installation to the next. When the engineer or architect submits such standard drawings, future submittals, involving the standard equipment shall:

- (i) Include copies of the approved standard drawings;
- (ii) Include an engineer or architect cover letter noting the location and address of the new facility;
- (iii) Be substantially in conformance with the original standard plan;
- (iv) Provide information on changes and note any specification differences; and
- (v) Be valid only during the period regulations or department policies concerning plan review and design standards are not changed. If errors are determined at a later period, it will be necessary to resubmit.

(c) The facility construction report noted under subsection (5)(a) of this section. On pools:

(i) Less than fifteen hundred square feet, the construction report shall confirm the:

- (A) Mechanical equipment and circulation system is substantially installed and functioning in accordance with the approved plans; and
- (B) Facility with provisions for diving substantially conforms with the diving envelope requirements established in the regulation.

(ii) Fifteen hundred square feet or more, shall confirm:

- (A) Subitems under subsection (2)(c)(i) of this section; and
- (B) Walking surfaces, barriers, pool components including piping, inlets, outlets, dimensional design, pool appurtenances, equipment rooms, ventilation, and lighting and plumbing fixtures are substantially in conformance with the approved plans.

(3) Following review of the completed permit application and plans and specifications, the department or local health officer shall forward:

- (a) Written approval or rejection or note modifications, additional information needed or conditions, and issue or deny a construction permit within thirty days of a complete submittal;
- (b) A copy of approved plans to the designer; and
- (c) A copy of the approval letter to the department or local health officer and local building department.

(4) The owner shall ensure any construction, modification, or alteration is completed according to approved plans and specifications.

(5) Upon completion of WRF pool facility construction, modification, or alteration and before use, owners shall:

- (a) Submit to the department or local health officer a construction report signed by an engineer or architect certifying construction is substantially in compliance with approved plans and specifications and related to conditions under subsection (2)(c) of this section;
- (b) Notify the department or local health officer at least five working days before intended use of the facility; and
- (c) Before use of a new or modified pool facility, obtain a valid operating permit from the state or local health jurisdiction having authority for surveillance of the pool.

(6) The construction permit issued by the department or local health officer shall be valid for a period of eighteen months. Renewals of construction permits may be granted by the department or local health officer for a period of one year. The owner is responsible to resubmit for a reapplication for a construction permit.

(7) WRF pool owners shall comply and obtain approval with all other applicable agency codes and standards. The agency codes and standards include, but are not limited to:

- (a) The National Electrical Code, chapter 19.28 RCW and chapter 296-46 WAC determined under the electrical section of the Washington state department of labor and industries or local electrical authority;
- (b) Local gas piping and appliance codes, American Gas Association standards, and certification meeting the latest ANSI Z21.56 or other applicable and equivalent standards;
- (c) Local building authority standards, including structural design of components;
- (d) State and local plumbing authority standards;
- (e) Washington state department of labor and industries requirements for pressure vessels under chapter 70.79 RCW and chapter 296-104 WAC; and
- (f) Codes designated under chapter 70.92 RCW for handicapped accessibility.

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

NEW SECTION

WAC 248-98-015 OPERATING PERMIT. (1) No person shall operate a water recreation pool facility without a current department or local health officer-issued operating permit.

(2) To obtain an operating permit, owners of a water recreation pool facility shall provide department or local health officer information showing the WRF is in compliance with this chapter.

(3) Operating permits shall be:

(a) Valid for one year;

(b) Subject to annual renewal; and

(c) Nontransferable without written department or local health officer consent. For purposes of this section, a change in management of a corporation, partnership, association, or other nonindividual business entity shall create a new person requiring either consent to a permit transfer or issuance of a new permit upon proper application.

(4) The department or local health officer issuing the operating permit may revoke or suspend the permit if the WRF is not operated in accordance with chapter 70.90 RCW or chapter 248-98 WAC.

AMENDATORY SECTION (Amending Regulation .98.020, effective 3/11/60)

WAC 248-98-020 COMPLIANCE. Existing ~~((public and semi-public swimming pools and wading pools))~~ water recreation facilities which do not fully comply with the design, construction, and equipment requirements ~~((as outlined))~~ in WAC ~~248-98-040, 248-98-050~~ ~~((and)), 248-98-080, and 248-98-090~~ of these regulations may be continued in use ~~((, provided the pool is))~~. The facility shall be operated in continuous compliance with the ~~((requirements regarding water quality, disinfection, and sanitary control;))~~ provisions of this chapter as outlined in the life saving equipment requirements as defined in WAC ~~248-98-001(26), 248-98-030, ((248-98-040)) 248-98-035, 248-98-045, ((and)) 248-98-060~~ ~~((of these regulations)), 248-98-085, and 248-98-095~~ of this act. Owners shall have until December 31, 1990 to comply with WAC ~~248-98-045, 248-98-060, 248-98-085, 248-98-095, 248-98-098, and provisions for lifesaving equipment in this chapter. Existing facilities built before the effective date of this chapter revision, not conforming with barrier requirements, shall provide a minimum four-foot barrier height which has a maximum width opening of vertical members not exceeding six inches in width, with a self-closing, self-latching gate or door. Facilities exempted from the regulations are noted under RCW 70.90.250 and the term medical therapy include facilities whose sole use is therapy provided for medical:~~

(i) Treatment under the supervision of licensed medical practitioners; or

(ii) Rehabilitation for institutionalized patients under supervision of licensed medical practitioners.

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

NEW SECTION

WAC 248-98-025 SURVEILLANCE. (1) Owners and operators shall permit the department or health officer to perform on-site WRF inspections or other surveillance activity as necessary in the discretion of the enforcing agency to ensure compliance with standards under chapter 70.90 RCW and chapter 248-98 WAC.

(2) Employees of the enforcing agency shall provide appropriate identification when entering a WRF for the purpose of routine inspections.

AMENDATORY SECTION (Amending Regulation .98.030, effective 3/11/60)

WAC 248-98-030 WATER QUALITY STANDARDS, ANALYSIS, AND SAMPLE COLLECTION. (1) ~~((Water quality))~~ Contaminants. ~~((The water in all pools subject to these rules and regulations shall at all times meet the following standards of quality:~~

(a) Bacteria count - Not more than 15% of any series of samples, ~~((see WAC 248-98-030(2) following))~~ nor more than 2 consecutive samples in any series of samples collected at times when the swimming pool is in use, shall show the presence of bacteria of the coliform group in any of the five 10-milliliter portions examined.

Not more than 15% of any series of samples nor more than 2 consecutive samples in any series of samples ~~((see WAC 248-98-030(2))~~; collected at times when the swimming pool is in use, shall contain more than 200 bacteria per milliliter when incubated for 24 hours on standard nutrient agar at 35°C. ± 0.5°C.

(b) Turbidity - At all times when the pool is in use the water shall be sufficiently clear to permit a black disc six inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the walkways of the pool at all distances up to ten yards, measured from a line drawn across the pool through said disc. When conditions are such that the test disc cannot be seen as specified, bathers shall not be permitted in the pool until the test can be complied with. A test disc shall be kept readily available at all times.

(c) Chemical - The water in a swimming pool shall be maintained at all times in such alkaline condition that the pH value of the water in the pool shall be between 7.2 and 8.9. Owners shall maintain waters free from harmful levels of disease-producing organisms, toxic chemicals, or adverse physical conditions.

(2) ~~((Analytical methods))~~ Bacteriological standards. ~~((Sample shall be examined in accordance with the latest edition of standard methods of water analysis of the American Public Health Association by a laboratory approved for the purpose by the state director of health. Samples of water submitted to such laboratory shall be accompanied by all pertinent data requested on water sample information form accompanying official water sample bottles relative to the operation of the pool, indicating the conditions prevailing at the time of collection of samples))~~ Owners shall maintain WRF pool waters to meet the following standards of bacteriological quality:

(a) Heterotrophic plate counts not to exceed two hundred bacteria per milliliter in two consecutive tests;

(b) Total coliform not to exceed an average of one coliform per sample of one hundred milliliters in two consecutive tests when using the membrane filter test; and

(c) Total coliform not to exceed one tube positive in two consecutive tests when using the MPN method.

(3) ~~((Collection of samples))~~ Disinfection. ~~((The health officer shall prescribe what series of samples of swimming pool water shall be collected and shall determine the frequency of samples necessary to assure that the water quality will meet the standards as set forth in paragraph (1) of this section. Such samples shall be collected while the swimming pool is in use, at a point near the outlet of the swimming pool, and at such additional sampling points as may be selected to indicate the quality of the water being maintained throughout the swimming pool. Samples of chlorinated water shall be dechlorinated when collected))~~ Owners shall maintain continuous and effective methods of disinfection of WRF pool waters at all times with use of:

(a) Chlorine or bromine described under Table 030.1 of this section; and/or

(b) Alternate forms of disinfection meeting the following criteria:

(i) Registered with the Environmental Protection Agency, if required;

(ii) Registered with the Washington state department of agriculture, if required;

(iii) Conformance with NSF standard 50 or equal when applicable; and

(iv) Adherence to department-established guidelines.

(c) Alternate forms of disinfection for which the department has developed board-approved standards or guidelines including:

(i) "Interim guidelines governing the use of ozone and ozonators for water recreation facilities;"

(ii) "Interim guidelines governing the use of copper/silver disinfection processes for water recreation facilities."

(4) ~~((No chemicals or materials shall be added to any pool unless the use thereof has been approved by the state director of health))~~ Chemical and physical quality. Owners shall maintain:

(a) Physical and chemical conditions within the ranges specified under Table 030.2 of this section;

(b) Cleanliness by:

(i) Closing an affected WRF area or affected portion of a WRF area when contaminated with feces, vomit, sewage, or other hazardous or unknown material until the area is clean, disinfected, and free of the hazardous material;

(ii) Daily removal of scum or floating material on the pool water surface;

(iii) Continuous removal of scum or floating material by overflow action of pool water with flotsam screened and filtered; and

(iv) Maintaining sanitary walking surfaces.

(c) WRF spa pools which are routinely drained, cleaned, and refilled at a minimum using the formula as follows:

$$\text{Spa volume} \div 3 \div \text{average number of users/day} = \frac{\text{Number of days between draining, cleaning, and refilling.}}{\text{Number of days between draining, cleaning, and refilling.}}$$

(5) Laboratory sampling and testing. Persons collecting laboratory analysis water samples shall:

(a) Collect and transport chemical and micro-organism samples based on the most recent published edition of standard methods for the examination of water and waste/water analysis, published jointly by the American Public Health Association/Water Pollution Control Federation and American Waterworks Association, referred to as "standard methods" in this chapter;

(b) Have laboratory tests performed per "standard methods" at department-approved laboratories to provide such analyses;

(c) Provide adequate data for completing analyses; and

(d) Use department-approved water sample bottles for collection of samples.

(6) Field testing. Owners shall have field testing equipment:

(a) To provide means for measuring disinfectant residuals, pH, alkalinity, and any other chemicals routinely used in the pool water;

(b) In pools where compressed chlorine gas is used, to detect leaks using commercial strength (twenty-six degrees Baume') ammonia vapor; and

(c) With a suitable range of readings for the routinely measured parameters as noted under Table 030.3 of this section.

(7) Chemicals in pool. Owners shall ensure addition of chemicals or materials to WRF pool waters only when the use is approved or recognized as acceptable by the department. The department has available to WRF pool owners the current approved or acceptable material lists.

(8) Additional tests. Owners shall perform additional department or local health officer-directed tests.

TABLE 030.1

MINIMUM AND MAXIMUM LEVELS OF DISINFECTANTS *

Currently Recognized Disinfectants	Type of Residual Measured	pH Ranges			Maximum Residual ppm **
		7.2-7.49	7.5-7.79	7.8-8.0	

1. Chlorine	Free available chlorine	1.0	1.4	1.8	6
2. Chlorinated cyanurate	Free available chlorine	1.5	2.0	2.8	6
3. Bromine	Total available bromine	2.0	2.5	3.5	6

NOTE:

*When using spa facilities, increase minimum residuals in all categories by 1.5 ppm.

**Maximum residual as noted or manufacturer's recommendations (whichever is less). In spa facilities, maximum residual may be raised to 10 ppm or manufacturer's recommendations (whichever is less).

TABLE 030.2

ACCEPTABLE RANGES OF SELECTED CHEMICAL AND PHYSICAL WATER QUALITY CONSTITUENTS

Chemical or Physical Constituent	Minimum	Maximum
1. pH (Hydrogen ion)	7.2	8.0
2. Water clarity (safety)	Main drain and pool bottom visible at all times	---

Chemical or Physical Constituent	Minimum	Maximum
3. Turbidity (shielding micro-organisms from disinfection)	---	0.5 TU*
4. Cyanuric acid or its derivatives (if used)	0	90 ppm
5. Temperature	---	104 F.**
6. Combined chlorine	---	<50% of free chlorine
7. ORP***	700 mv.	---

NOTE:

*In peak periods, turbidity may increase to 1.0 TU provided turbidity returns to 0.5 TU within a six-hour period following peak use. Turbidity is not a required routine analysis. Turbidity monitoring may be required by the department or local health officer if special conditions warrant turbidity monitoring.

**A pool facility thermometer shall be provided when the water temperature exceeds 95 degrees Fahrenheit.

***Oxidation-reduction potential (ORP) readings used in conjunction with chlorine and bromine may be allowed as long as values are maintained no less than 700 millivolts. ORP readings do not preclude the need for field testing of the actual mg/l residual for the specific disinfectant on at least a daily basis.

TABLE 030.3

RANGE OF ACCEPTABLE TESTING LEVELS FOR FIELD TEST KITS*

Chemical Test	Minimum Range	Minimum Accuracy
1. Free available chlorine	0.3 to 3.0 ppm	0.2 ppm to 1.0 ppm 0.5 ppm above 1.0 ppm
2. Total chlorine	0.3 to 3.0 ppm	0.2 ppm to 1.0 ppm 0.5 ppm above 1.0 ppm
3. Total bromine	0.3 to 4.0 ppm	0.2 ppm to 1.0 ppm 0.5 ppm above 1.0 ppm
4. pH (hydrogen ion)	7.0 to 8.2	0.2
5. Cyanuric Acid	0 to 100 ppm	10 ppm
6. Alkalinity	0 to 300 ppm	15 ppm
7. Temperature (spas)	60 to 110 degrees F.	1 degree F.

NOTE:

*Do not make a chemical condition determination based on readings at the extreme measurable limits of the scale.

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

NEW SECTION

WAC 248-98-035 MONITORING, REPORTING, AND RECORD KEEPING. (1) Reporting death, injury, and illness. Owners shall:

(a) Provide department or local health officer-requested information for statewide injury and illness surveillance reports; and

(b) Within forty-eight hours, notify the department or local health officer of a drowning, near drowning, death, or serious injury or illness occurring at the water recreation facility.

(2) Incidents. Owners shall provide department or local health officer-requested information after an incident creating a potential problem of health or safety significance, for example, chlorine gas leak.

(3) Monitoring and record keeping. Owners shall monitor and maintain records for at least three years on the following:

- (a) Water quality conditions on WRF pools including:
 - (i) Residual disinfectant testing often enough to determine the residual is satisfactory, and in no condition shall residual disinfectant testing be done less than once every twenty-four hours;
 - (ii) Hydrogen ion (pH) concentration testing often enough to determine the concentration is satisfactory, and in no condition shall testing be done less than once every twenty-four hours;
 - (iii) Checking alkalinity monitored at least weekly;

(iv) Recording quantities of all chemicals added to pool water, including alum, algicides, cyanuric acid, acids, alkalinity compounds, etc.

(v) Checking gauges sufficiently to assure conformance with code requirements for turnover during the filter cycle;

(vi) Any gross water contamination, for example, vomiting, feces, etc.;

(vii) When pool temperature is over ninety-five degrees, temperature testing sufficiently often to determine temperature is in a satisfactory range at or below one hundred and four degrees Fahrenheit and in no condition shall temperature testing be done less than once every twenty-four hours; and

(viii) When cyanuric acid or its derivatives are used in a pool, cyanurate level testing to determine the cyanurate level is maintained below the maximum level of ninety mg/l, and in no condition shall cyanurate level testing be done less than once every week the pool is in use.

(b) Routine preventive maintenance provided on all hazardous equipment, for example, gas chlorination equipment;

(c) Daily estimation of number of users;

(d) Personnel credentials, training, and/or certifications required under WAC 248-98-045(5), 248-98-060(5), and 248-98-085(5) of this chapter.

(4) Availability. Owners shall make records required by this section available for department or local health officer review upon request.

AMENDATORY SECTION (Amending Regulation .98.040, effective 3/11/60)

WAC 248-98-040 ((DISINFECTION)) SPA POOL GENERAL DESIGN, CONSTRUCTION, AND EQUIPMENT. ((A disinfection process or procedure shall be used at all pools subject to these rules and regulations for the purpose of insuring continuous disinfection of the water throughout the pool during the period the pool is in use:

When chlorine or chlorine compounds are used as the disinfectant, the water in the pool at all times while in use shall contain a chlorine residual of not less than 0.4 parts per million as measured by the orthotolidine method, or shall contain a free chlorine residual of a value to be determined by the health officer.

Disinfection by other than chlorine or chlorine compounds may be used, if approved by the state director of health, and if such disinfection process or procedure will permit maintenance of a water quality in compliance with the requirements as outlined in WAC 248-98-030 of these regulations)) (1) Location. Owners shall locate pools to:

(a) Minimize pollution by dust, smoke, soot, and other undesirable substances;

(b) Eliminate pollution from surrounding surface drainage; and

(c) Ensure pump house, trees, and other structure locations are fifteen feet or more away from the pool or provide barriers or other means to prevent ready access from any such structure. Structures shall not be construed to include:

(i) Building walkways above the second story or roofs of any building structure; or

(ii) Any barriers provided to prevent unauthorized pool access, for example, fencing.

(2) Materials. Owners shall use only structure and equipment materials which are nontoxic, durable, inert, impervious to water, and easily cleanable.

(3) Walking surfaces. Owners shall design and maintain walking surfaces:

(a) Uniformly sloping away from the pool or pools with a minimum of one-fourth inch per foot and a maximum of one-half inch per foot;

(b) Of a nonslip finish not presenting a tripping hazard;

(c) Equipped with sufficient drains to prevent standing water;

(d) Of easily cleanable impervious finishes;

(e) Providing a minimum unobstructed six feet by seven feet area adjacent to the pool;

(f) Continuous and four feet wide or more extending around the entire pool if perimeter is equal to or greater than forty feet;

(g) Forty inches or less below horizontal ledge of elevated pool. Elevated pools over twelve inches above deck level shall have a maximum ledge thickness of twelve inches, except in the area of stairs;

(h) Continuously extending, and four feet wide or more, around fifty percent or more of the pool, if the pool is over forty inches above the primary walkway; and

(i) In conformance with department-established guidelines for any resilient artificial surfaces.

(4) Barriers. Owners shall provide barrier protection to prevent unauthorized access including:

(a) In outdoor facilities, a barrier of forty-eight inches or more in height with:

(i) Barrier:

(A) Not allowing passage of a four-inch diameter sphere;

(B) Horizontal members with less than forty-five inches spacing between the tops of the horizontal members shall have vertical members not exceeding one and three quarter inches in width; or

(C) Horizontal members with forty-five inches or more spacing between tops of the horizontal members shall have vertical members not exceeding four inches in width.

(ii) Lockable gates and entrances provided with a self-closing, self-latching mechanism fifty-four inches or more from the ground with a clear space fifty inches deep on the latch side of the door to position a wheelchair. When a latching mechanism is provided at any lower height, the latching mechanism shall be of a type remaining continuously locked, and only opening:

(A) With the use of a key or other access control system; or

(B) By reaching over the gate to a latch at least three inches below the top of the gate on the pool side of the barrier in compliance with CPSC standards for residential pool latching.

(b) Indoor facility barriers suitable to prevent access of unauthorized individuals;

(c) Restricted area service entrances shall be exempt from door or gate requirements providing no public access is available;

(d) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during non-use periods; and

(e) An entrance to the pool area which shall not serve as a required exit from another part of a building when there is a conflict with other codes or regulations.

(5) Spa pool structure. Owners shall ensure general pool requirements include:

(a) Pool surfaces which are nontoxic, impervious, smooth, easily cleanable, and enduring. Pools one hundred square feet or more shall be a white or light color;

(b) A dimensional design providing for safety, circulation, and quality of the water including, but not be limited to:

(i) Surfaces not causing cutting, pinching, puncturing, entanglement, or an abrasion hazard under casual contact;

(ii) Construction tolerances conforming with current NSPI public spa standards;

(iii) Uniform floor slopes not exceeding one foot of drop in twelve feet of run sloped to drain;

(iv) A minimum height between the top of the pool rim and the ceiling shall be seven feet; and

(v) Maximum operational depth of four feet measured from the water line. Exceptions may be made for special purpose designed pools.

(c) Adequate means to routinely drain or otherwise remove water from the pool.

(6) Spa pool appurtenances. Owners shall ensure pools contain:

(a) Handholds around the pool perimeter two feet or more in depth. Handholds shall be four feet apart or less and consist of any one or a combination of the following:

(i) Coping, ledges, radius flanges, or decks along the immediate top edge of the pool or suitable slip-resisting handholds located twelve inches or less above the water line;

(ii) Ladders or steps; or

(iii) Secured rope or railing twelve inches or less above the water line.

(b) Stairs:

(i) Meeting the following construction requirements:

(A) Nonslip tread finishes;

(B) Contrasting color stair tread edges clearly visible to users;

(C) Handrails with the leading edge for stairs at pool entry/exit being neither eighteen inches or more beyond nor eight inches or more inside (horizontally) the vertical plane of the bottom riser;

(D) Less than or equal to twenty feet of any point within the spa measured at the wall at the point of entry;

(E) Riser treads with a minimum unobstructed, horizontal, ten-inch tread depth and a minimum two-hundred-forty-inch surface area;

(F) Riser heights on spa pools over forty feet in perimeter, uniform and seven and one-half inches or less, except the bottom riser may be less than uniform height; and

(G) Riser heights on spa pools of forty feet or less in perimeter, uniform and have a preferred seven and one-half inch height, but not

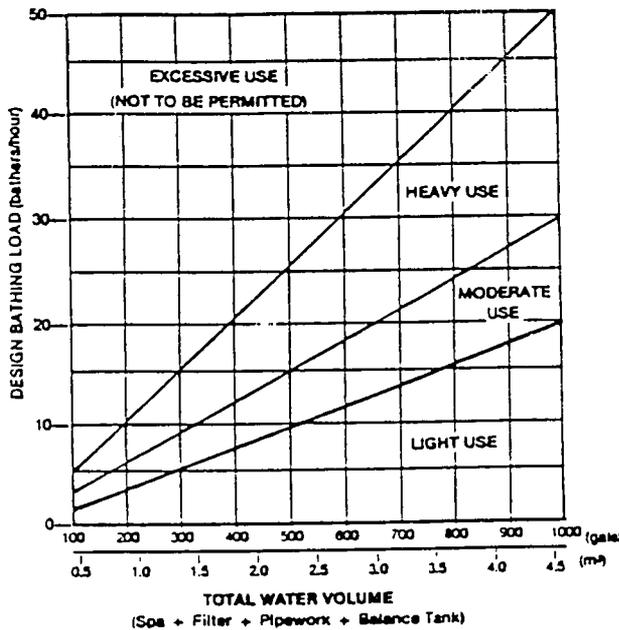
greater than ten inches, except the bottom riser may be less than uniform height.

(7) Spa pool bather design capacity and load. Owners shall design and control the pool use to not exceed a maximum bather capacity and load as designated below:

(a) The maximum bather capacity is one person per four square feet. Maximum bather capacity is the maximum number of bathers at any one time; and

(b) Bather loads are designated in terms of three different loading conditions: Light, moderate, and heavy use as shown under Graph 040.1. Maximum bather load is the maximum number of bathers in a one-hour period. Interpret a single bather use to mean a bather using the pool for a fifteen minute duration. For pools with volumes greater than noted on the graph, loadings shall be based on the continued slope of the line above each use category.

GRAPH 040.1 SPA DESIGN FOR BATHER LOAD AND TURNOVER



(8) Turnover. Owners shall ensure pools turn over entire pool water volume at rates in accordance with designated bather load as determined from Graph 040.1 noted in subsection (7) of this section.

(a) Minimum turnover time for treatment recirculation shall be:

- (i) For light use pool facilities, thirty minutes;
- (ii) For moderate use pool facilities, twenty minutes;
- (iii) For heavy use pool facilities, ten minutes.

(b) Exceptions to recirculation requirements may be made for flow-through pools in the following conditions:

- (i) Where water supply is sufficient to provide the same turnover period specified for recirculation pools;
- (ii) The source water supply meets the quality requirements and is subject to a disinfection method outlined under WAC 248-98-030(3);
- (iii) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and
- (iv) The pool water quality complies with WAC 248-98-030.

(9) Inlets. Owners shall provide pool inlets:

- (a) Submerged and located to produce uniform water and chemical circulation throughout the pool;
- (b) Located on the bottom of pools ten thousand gallons or more, unless otherwise justified by the design engineer to either the department's or local health officer's satisfaction.

(10) Outlets. Owners shall provide pool outlets with:

- (a) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow, and main drain piping designed to carry fifty percent or more of the total recirculation filter flow;
- (b) Overflow outlets maintaining:
 - (i) A minimum of sixty percent of filter recirculation flow at all times; and

(ii) An overflow channel which may be used on any pool and required on pools ten thousand gallons or more on the pool perimeter to promote uniform circulation and skimming action of the upper water layer with:

- (A) A design preventing all matter entering the channel from returning to the pool;
- (B) Dimensions minimizing bather hazards, such as catching arms or feet;
- (C) One one-hundredth of a foot slope per foot or more;
- (D) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and
- (E) Size sufficient to prevent flooded suction conditions on the overflow system and to properly drain water away from the pool. Displacement shall be computed at twenty gallons per bather. Balancing tanks use is optional dependent on the overflow channel volume and design.

(iii) Skimmers in lieu of pool overflow channels up to ten thousand gallons if:

- (A) Weir provided in skimmer has a maximum flow rate through skimmer not exceeding four gpm per inch of weir;
- (B) Devices are recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;
- (C) The skimmer is equipped with a device to prevent air lock in the recirculation suction line, such as, an equalizer line;
- (D) The skimmer is equipped with a removable and cleanable screen designed to trap large solids;
- (E) Automatically adjustable and operates freely with continuous skimming action to continue through all loading rates as the skimmer is designed. Displacement shall be computed at twenty gallons per bather.

(c) Main drains in all pools with:

- (i) Location of one main drain or more at the lowest point of the pool floor, or means to readily drain the entire pool water readily available;
- (ii) A minimum of two main drains with equivalent recirculation capacity and net surface open area; or on spa pools with fifteen hundred gallon volume or less, a large single main drain twelve inches or more in surface area;
- (iii) A design to aid in hair entrapment prevention when main drains are on vertical walls;
- (iv) Total open area of grates sized to prevent a suction or entrapment hazard dangerous to user;
- (v) Grates on drains with a:
 - (A) Maximum flow of one and one-half feet per second; or
 - (B) Net outlet area four times or more the area of the discharge pipe;

(vi) Openings one-half inch or less wide;

- (vii) Grates designed to withstand forces of users;
- (viii) Grates removable only with specific tools; and
- (ix) Means to control flow from recirculation pump or balancing tank.

(11) Flow. Owners shall maintain pool recirculation flow not to exceed:

- (a) Six feet per second in the valved suction or discharge side of the pump; and
- (b) Ten feet per second in open discharge pipes on the pressure side of the pump or filter discharge. The recirculation flow limit does not apply to the return inlet and the last two feet of pipe leading to the inlet.

(c) The recirculation piping of the spa pool shall not inter-mix back with any companion swimming pool water.

(12) Pumps. Owners shall have and maintain recirculation pumps with adequate capacity to:

- (a) Provide design flows and pressure for water recirculation over the entire operating filter pressure;
- (b) Allow proper backwashing of filters when specified;
- (c) Have self-priming capability when installed above the pool water level; and
- (d) Ensure the recirculation pump system shall have a separate water treatment pump than that used for hydrotherapy spa action, unless automatic flow control valving is provided to limit filter flow to required design.

(13) Strainers. Where pumps precede the filter, owners shall equip pool recirculation facilities with hair and lint strainers which shall:

- (a) Be located upstream of recirculation pumps;
- (b) Provide strainer screen sufficiently strong to prevent collapse when clogged;
- (c) Have an operable cover; and

(d) Provide valving to isolate the strainer when located below pool water level.

(14) Valves. Owners shall provide valves at appropriate locations to allow equipment isolation and maintenance.

(15) Equipment rooms. Owners shall provide equipment rooms for a spa pool with:

(a) Ten thousand gallons or more in water volume or for spa pools provided adjacent to a swimming pool at the same facility with:

(i) Enclosed pumps, disinfection equipment, filters, and other electrical and mechanical feed equipment and associated chemicals. Storage of chemicals shall conform to manufacturer requirements;

(ii) Working space and access to perform routine operation;

(iii) A forty-six-square-foot minimum floor area and provides a three-foot minimum access area to service equipment;

(iv) One floor drain or more and a floor slope to the drain at a one-fourth-inch-per-foot minimum;

(v) If below grade, ready access;

(vi) Ventilation;

(vii) Twenty foot candles or more of light measured thirty inches from the floor; and

(viii) Kept locked.

(b) Less than ten thousand gallons in water volume or for spa pools not provided at the same facility as a swimming pool complying with subsection (15)(a)(i), (ii), (v), and (viii) of this section.

(16) Make-up water. Owners shall ensure a source of make-up water and associated piping at the pool:

(a) Providing sufficient quantity to replace daily pool water losses;

(b) Coming from a supply conforming with chapter 248-54 WAC;

(c) Preventing cross connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the pool water or waste water; and

(d) If using a pool fill spout, not projecting greater than one inch into the space above the water surface area and shielded to not create a deck hazard.

(17) Filters. Owners shall equip pools with filtration equipment:

(a) Meeting the applicable NSF standards or equivalent;

(b) Using acceptable type and filter rates described under Table 040.2 of this section;

(c) Having pressure or vacuum gauges for measuring loss of head through the filter with a minimum of one gauge preceding and one gauge following the filter;

(d) Having a rate of flow indicator to measure a flow with accuracy, repeatability, and durability equivalent to flow meters meeting NSF standards; and

(e) Having means of discharging filter backwash to waste with:

(i) Discharge in a manner not creating a public nuisance;

(ii) Disposal in accordance with applicable local laws or regulations;

(iii) Minimum air gap of two pipe diameters to prevent cross-connection from waste discharge and recirculation system piping;

(iv) Discharge receptor and sufficient size piping to accept backwash water and to prevent flooding; and

(v) Ability to monitor filter effluent during backwash, that is, use of sight glass.

(f) Providing means to release air entering the filter tank on pressure filters;

(g) When cartridge filters are used:

(i) Provide with an extra set of cartridges; and

(ii) Have any bypass valves in a permanently closed position.

(h) When using pressure DE filters with separation tanks:

(i) Providing a means of air release or a lid providing a slow and safe release of pressure; and

(ii) Showing a readily visible user warning that the air release must be opened before starting the circulation pump.

Type of Filter Media	Rates in gpm/Square Feet		
DE			
Pressure	0.8	1.0	1.5
Vacuum	1.0	1.35	1.5
Cartridge*			.375

NOTE:

*Cartridge filters shall have a nominal micron rating of twenty microns or less.

(18) Disinfection equipment. Owners shall provide disinfection equipment:

(a) Providing a continuous and effective disinfectant residual in the water;

(b) Using a disinfectant with an easily monitored residual;

(c) Having a design feed rate providing effective disinfection levels when the pool is in peak demand conditions;

(d) Having easily cleanable equipment and piping used to apply chemicals and with provisions to prevent undue clogging. All materials shall be resistant to action of chemicals used;

(e) Conforming to NSF standards if the disinfection equipment contains:

(i) Adjustable output rate chemical feed equipment for liquid solutions. The equipment shall:

(A) Feed under positive pressure in the recirculation system;

(B) Provide means for dosage adjustment;

(C) Have provisions to prevent hypochlorite solution siphoning when equipment is turned off. This applies when the disinfection equipment is above pool water level.

(ii) Flow through chemical feed for solid feed materials. Solid tablets or granules shall not be placed in skimmer baskets accessible to the public.

(f) Allowing hand feeding on an emergency basis only;

(g) Meeting the following conditions when using chlorine gas:

(i) Chlorine rooms shall:

(A) Be above ground level;

(B) Be constructed so all openings or partitions with adjoining rooms are sealed;

(C) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(D) Have door opening outward only and to the out-of-doors; and

(E) Provide a sign on the door exterior reading DANGER CHLORINE. The sign shall be large enough to be read twenty-five feet away.

(ii) Chlorine rooms shall have mechanical exhausting ventilation including:

(A) Air inlet located as far as possible from fan intake to promote good air circulation patterns;

(B) Minimum of one air change per minute in the chlorine room when fan is operating;

(C) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(D) Suction for fan near the floor;

(E) Exhaust for fan and chlorinator vent located to prevent contaminating air intake and prevent undue hazard for pool facility users; and

(F) Screened chlorinator vent.

(iii) Gas chlorine systems shall:

(A) Be vacuum injection type, with vacuum actuated cylinder regulators;

(B) Provide integral backflow and anti-siphon protection at the injector;

(C) Provide taring (net weight of cylinder gas) scales to determine chlorine weight.

(iv) Breathing protection available in an accessible area for the operator outside of the chlorine room including:

(A) Self-contained breathing apparatus designed for use in a chlorine atmosphere for working with chlorine leaks and maintained in accordance with department of labor and industries standards; or

(B) Provisions to substitute breathing protection at the site, if procedures can be established and documented with emergency service fire districts or other approved organization within the area for promptly responding to chlorine leaks.

(v) Means for automatic shutoff when pool flow is interrupted;

(vi) Chlorine gas cylinders shall:

(A) Be stored only in chlorine rooms;

(B) Have approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;

TABLE 040.2

SPA POOL FILTER RATE APPLICATION RATES

Type of Filter Media	Rates in gpm/Square Feet	
Sand	Minimum	Maximum
Rapid Sand or Pressure Sand	—	3
High Rate Sand Pressure or Vacuum	10	15
	Continuous Feed	Manual Feed

- (C) Be properly secured to prevent tipping;
- (D) Be tagged to indicate cylinders are empty or full; and
- (E) Not exceed one hundred fifty pounds tare weight per cylinder. If one-ton cylinder use is desired, an engineer specializing in chlorine design shall prepare a design proposal for department consideration.

(19) Chemical feeding equipment for pH control. Owners applying chemicals for controlling pH through chemical feed equipment shall provide equipment with:

- (a) Adequate size and design to allow routine cleaning and maintenance;
- (b) Materials resistant to chemical action;
- (c) Means for automatic shut off when pool flow is interrupted;
- (d) Chemical feed equipment for pH control on pools ten thousand gallons or greater;
- (e) Any pool feeding with:
 - (i) Caustic soda (NaOH);
 - (ii) Carbon dioxide (CO₂); or
 - (iii) Other chemicals the department determines necessary to require metered and controlled feeding.

(20) Heaters. Where pool heating equipment is provided, owners shall:

- (a) Locate equipment so any standing pilot is readily accessible;
 - (b) Install equipment per NEC and UMC.
- (21) Ventilation. Owners shall provide indoor pool facility ventilation conforming with ASHRAE pool facility standards.

(22) Testing equipment. Owners shall use testing equipment as noted in the water quality section under WAC 248-98-030(6).

(23) Chemical storage. Owners shall ensure chemical storage design and placement minimizes safety risks.

(24) Restroom and plumbing fixtures. Owners shall provide restrooms and plumbing facilities at pools as follows:

(a) In the spa pool facilities provided in conjunction with general use and limited use swimming pools, wading pools, or other water recreation facilities, the spa pool bathing load shall be added to the total load for consideration of plumbing fixture units;

(b) If a spa pool is the sole water recreation facility at a site, plumbing fixtures, as noted under Table 040.3, including:

- (i) Flush toilets and toilet tissue in dispensers;
- (ii) Shower facilities that:
 - (A) Deliver water at a temperature range of ninety to one hundred ten degrees Fahrenheit; and
 - (B) Provide single service soap in nonglass dispensers.
- (iii) Sinks provided with:
 - (A) Tempered or hot and cold running water;
 - (B) Single service soap in nonglass dispensers; and
 - (C) Single service towels or electric hand dryer.
- (iv) Hose bibs with vacuum breakers conveniently accessible to pool and within one hundred feet; and
- (v) Sewage disposed in a manner approved by the department or local health officer.

(c) If owners limit the number of people within their facility to a certain number and post maximum occupancy loading, the number of plumbing fixtures may be based on the maximum occupancy.

TABLE 040.3

PLUMBING FIXTURE MINIMUM REQUIREMENTS FOR SOLE FACILITY SPA POOLS

Spa Pools With:	Minimum Number of Fixture Units				
	Toilet	Shower	Sink	Dress- ing Room	Hose Bib
1. Limited spa use with living units* within 100 feet and less than 3 stories	-	-	-	-	1
2. Limited spa use with living units > 100 ft. and < 500 ft. and < three stories**	1	-	1	-	1
3. Limited spa use with living units > 500 ft. and < 1/4 mi. and/or > three stories**	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	-	1 -

Minimum Number of Fixture Units

Spa Pools With:	Minimum Number of Fixture Units				
	Toilet	Shower	Sink	Dress- ing Room	Hose Bib
4. Limited spa use with living units > 1/4 mile or general use spa pool***	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1 -

NOTE:

- **Living unit* means all the units the facility serves.
- **Consideration for elevators adjacent to pool may allow variance from this requirement.
- ***When bathing load exceeds 40 of either sex, the fixture units provided shall conform to general use requirements for swimming pools.

(25) Lighting. Owners shall design and maintain pool facility lighting to:

(a) Illuminate indoor facilities, outdoor facilities used after dusk, and locker room facilities with a minimum lighting intensity maintained thirty inches above any walking surface, pool deck, or pool area of:

- (i) Thirty foot candles at indoor facilities;
 - (ii) Fifteen foot candles at outdoor facilities; and
 - (iii) Twenty foot candles in locker rooms.
- (b) Allow lifeguards or attendants to clearly see pool areas and walking surfaces;
- (c) Meet any additional lighting requirements deemed necessary by the department or local health officer;
- (d) Provide protective shielding for all lighting fixtures above walking surfaces and pool areas; and
- (e) Provide all indoor facilities with one or more pool-area emergency lights designed to turn on in the event of a power failure. The emergency lighting shall conform to requirements of UL standard 924.

(26) Emergency equipment. Owners shall provide first aid and emergency equipment readily available during operating hours as follows:

- (a) Spa pool facilities ten thousand gallons or more or used in conjunction with a general use swimming pool:
 - (i) A telephone within the facility with a prominently displayed list of emergency medical service response numbers;
 - (ii) Sufficient and suitable area provided to accommodate persons within the facility requiring first aid treatment and necessary first aid equipment;
 - (iii) A standard sixteen unit first aid kit;
 - (iv) Two or more blankets reserved for emergency use;
 - (v) A clearly marked emergency shut off switch for shutting off all pumps, accessible to the public within twenty feet of the pool. Spa pool facilities shall also provide an audible alarm with the emergency shut off switch; and
 - (vi) Heater thermostat switches shall be inaccessible to bathers.
- (b) Spa facilities containing less than ten thousand gallons:
 - (i) During the period the facility is open for use, one of the following is required:
 - (A) Telephone within one minute access;
 - (B) Alternate means of reaching emergency medical service response numbers; or
 - (C) Provision of an audible emergency alarm to alert others at the area of need to respond.
 - (ii) Comply with subsections (26)(a)(iii), (iv), (v), and (vi) of this section.

(27) Signs. Owners shall provide signs at pools which must convey the following conditions, but may be conveyed by any combination of words, pictures, or symbols:

- (a) Prohibition of running or horseplay;
- (b) Prohibition of use by persons with communicable diseases;
- (c) Prohibition of use by persons under the influence of alcohol or drugs;
- (d) Requirement for a cleansing shower before pool entry;
- (e) Caution that persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before spa pool use;
- (f) Caution for women who are or may be pregnant to seek the advice of a physician regarding spa use and to limit the women's time in the pool;
- (g) Persons should limit the stay in the pool to fifteen minutes at any one session;

(h) All children twelve years of age or under shall be accompanied by a responsible adult observer. No child six years of age or under should use the pool;

(i) No person seventeen years of age or under shall use the pool alone;

(j) Maximum bathing capacity of pool shall be posted;

(k) Prohibition of food or drink in the pool water;

(l) In pools where lifeguards or attendants are not present, post requirements for facility use as described under WAC 248-98-045(3); and

(m) Location of the nearest telephone or emergency notification procedure.

(28) Food service. When owners allow or make provisions for food service:

(a) At general use pool facilities, ensure food and beverage sale and consumption areas are separated from pool and deck. Special provisions may allow food and beverage service on the walkway provided a minimum six foot clear area is maintained between the pool and any tables or chairs provided for food service for special facility functions;

(b) At limited use spa pool facilities, prohibit food and beverage in the pool water and maintain a minimum four foot clear area between pool edge and any tables and chairs provided for food service;

(c) At general use pool facilities, prohibit alcoholic beverages;

(d) At limited use pool facilities, when alcohol is sold within the pool facility, provide an attendant at the pool area;

(e) Provide trash containers; and

(f) Prohibit glass containers in the pool facilities.

NEW SECTION

WAC 248-98-045 OPERATION—SPA POOLS. (1) Operation plan. Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing practices and developing an operations manual addressing each of the following:

(a) Physical pool facility components;

(b) Personnel;

(c) Users and spectators; and

(d) Environmental conditions.

(2) Physical components. Owners shall provide routine checks of the physical components:

(a) Ensuring all structural facilities which the users come in contact are intact and free from undue wear or fatigue and replaced as needed;

(b) Eliminating adverse affects of water ponding on walking surfaces;

(c) Ensuring preventive maintenance on equipment essential for protection of the public health, safety, and water quality;

(d) Ensuring any necessary emergency equipment is available and in good repair;

(e) Having means for routine oxidation of spa pool water provided after heavy use, for example, super chlorination;

(f) Maintaining barrier protection;

(g) Ensuring common articles such as towels, bathing suits, bathing caps, etc., for patron use shall be sanitized before re-use if provided for patrons; and

(h) Ensuring a continuous twenty-four-hour-a-day treatment and turnover during periods of use not exceeding:

(i) Thirty minutes in lightly loaded spas; or

(ii) Twenty minutes in moderately loaded spas; or

(iii) Ten minutes in heavily loaded spas.

(iv) Turnover rates designated in subsection (2) of this section, except allowance shall be made for minor equipment maintenance.

(3) Required personnel. Owners shall ensure appropriate personnel at pool facilities as follows:

(a) A lifeguard or attendant. If no lifeguard or attendant is present, pool facility use shall be subject to the following conditions:

(i) When pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older shall accompany the children and be at the pool or the pool deck at all times the children use the facility;

(ii) When used by persons seventeen years of age or under, a minimum of two people at the pool facility at all times the pool is in use;

(iii) At general use pools, subdivision (a)(i) and (ii) of this subsection be posted; and

(iv) At limited use pools, subdivision (a)(i) and (ii) of this subsection be posted and ongoing provisions notifying the responsible person of the conditions.

(b) A water treatment operator.

(4) Personnel duties and equipment. Owners shall ensure the specific duties and equipment of designated personnel include:

(a) Lifeguards, during periods of lifeguarding, guard users of the pool facility in areas assigned;

(b) Assistant lifeguards when provided at the pool used under the following conditions:

(i) Assistant lifeguard limited to guarding responsibility of areas four feet or less in depth; and

(ii) A lifeguard overseeing the activities of the assistant lifeguard;

(c) Attendants, when provided, at pools not requiring lifeguards oversee use of the pool by bathers and provide supervision and elementary rescues such as reaching assists to bathers in need;

(d) Water treatment operator oversees that the water treatment components are adequately functioning to protect public health, safety, and water quality;

(e) Notification of responsible persons on the conditions for facility use at pool facilities not requiring lifeguards, and where no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under, including but not limited to a person:

(i) Renting an apartment, hotel, motel, RV camp site; or

(ii) Who is an owner or member of a condominium, home owner's association, mobile home park, or private club with a pool facility.

(f) Lifeguards, assistant lifeguards, or attendants:

(i) Wear distinguishing suit, uniform, or emblem; and

(ii) Equipped with a whistle or a signaling device.

(5) Personnel training. Owners shall require training for each type of personnel including:

(a) Lifeguards shall maintain current certificates in the following:

(i) Standard first aid and adult, single rescue CPR through ARC or American Heart Association; and

(ii) Advanced lifesaving, advanced lifesaving review, or lifeguard training through ARC; or

(iii) YMCA lifeguarding or crossover course through the YMCA; or

(iv) Lifeguard through the National Lifeguard Service, Canada; or

(v) Lifeguard through the National Pool and Waterpark Lifeguard Training; or

(vi) Other training the department determines equivalent; and

(vii) Thirty-six months after enactment of personnel training provisions of this chapter, the department shall no longer recognize training for lifeguards in advanced lifesaving or advanced lifesaving review through the ARC.

(b) Assistant lifeguards shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or American Heart Association; and

(ii) Emergency water safety with ARC; or

(iii) Bronze medallion award through the Royal Lifesaving Society of Canada; or

(iv) Shallow water lifeguard through the National Pool and Waterpark Lifeguard Training; or

(v) Other training the department determines equivalent; and

(vi) Be fourteen years of age or older.

(c) Attendant shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or American Heart Association; and

(ii) Basic water safety with ARC; or

(iii) Lifesaver with YMCA; or

(iv) Bronze medallion award through the Royal Lifesaving Society of Canada; or

(v) Other training the department determines equivalent; and

(vi) Be sixteen years of age or older.

(d) Water treatment operator shall have specific knowledge in the provision of pool water chemistry, filtration, pumping equipment, and rules and regulations pertaining to pool facilities;

(e) When the pool facility is using chlorine gas, an operator shall have specific training as follows:

(i) Proper operation of the chlorination equipment and routine maintenance procedures;

(ii) Basic understanding of physical and chemical properties of chlorine gas under pressure;

(iii) Basic understanding on use of leak detection and emergency safety equipment;

(iv) Basic knowledge of proper first aid procedures and response for accidental chlorine gas inhalation; and

(v) Six hours or more of formal instruction once every three years or three hours or more every eighteen months with certificate of training provided.

(f) Persons shall be exempt from having a current CPR or standard first aid certificate if the person holds a current certificate in any of the following:

- (i) Community CPR, in place of adult, single rescue CPR;
- (ii) In place of standard first aid:
 - (A) Advanced first aid;
 - (B) First responder;
 - (C) Emergency medical technician; or
 - (D) Paramedic.
- (iii) Other training the department recognizes as equivalent or exceeding current requirements.

(6) Emergency response plan. Owners shall ensure emergency response provisions as follows:

(a) In pool facilities where lifeguards or assistant lifeguards are provided:

- (i) Lifeguard, or assistant lifeguard where provided, is located to provide a response time not to exceed thirty seconds to all pool users;
- (ii) Based on, but not limited to, the following:
 - (A) Pool depth;
 - (B) Line of sight;
 - (C) Bather load;
 - (D) Training procedures;
 - (E) Emergency procedures; and
 - (F) Lifeguard rotation.
- (iii) Emergency response drills to meet the response time including:
 - (A) Drills two or more times each year;
 - (B) Testing documentation.

(b) In pool facilities where no lifeguard or assistant is provided:

- (i) Posting and ongoing notification and enforcement of conditions of pool use described under subsection (3) of this section;
- (ii) Enforcement of conditions by owner and authorized personnel;
- (iii) Emergency equipment specified under WAC 248-98-040(26) readily available during operating hours.

(c) In pool facilities where chlorine gas is used:

- (i) Annual emergency drills; and
- (ii) Identification of the location of accessible chlorine cylinder repair kits.

(7) Bather use. Owners shall establish rules of conduct for facility users to ensure health and safety. The rules shall include signage noted under WAC 248-98-040(27) of this chapter.

(8) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or the user and take appropriate action in response to these factors, including electrical storms, fog, wind, visibility problems, etc.

(9) Closure. Owners shall close the facility when the facility or portion thereof presents an unhealthful, unsafe, or unsanitary condition. These conditions would include lack of compliance with the water quality or operation requirements as detailed under WAC 248-98-030 and 248-98-045.

AMENDATORY SECTION (Amending Regulation 98.050 [§ 248-98-050 (11)(j)], effective 3/11/60 [filed 10/3/67])

WAC 248-98-050 SWIMMING POOL DESIGN, CONSTRUCTION, AND EQUIPMENT. ((The following design, construction, and equipment criteria will apply to all pools subject to these rules and regulations except as specifically noted. The design engineer or architect shall submit his computations for such portions of the design as the state director of health may require.))

(1) Location. ((Outdoor pools shall be located where they will not be exposed to excessive pollution by dust, smoke, soot, surface drainage from surrounding areas, or other undesirable substances.

(2) Material. Pools shall be constructed of concrete or other approved material with an impervious finish adapted to the requirements of the various parts of the pool, and suitably constructed to withstand normal weather cycles.

(3) The rate of slope of the bottom of a public swimming pool shall not exceed 1 foot in 15 feet from the point of least depth to the tangent point of the vertical transition curve leading to the deepest part of the pool; and the radius of curvature from the transition tangent point through the first 15° of curvature shall not exceed 2 feet. All portions of the pool bottom shall have definite slope toward the outlets.

(4) Radius of curvature of coving. Where coved construction is used between the side walls and bottom of public and semipublic swimming pools, the radius of curvature shall not exceed the following values:

(a) At 3-foot depth, a 6-inch radius cove at the base of a 2-foot, 6-inch vertical section.

(b) At 3-foot, 6-inch depth, a 1-foot radius cove at the base of a 2-foot, 6-inch vertical section.

(c) At 5-foot depth, a 1-foot, 6-inch radius cove at the base of a 3-foot, 6-inch vertical section.

From this point the spring line or point of departure from vertical may rise through an 8-foot transitional zone, measured horizontally, to a typical deep end wall design consisting of a 2-foot, 6-inch vertical section with a curved section from that point meeting the floor of the pool.

(5) Walk areas. Walkways shall be provided around the entire perimeter of the pool. They shall slope away from the pool, be provided with adequate drains, and be constructed of an impervious material with nonslip finish. For public swimming pools, total walkway area provided shall be not less than 16 square feet per bather, based on the bather load as computed below in paragraph (11)(m) of this section; and may be distributed around the pool in any manner, provided that the minimum walkway width at any point shall be 4 feet. For semi-public swimming pools walkways shall be not less than 4 feet in width and shall circumscribe the pool.

(6) Fencing. At outdoor public and semipublic pools, the entire area shall be fenced so that persons in street apparel and animals cannot enter the area used by bathers. Spray pools and wading pools shall be fenced so as to prevent the entrance of animals and minimize the entrance of persons not actively utilizing the pool facilities. For semipublic pools, fencing may consist of any suitable barrier so designed and constructed as to prevent the free and easy passage of persons from one area to another.

(7) Sand and grass areas. Sand and grass areas shall not be allowed inside of the pool enclosure unless properly fenced off to prevent direct access on the part of bathers and unless satisfactory facilities are provided for the proper cleansing of bathers before they again enter the bathing area. Fencing may consist of any barrier so designed and constructed as to prevent the free and easy passage of persons from one area to another. The provisions of this paragraph shall not apply to semipublic pools, spray pools, and wading pools.

(8) Inlets. Inlets for fresh or repurified water shall be located to produce, so far as possible, uniform circulation of water and the maintenance of a uniform chlorine or other disinfectant residual throughout the entire pool without existence of dead spots. Inlets for the circulation system shall be submerged to reduce escape of chlorine or other disinfectants.

(9) Outlets. Outlets shall be provided at the low points of the pool. They shall be not more than 20 feet apart nor more than 10 feet from the vertical portion of the sidewalls. Total area of the openings in the outlet gratings shall be such as to preclude the possibility of developing a suction dangerous to bathers' safety. The pool outlet piping shall be valved and shall discharge to the recirculation pump suction and have a capacity equal to 100% of the recirculation pump capacity.

(10) Overflow channel and skimming facilities:

(a) Public swimming pools, except as provided for under subparagraph (b) of this paragraph, shall be provided with an overflow channel around the entire perimeter of the pool. The design shall be such that matters entering them will not be washed back into the pool, and so dimensioned as to minimize the danger of bathers catching arms or feet in them. Channels shall be adequately sloped to provide rapid drainage to drains spaced not more than 15 feet apart, and drainage from channels shall be returned to the filters. The overflow channel drainage and collection system shall have a hydraulic capacity sufficient to carry 100% of the recirculation pump capacity plus one-fifth of the balancing tank capacity expressed in gallons per minute.

(b) Semipublic swimming pools and public swimming pools of 2500 square feet of area, or less, provided for hotels, motels, private clubs, apartment houses or trailer courts may, in lieu of overflow channels, be provided with suitable devices which will accomplish the purpose of an overflow channel. The minimum number of such devices shall be equal to at least one device for each 500 square feet of surface area, or fraction thereof, plus one additional device where considered necessary; and they shall be so spaced that the surface of the pool will be skimmed uniformly. Each device shall be provided with a valve, and piping will be so designed hydraulically that the devices will collectively carry 100% of the recirculation pump capacity. Such devices must be recessed in the wall of the pool in such a manner that no part protrudes beyond the plane of the wall into the pool. They shall be automatically adjustable to variations in water level over a range of at least

3 inches, shall be provided with a device to prevent air lock in the recirculation suction line, and shall be equipped with an easily removable and cleanable screen designed to trap large solids.

(11) Recirculation.

(a) Public swimming pools shall be provided with complete recirculation equipment and facilities, including pumping equipment, hair and lint catcher, filters, and balancing tanks, together with all necessary valves, pipe connections to the inlets and outlets of the pool, and provisions for cleaning the filters. The entire system and its component parts shall be so designed that the entire volume of the pool can be recirculated in 6 hours. Not less than 60% of the recirculated water shall be returned through the overflow channels.

(b) Semipublic pools shall be provided with complete recirculation equipment and facilities, including pumping equipment, hair and lint catcher, filters, and balancing tanks, when required, together with all necessary valves, pipe connections to the inlets and outlets of the pool, and provisions for cleaning the filters. The entire system and its component parts shall be so designed that the entire volume of the pool can be recirculated in 12 hours. Not less than 60% of the recirculated water shall be returned through the overflow devices or channels.

(c) Filtration equipment. The maximum permissible filter rates shall be not greater than 3 g.p.m. per square foot of filter area for pressure filters using sand or equal media; 2 g.p.m. per square foot of filter area for diatomaceous earth filters; and 3 g.p.m. per square foot of filter area for gravity filters using sand or equal media.

(d) Disinfection equipment. Equipment shall be provided for the adequate disinfection of all pool water. When chlorinators are used for public pools, the capacity shall be sufficient to feed at the rate of at least 3 lb. of chlorine per 24 hours per 10,000 gallons of pool capacity; and for semipublic pools the capacity shall be sufficient to feed at the rate of at least 1 lb. of chlorine per 24 hours per 10,000 gallons of pool capacity. When gas chlorination is used, the chlorination equipment and all gas containers shall be housed in a separate room or rooms with the access doors opening to the outside of the building. All gas chlorination equipment, including gas containers, shall be housed above ground level and be adequately ventilated.

(e) Coagulant and alkalinity equipment. Suitable equipment for the feeding of a coagulant and alkalinity-producing chemical at such points that their use will be most effective shall be provided.

(f) All swimming pools shall be equipped with facilities for adding make-up water.

(g) Cross-connections. No piping arrangement shall exist which under any condition will permit sewage or waste water to enter the recirculation system or the pool, or water from the recirculation system or the pool to enter the make-up water supply.

(h) Access to equipment. Filters and other equipment shall be easily accessible.

(i) Testing equipment. Suitable testing equipment in good repair, for determination of hydrogen ion concentration (pH), alkalinity, and disinfectant residual shall be provided, together with the necessary reagents.

(j) Rate of flow indicators.

(i) Public pools. Two rate of flow indicators shall be installed so as to measure gallons per minute flow. One indicator shall be located at the recirculation pump, and the other shall be located at the main pool outlet pipeline.

(ii) Semipublic pools. A single flow indicator shall be installed to measure in gallons per minute the total recirculation flow.

(k) Loss of head gauges. Suitable loss of head gauges shall be provided for measurement of lost head through filters.

(l) Provision shall be made for means of discharging filter backwash to waste, and where diatomaceous filters are used, provision shall be made for recirculating first-filtered water to filter or discharging to waste.

(m) Bather load capacity. The maximum number of bathers permitted within the pool enclosures of public pools at any one time shall not exceed a number determined by the following formula:

$$\text{Maximum Bathing Load} = \frac{A - S}{27} + \frac{S}{10}$$

Where

A = Total area of water surface in square feet

S = Area of pool less than 5-foot 6-inches deep in square feet

Also, this formula will be used in determining certain features of pools as noted elsewhere in these rules and regulations:

(n) Balancing tank capacity. Where balancing tanks are required, the capacity shall be equal to 6 times the maximum bathing load expressed in gallons. If the balancing tank is designed to serve as a make-up water tank or to prevent air lock in the pump suction line, or both, the capacity shall be increased sufficiently to accommodate these uses.

(12) Exceptions to recirculation requirements can be made for flowing-through pools in cases where the supply of water is sufficient to provide the same turnover period that is specified for recirculation pools, and provided that the water supply meets the quality requirements as outlined in WAC 248-98-030 and is subjected to a method of disinfection as outlined in WAC 248-98-040; and provided that the introduction of fresh treated water into pool is accomplished by the same type of inlet design required for recirculation pools.

(13) Steps, ladders, and step holes. Steps, ladders and step holes for entering and leaving the pool shall be of such construction as to minimize danger of accidents. Treads shall be of nonslip material. Where step holes are provided, they shall be of such design that they may be readily cleaned and be provided with drains into the pool to prevent accumulation of dirt. In public swimming pools, stairs shall be recessed into the wall of the pool and walkway of the pool, and a guard rail shall be provided in the walkway around the stairwell. In semipublic swimming pools, stairs may be constructed so as to extend into the pool, provided that the stair tread edge is constructed of a material so colored as to contrast with the color of the stairs and be clearly visible and evident to bathers.

(14) Dressing rooms. Dressing rooms shall be arranged so as to be easily accessible to toilet and shower facilities, and such that there will be minimum occasion for the patrons with bare feet and those in street shoes to walk in the same area, and shall be well lighted and ventilated. Floors of dressing rooms shall be constructed of impervious material with a nonslip finish and sloped to properly located drains.

(15) Shower facilities. Adequate shower bath facilities, with hot and cold or tempered running water, shall be provided for each sex. The minimum number of showers shall be one for each forty bathers at time of maximum use.

(16) Toilet facilities.

(a) Flush toilets shall be provided at a place all bathers must pass before entering the pool. One toilet for each forty women and one toilet and one urinal for each sixty men shall be provided. Urinals shall be so constructed that urine does not splash onto the floor or bathers' legs.

(b) The sewage or excreta from toilet facilities provided in the vicinity of any swimming pool shall be disposed of in a manner approved by the health officer.

(c) Where toilet facilities are provided for spectators, such facilities must be separate from those provided for bathers, and the approaches to spectators' toilet facilities shall not include areas where bathers pass in bare feet.

(17) Lighting.

(a) Pool and pool enclosure. All indoor public and semipublic pools, and all outdoor public and semipublic pools at which night bathing is permitted, shall be provided with lighting fixtures of such number and design as to light all parts of the pool enclosure and the water in the pool. The lighting intensity measured at a point 30 inches above any part of the pool walkway shall be not less than 15 foot-candles. Arrangement and design of lighting fixtures shall be such that lifeguards may see clearly every part of the pool waters, walkways, springboards, and other appurtenances without being blinded by light. When underwater pool lighting is provided, such lights shall be so installed as to create no hazard to bathers.

(b) Shower and dressing rooms. Shower rooms and dressing rooms of all public and semipublic pools shall be provided with lighting fixtures of such number and design, and be so located, as to provide a lighting intensity of not less than 15 foot-candles measured at a point 30 inches above any part of the shower room or dressing room floor. Location of lighting fixtures and control switches shall be such as to create no hazard to persons using these facilities.

(18) Drinking water supply. A safe, sanitary drinking water supply shall be provided at conveniently located drinking fountains located within the pool enclosure. The drinking fountains shall be of the angle jet type and meet the standards of the American Standards Association.

(19) Semipublic pools are exempted from the provisions of paragraphs (14), (15), (16)(a), and (18) of this section.

(20) Foot baths. The provision of foot baths is optional. If provided, they shall be equipped with an adequate drain, or shall be of a portable

nature, shall be cleaned daily, and shall contain a chlorine solution of 0.3% to 0.6% chlorine or other solution of equal bactericidal quality approved by the health officer.

(21) Hose bibs. Hose bibs shall be provided at convenient locations within the dressing rooms and adjacent to the pool walkways at all public and semipublic pools and wading pools.

(22) Wash basins. A minimum of one wash basin shall be provided for each sex and be located adjacent to the toilets.

(23) Soap. Liquid or powdered soap in suitable dispensing equipment shall be provided at each shower head and each wash basin, and soap dispensers shall be kept clean and filled at all times that pool is in use.

(24) Toilet tissue. Toilet tissue in suitable dispensers shall be provided at each toilet. Dispensers shall be kept filled at all times that pool is in use. Owners shall locate pools to:

(a) Minimize pollution by dust, smoke, soot, and other undesirable substances;

(b) Eliminate pollution from surrounding surface drainage; and

(c) Ensure pump house, trees, and other structures are located fifteen feet or more from the pool or provide barriers or other means to prevent ready access from the structure. Structures shall not be constructed to include:

(i) Building walkways above the second story or roofs of any building structure; or

(ii) Any barriers provided to prevent unauthorized pool access, for example fencing.

(2) Materials. Owners shall use only structure and equipment materials which are nontoxic, durable, inert, impervious to water, and easily cleanable.

(3) Walking surfaces. Owners shall design and maintain walking surfaces:

(a) Uniformly sloping away from the pool or pools a minimum of one-fourth inch per foot and a maximum of one-half inch per foot;

(b) Of a nonslip finish not presenting a tripping hazard;

(c) Equipped with sufficient drains to prevent standing water;

(d) Of easily cleanable, impervious finishes;

(e) At least six feet wide on the shallow end of pool, except for:

(i) Pools with all depths uniform at ends, at least one end six feet wide or more; or

(ii) Circular or irregular pools at least twenty-five percent of the deck six feet wide or more.

(f) Four feet or more in width on pools with an area fifteen hundred square feet or less;

(g) Six feet or more in width:

(i) On outdoor pools fifteen hundred square feet or more;

(ii) On fifty percent of the perimeter of indoor pools fifteen hundred square feet or more. Perimeter on remainder of the deck shall be four feet or more in width.

(h) A minimum of sixteen square feet per bather on pools fifteen hundred square feet or more. Determine maximum bather load as described under subsection (12) of this section. If owner provides maximum facility occupancy loading less than that of subsection (12) of this section, and such occupancy limit is posted and enforced, that loading may be used in lieu of the maximum bather load figure as described under subsection (12) of this section;

(i) In swimming pools designed for competitive use with likelihood of spectators, a minimum of six feet between spectator viewing area and the pool. Balconies shall be fifteen feet or more from the pool unless properly safeguarded from intruding into the pool area;

(j) In conformance with department-established guidelines for any resilient artificial surfaces; and

(k) General use pools shall not have sand and grass areas within the pool enclosure unless separated to prevent direct access from the pool area and means are provided for cleansing the bather's feet before re-entering the pool and deck area.

(4) Barriers. Owners shall provide barrier protection to prevent unauthorized access including:

(a) In outdoor facilities, a barrier of forty-eight inches or more in height with:

(i) Barrier:

(A) Not allowing passage of a four-inch diameter sphere;

(B) Horizontal members with less than forty-five inches spacing between tops of the horizontal members shall have vertical members not exceeding one and three-quarter inches in width;

(C) Horizontal members with forty-five inches or more spacing between tops of the horizontal members shall have vertical members not exceeding four inches in width.

(ii) Lockable gates and entrances provided with a self-closing, self-latching mechanism fifty-four inches or more from the ground with a clear space fifty inches deep on the latch side of the door to position a wheelchair. When a latching mechanism is provided at any lower height, the latching mechanism shall be of a type remaining continuously locked, and only opening:

(A) With the use of a key or other access control system; or

(B) By reaching over the gate to a latch at least three inches below the top of the gate on the pool side of the barrier in compliance with CPSC standards for residential pool latching; and

(b) At outdoor facilities not a part of living facilities, such as in a municipal park, a barrier six feet or more shall be provided to prevent unauthorized access;

(c) Indoor facility barriers suitable to prevent access of unauthorized individuals;

(d) Restricted area service entrances shall be exempt from door or gate requirements providing no public access is available;

(e) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during non-use periods; and

(f) An entrance to the pool area which shall not serve as a required exit from another part of the building when there is a conflict with other codes or regulations.

(5) Pool surfaces. Owners shall ensure pool surfaces with:

(a) Materials complying with subsection (2) of this section;

(b) Water tight and nonabrasive construction; and

(c) White or light color finish not obscuring the view of objects or surfaces;

(d) Surfaces not causing cutting, pinching, puncturing, entanglement, or abrasion hazard under casual contact; and

(e) Construction tolerances conforming with current NSPI public pool standards.

(6) Pool general floor and wall dimensional design. Owners shall ensure pool dimensional designs for floors and walls provide for safety, circulation, and quality of the water including, but not limited to:

(a) Uniform pool floor slopes as follows:

(i) Pools fifteen hundred square feet or more providing a maximum slope of one foot drop in twelve feet of run at pool depths to five and one-half feet;

(ii) Where diving provisions are included, floor slopes not intruding into the area designated as the diving envelope; and

(iii) A slope change transition zone (breakpoint from shallow to deep areas of pool) providing warning of the break in slope into diving or deep pool areas consisting of a two-foot wide ramp sloped at twice the slope of the shallow bottom.

(b) Pool vertical walls may be curved, not to exceed allowable radius, to join the floor for minimum distance as noted under Table 050.1 of this section. Vertical means walls not greater than eleven degrees from plumb:

(i) Coving or portion of the side wall of a pool diving area shall conform as required and as described under subsection (7) of this section; and

(ii) In new construction or alterations to existing construction, ledges are prohibited.

(c) A maximum intrusion for pool walls beyond the vertical, as defined under subsection (6)(b) of this section, with any configuration not to exceed a transitional radius from wall to floor where floor slopes join walls and which has:

(i) Center of radius not less than the minimum vertical depth specified under Table 050.1 of this section below the water level;

(ii) Arc of radius tangent to the wall; and

(iii) Maximum radius of coving, or any intrusion into the pool wall/floor interface, determined by subtracting the vertical wall depth from the total pool depth.

TABLE 050.1

MAXIMUM RADIUS COVING OR POOL INTRUSION DIMENSIONS BETWEEN POOL FLOOR AND WALL*

Pool Depth	2'0"	3'0"	3'6"	5'0"	>5'0"
Minimum Sidewall	1'6"	2'2"	2'6"	3'6"	@>3'6"
Vertical Depth (Springline)					

Maximum Radius of Curvature	6"	10"	12"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth
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NOTE:

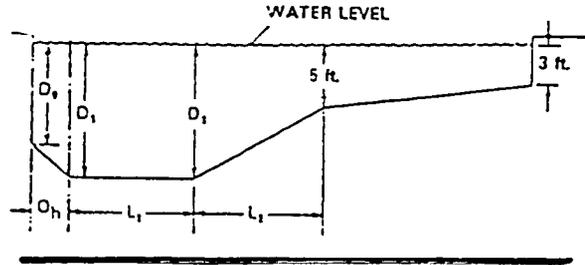
- *For pool depths falling between the depths listed, values can be interpolated.
- **Radius of coving cannot intrude into pool within diving envelope.

(7) Specific design requirements for pools furnishing areas for diving. Owners shall ensure provision of diving envelopes in pools or areas of pools designated for diving activities to include a diving envelope not less than the:

(a) APHA standard configuration noted under figure 050.2 of this section in areas where user would enter from the deck level twelve inches or less from water level. This requirement is based on a standard described under APHA public pool regulations, 1981, for pool type described under D-8.01 Table 1, the section noting the requirements from deck level;

(b) CNCA standard configuration noted under figure 050.3 of this section in areas where the user would enter from the deck level over twelve inches from water level, or has a platform or diving board provided at a height of less than one-half meter (twenty inches). This requirement is based on a standard described under CNCA publication Swimming Pools: a Guide to their Planning, Design, and Operation 1987, Fourth Edition. Human Kinetics Publisher, Inc., Champaign, Illinois, figure 8.1; and

(c) FINA standard configuration noted under figure 050.4 of this section in areas where the user would enter from the diving board or platform at a height of one-half meter (twenty inches) or greater. This requirement is based on a standard described in FINA publication FINA Handbook, 1986-88, constitution and rules governing swimming, diving, water polo, and synchronized swimming, 1986-88. Edited by E. Allen Harvey, Vancouver, Canada VGN 3R6, Section D, pp. 114-115.



NOTE:

*The department underlined areas for clarification.

FIGURE 050.2

MINIMUM DIMENSIONS FOR POOLS WITH DIVING FROM DECK LEVEL WHICH IS LESS THAN TWELVE INCHES FROM THE WATER LINE

APHA STANDARDS*
D-8 DIVING AREA REQUIREMENTS

D-8.01

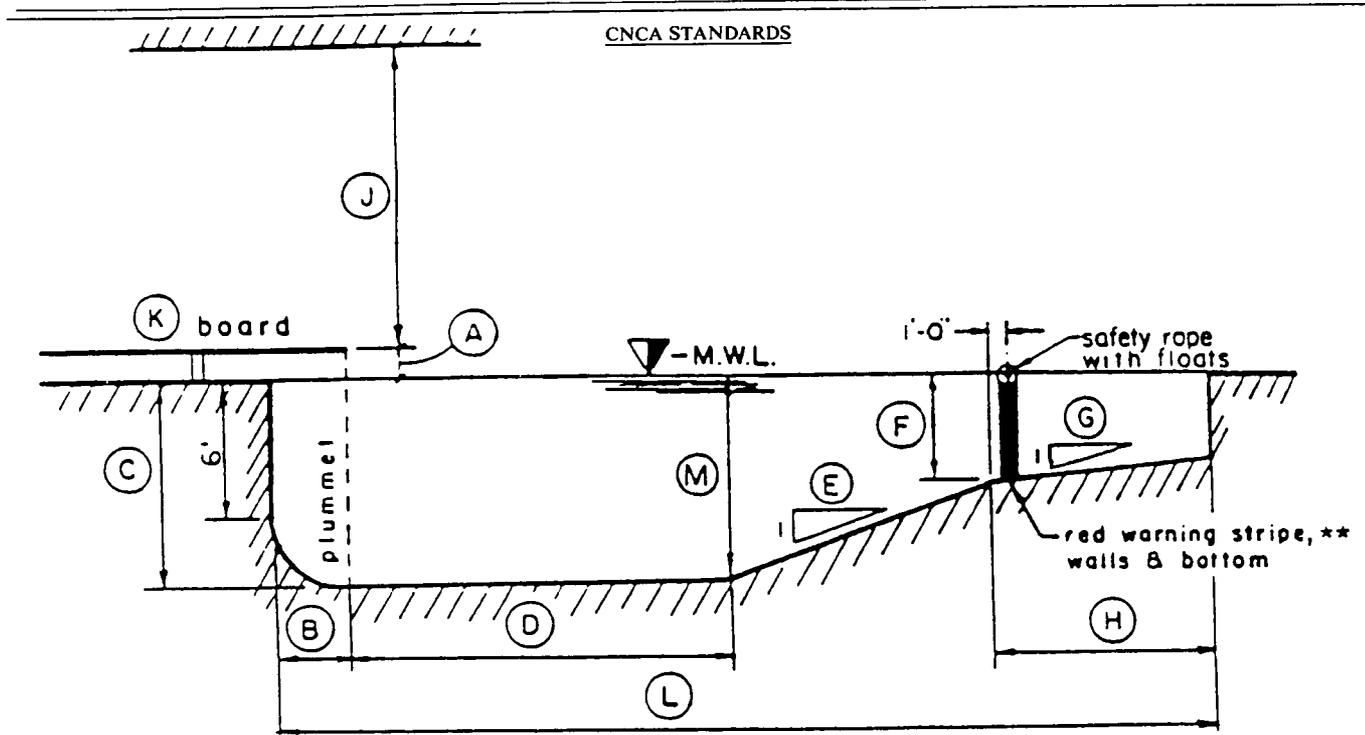
The dimensions of the diving area on all swimming pools providing diving from deck level shall conform to the following dimensions:

Table 1. The diving area dimensions on all swimming pools providing diving from deck level.

Heights	Lengths			
	Water Depths		Length of Diving Well	Run-Out
Height of Deck Above Water Level	D(0)	D(1)	L(1)	L(2)
12" or less	6 ft	8.5 ft	12 ft	10.5 ft
Over 12 inches	See standards for over twelve inches as applicable (either CNCA or FINA in inches following subsections).			

FIGURE 050.3

MINIMUM DIMENSIONS FOR POOLS WITH BOARDS OR PLATFORMS AT A HEIGHT OF LESS THAN 1/2 METER (20 INCHES)



Dimension	Minimum	Preferred or Maximum
A Height of board above water		20 in.
B Board overhang	2 ft 6 in.	3 ft
C Depth of water at plummet	9 ft	10 ft *
D Distance from plummet to start of upslope	16 ft	18 ft *
E Inclination of upslope of bottom		1:3
F Depth of water at breakpoint	4 ft 6 in.	
G Slope of bottom in shallow portion of pool	1:12	1:15 *
H Length of shallow section of pool	8 ft	14 ft *
J Distance to any overhead structure	13 ft	15 ft *
K Board length		12 ft
L Length of pool	40 ft	50 ft *
M Dimension not less than C minus	6 in.	

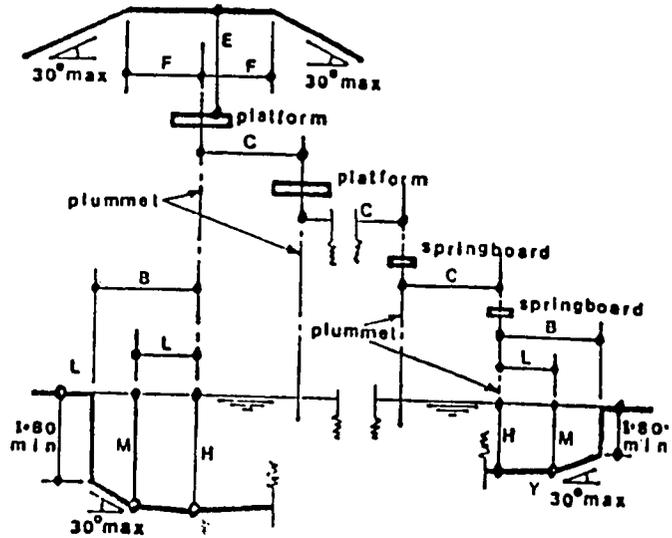
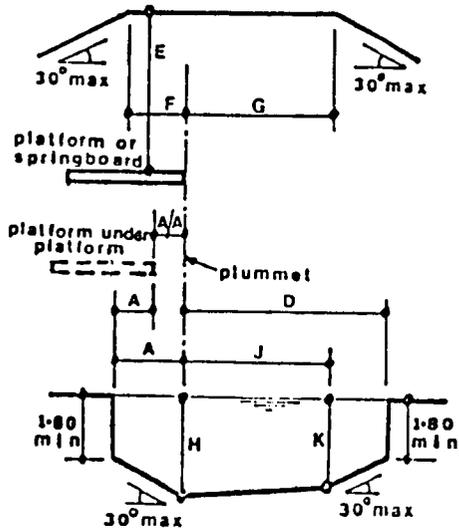
NOTE (FROM FIGURE 050.3):

- *Values with asterisks are not to be considered as maximums.
- **Warning stripe at break point may be of any contrasting color.

FIGURE 050.4

MINIMUM DIMENSIONS FOR POOLS WITH BOARDS OR PLATFORMS AT A HEIGHT OF 1/2 METER OR MORE

FINA STANDARDS



LONGITUDINAL SECTION
DIAGRAMMATIC ONLY

CROSS SECTION
DIAGRAMMATIC ONLY

FINA Dimensions for Diving Facilities		Dimensions are in Metres	Springboard		Platform					
			1 Metre	3 Metres	1 Metre	3 Metres	5 Metres	7.5 Metres	10 Metres	
Revised to 1st Jan 1987		LENGTH	4.80	4.80	4.30	5.00	6.00	6.00	6.00	
		WIDTH	0.50	0.50	0.60	1.50	1.50	1.50	2.00	
		HEIGHT	1.00	3.00	0.60-1.00	2.60-3.00	5.00	7.50	10.00	
			0.60/2	3.00/2	0.60/2	2.60/2	5.00/2	7.50/2	10.00/2	
A	From plunmet BACK TO POOL WALL	DESIGNATION	A-1	A-3	A-1p1	A-3p1	A-5	A-7.5	A-10	
		MINIMUM	1.80	1.80	0.75	1.25	1.25	1.50	1.50	
A/A	From plunmet BACK TO PLATFORM plunmet directly below	DESIGNATION					A-5/1	A-7.5/1	A-10/2/3/1	
		MINIMUM					1.50	1.50	1.50	
B	From plunmet to POOL WALL AT SIDE	DESIGNATION	B-1	B-3	B-1p1	B-3p1	B-5	B-7.5	B-10	
		MINIMUM	2.50	3.50	2.30	2.90	4.25	4.50	5.25	
C	From plunmet to ADJACENT PLUNMET	DESIGNATION	C-1/1	C-3/3/1	C-1/1p1	C-3/1/1/3p1	C-5/3/1	C-7.5/3/1	C-10/2/5/3/1	
		MINIMUM	2.40	2.60	1.65	2.10	2.50	2.50	2.75	
D	From plunmet to POOL WALL AHEAD	DESIGNATION	D-1	D-3	D-1p1	D-3p1	D-5	D-7.5	D-10	
		MINIMUM	9.00	10.25	8.00	9.50	10.25	11.00	13.50	
E	On plunmet, from BOARD TO CEILING	DESIGNATION	E-1	E-3	E-1p1	E-3p1	E-5	E-7.5	E-10	
		MINIMUM	5.00	5.00	3.50	3.50	3.50	3.50	5.00	
F	CLEAR OVERHEAD behind and each side of plunmet	DESIGNATION	F-1	F-3	F-1p1	F-3p1	F-5	F-7.5	F-10	
		MINIMUM	2.50	3.00	2.50	3.00	2.75	3.50	2.75	5.00
G	CLEAR OVERHEAD ahead of plunmet	DESIGNATION	G-1	G-3	G-1p1	G-3p1	G-5	G-7.5	G-10	
		MINIMUM	3.00	3.00	3.00	3.50	3.00	3.50	6.00	3.00
H	DEPTH OF WATER at plunmet	DESIGNATION	H-1	H-3	H-1p1	H-3p1	H-5	H-7.5	H-10	
		MINIMUM	3.50	3.80	3.30	3.60	3.00	4.50	3.00	
J	DISTANCE AND DEPTH ahead of plunmet	DESIGNATION	J-1	J-3	J-1p1	J-3p1	J-5	J-7.5	J-10	
		MINIMUM	3.00	3.40	6.00	3.70	3.00	3.20	6.00	3.70
K	DISTANCE AND DEPTH each side of plunmet	DESIGNATION	K-1	K-3	K-1p1	K-3p1	K-5	K-7.5	K-10	
		MINIMUM	1.50	3.40	2.00	3.70	1.40	3.20	1.80	3.50
N	MAXIMUM SLOPE TO REDUCE DIMENSIONS beyond full requirements	POOL DEPTH CEILING HT	30 degrees 30 degrees	NOTE: Dimensions C (plunmet to adjacent plunmet) apply for Platform with widths as detailed. For wider Platforms increase C by half the additional width(s)						

- (8) Pool appurtenances. Owners shall ensure swimming pools:
 - (a) Have handholds around the perimeter in pools two feet or more in depth. Handholds shall be four feet or less apart and consist of any one or a combination of the following:
 - (i) Coping, ledges, radius flanges, or decks along the immediate top edge of the pool or suitable slip-resisting handholds located twelve inches or less above the waterline;
 - (ii) Ladders or steps; or
 - (iii) Secured rope or railing twelve inches or less above the water line.
 - (b) Have stairs, ladders, or stepholes with:
 - (i) Stairs, when provided, meeting the following construction requirements:
 - (A) Nonslip tread finish;
 - (B) Contrasting color stair tread edges clearly visible to users;
 - (C) Recessed in pool areas used for lap or competitive swimming to prevent intrusion into the activity areas;
 - (D) Handrails with the leading edge for stairs at pool entry/exit being neither eighteen inches or more beyond nor eight inches or more inside (horizontally) the vertical plane of the bottom riser;
 - (E) Riser treads with a minimum unobstructed, horizontal, ten-inch tread depth and a minimum two-hundred-forty-inch surface area;
 - (F) Riser heights, on general use pools fifteen hundred square feet or more, uniform and seven and one-half inches or less, except the bottom riser may be less than the uniform height; and
 - (G) Riser heights, on general use pools less than fifteen hundred square feet, and limited use pools, uniform and have a preferred seven-and-one-half-inch height, but not greater than ten inches, except the bottom riser may be plus or minus two-inches of the uniform height.
 - (ii) Ladders or stepholes:
 - (A) Spaced at a minimum of one for every seventy-five feet of pool perimeter deeper than four feet;
 - (B) Provided at both sides of the deep end of pools over thirty feet in width; and
 - (C) Equipped with a handrail at the top of both sides extending over the coping or deck edge.
 - (iii) Means of access at the shallow end of the pool; and
 - (iv) Designs permitting entry and exit for impaired or handicapped persons are encouraged.
 - (c) Diving boards and diving platforms, when provided, shall:
 - (i) Be installed according to manufacturer's instructions;
 - (ii) Have slip-resistant tread surfaces;
 - (iii) Have steps and ladders leading to diving boards which provide handrails.
 - (iv) Be protected with forty-two inch high guardrails extending at least to the water edge when one meter or more above the water.
 - (d) Starting blocks, when provided, shall:
 - (i) If on the shallow end of pool, be removed when not in use by the competitive swimmers trained in starting blocks proper use; and
 - (ii) Be firmly secured when in use.
 - (e) Water slides, when provided, shall:
 - (i) Be installed according to manufacturer's instructions and be approved by the manufacturer for general use and limited use pools; and
 - (ii) Conform to Part 1207 of the Consumer Product Safety Act (Sec. 7(f), P.L. 92-573, 86 Statute 1215, 15 U.S.C. 1056(f)); or
 - (iii) If not manufactured for general use and limited use pools, conform to requirements under chapter 248-97 WAC, Recreational Water Contact Facilities.
 - (9) Turnover. Owners shall ensure pools turn over entire pool water volume in six hours or less. Exceptions to recirculation requirements may be made for flow-through pools in the following conditions where:
 - (a) Water supply is sufficient to provide the same turnover period specified for recirculation pools;
 - (b) The source water supply meets acceptable quality requirements and is subject to a disinfection method as described under WAC 248-98-030(3);
 - (c) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and
 - (d) The pool water quality complies with WAC 248-98-030.
 - (10) Pool depth markings. Owners shall provide depth markings:
 - (a) Plainly marking the water depth in feet on the vertical wall at or above the water level and on the horizontal surface of the coping or deck edge;

- (b) Positioned on the vertical pool wall to be read from the water side. Where markings cannot be placed above the water level, markings shall be placed in other areas and plainly visible to users in the pool;
- (c) Located on the coping or deck within eighteen inches of the water edge and positioned to be read while standing on the deck facing the water;
- (d) Which are slip resistant;
- (e) Placed at the maximum and minimum water depths and at all points of slope change;
- (f) Installed at intermediate increments of water depth not to exceed two feet, nor spaced at distances greater than twenty-five foot intervals;
- (g) Uniformly arranged on both sides and ends of the pool;
- (h) On irregularly shaped pools, meeting the requirements in subdivision (a) through (g) of this subsection and also designate the depths at all major deviations in shape;
 - (i) With a four-inch minimum height on the deck and a two-inch minimum height on the vertical pool wall; and
 - (j) Applied in a contrasting deck color which does not fade.
- (11) Safety line or marking line. Owners shall provide safety (float) lines or marking lines (lines on pool sides and bottom) separating areas where the pool slope breaks from a uniform slope leading from shallow to deeper water.
 - (a) Safety lines when used shall:
 - (i) Be kept in place at all times, except when the pool is used for a specific purpose such as lap swimming or competitive use;
 - (ii) Be placed one foot toward the shallow end away from the break point line. See subsection (6)(a)(iii) of this section;
 - (iii) Be strung tightly allowing the bather to hold onto the line for support;
 - (iv) Have a receptacle for receiving the safety line:
 - (A) Recessed in the wall; or
 - (B) Not constituting a safety hazard when the safety line is removed.
 - (v) Provide floats on the line at a minimum distance of every four feet.
 - (b) Markings lines when used shall:
 - (i) Provide a minimum three-inch wide marking line at the break point where the pool slope breaks from a uniform slope leading from shallow to deeper water; and
 - (ii) Be of a contrasting color to the background color of the pool sidewalls and floor.
 - (c) In pool facilities with uniform slopes not exceeding one foot in twelve feet to deep portions of the pool, a safety line or marking line shall not be required.
- (12) Bather load. Owners shall ensure maximum number of bathers in the pool facility at any one time do not exceed a number determined by the formula noted under Table 050.5 of this section.

TABLE 050.5
SWIMMING POOL MAXIMUM BATHING LOAD*
(SPMBL)

$$SPMBL = \frac{A - S}{(30)} + \frac{S}{(15)} \quad \text{For outdoor pools}$$

$$SPMBL = \frac{A - S}{(30)} + \frac{S}{(25)} \quad \text{For indoor pools}$$

Where
A = Total area of water surface in square feet
S = Area of pool less than 5 feet deep in square feet

NOTE:

*This formula will be used in determining certain features of pools as noted elsewhere in these rules and regulations.

- (13) Inlets. Owners shall provide pool inlets:
 - (a) Submerged and located to produce uniform water and chemical circulation throughout the pool; and
 - (b) Located on the bottom of pools twenty-five hundred square feet or more, unless otherwise justified by the design engineer to the department's or local health officer's satisfaction.
- (14) Outlets. Owners shall provide pool outlets with:

(a) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow and main drain piping designed to carry fifty percent or more of total recirculation filter flow;

(b) Overflow outlets that maintain:

(i) A minimum of sixty percent of filter recirculation flow at all times; and

(ii) An overflow channel which may be used on any pool and required on pools twenty-five hundred square feet or more on the pool perimeter to promote uniform circulation and skimming action of the upper water layer with:

(A) A design preventing all matter entering the channel from returning to the pool;

(B) Dimensions minimizing the hazard for bathers, such as catching arms or feet;

(C) One one-hundredth of a foot slope per foot or more;

(D) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and

(E) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow equivalent to one-fifth of the balancing tank expressed in gallons per minute.

(iii) Skimmers in lieu of pool overflow channels up to twenty-five hundred square feet if:

(A) Weir provided in skimmer has a maximum flow rate through skimmer not exceeding four gpm per inch of weir;

(B) Devices are recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;

(C) The skimmer is equipped with a device to prevent air lock in the recirculation suction line, such as, an equalizer line;

(D) The skimmer is equipped with a removable and cleanable screen designed to trap large solids;

(E) Automatically adjustable and operates freely with continuous skimming action to continue through all designed loading rates. Displacement shall be computed at fifteen gallons per bather.

(c) Main drains in all pools with:

(i) Location at the pool's low points;

(ii) A minimum of two main drains spaced:

(A) Twenty feet or less apart nor closer than six feet; or

(B) As far as possible from each other in pools seven feet or less linear floor distance.

(iii) Total open area of grates sized to prevent a suction or entrapment hazard dangerous to user;

(iv) Grates on drains with:

(A) Maximum flow of one and one-half feet per second; or

(B) Net outlet area four times or more the area of the discharge pipe.

(v) Openings one-half inch or less wide;

(vi) Grates designed to withstand forces of users;

(vii) Grates removable only with specific tool; and

(viii) Means to control flow from recirculation pump or balancing tank.

(15) Flow. Owners shall maintain pool recirculation flow not to exceed:

(a) Six feet per second in valved suction or discharge side of the pump; and

(b) Ten feet per second in open discharge pipes on the pressure side of the pump or filter discharge. The recirculation flow limit does not apply to the return inlet and the last two feet of pipe leading to the inlet.

(16) Balancing tanks. Owners with overflow channels requiring balancing tanks shall:

(a) Maintain volume equivalent to fifteen times maximum bathing load expressed in gallons; and

(b) Increase capacity as necessary to provide volume for make-up water and to prevent air lock in the pump suction line.

(17) Pumps. Owners shall have and maintain recirculation pumps with adequate capacity to:

(a) Provide design flows and pressure for water recirculation over the entire operating filter pressure;

(b) Allow proper back washing of filters when specified; and

(c) Have self-priming capability when installed above pool water level.

(18) Strainers. Where pumps precede the filter, owners shall equip pool recirculation facilities with hair and lint strainers which shall:

(a) Be located upstream of recirculation pumps;

(b) Provide strainer screen sufficiently strong to prevent collapse when clogged;

(c) Have an openable cover; and

(d) Provide valving to isolate the strainer when located below pool water level.

(19) Valves. Owners shall provide valves at appropriate locations to allow isolation and maintenance of equipment.

(20) Equipment rooms. Owners shall provide equipment rooms:

(a) Enclosing pumps, disinfection equipment, filters and other electrical and mechanical feed equipment and associated chemicals. Chemical storage shall conform to manufacturer requirements;

(b) Providing work space and access to perform routine operations;

(c) With a forty-six-square-foot minimum floor area and provide a three-foot minimum access area to service equipment;

(d) With one floor drain or more and a floor slope to the drain at a one-fourth-inch-per-foot minimum;

(e) Ready access if below grade;

(f) Ventilation;

(g) Twenty foot-candles or more of light measured thirty inches from the floor; and

(h) Kept locked.

(21) Make-up water. Owners shall ensure a source of make-up water and associated piping at the pool:

(a) Providing sufficient quantity to replace daily pool losses;

(b) Coming from a supply conforming with chapter 248-54 WAC;

(c) Preventing cross connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the pool water or waste water; and

(d) If using a pool fill spout, not projecting greater than one inch into the space above the water surface area and shielded to not create a deck hazard.

(22) Filters. Owners shall equip pools with filtration equipment:

(a) Meeting the applicable standards of NSF or equivalent;

(b) Using acceptable type and filter rates described under Table 050.6 of this section;

(c) Having pressure or vacuum gauges for measuring loss of head through the filter with minimum of one gauge preceding and one gauge following the filter;

(d) Having a rate of flow indicator to measure flow which has accuracy, repeatability, and durability equivalent to flow meters meeting NSF standards; and

(e) Having a means of discharging filter backwash to waste with:

(i) Discharge in a manner not creating a public nuisance;

(ii) Disposal in accordance with applicable local laws or regulations;

(iii) Minimum air gap of two pipe diameters to prevent cross-connection from waste discharge and recirculation system piping;

(iv) Discharge receptor and piping of sufficient size to accept backwash water and prevent flooding; and

(v) Ability to monitor filter effluent during backwash, that is, use of a sight glass.

(f) Providing means to release air entering the filter tank on pressure filters;

(g) When cartridge filters are used:

(i) Provide with an extra set of cartridges; and

(ii) Have any bypass valves in a permanently closed position.

(h) When using pressure DE filters with separation tanks:

(i) Provide a means of air release or a lid providing a slow and safe release of pressure; and

(ii) Show a readily visible user warning that the air release must be opened before starting the circulation pump.

TABLE 050.6

TYPE AND RANGES OF FILTERS FOR SWIMMING POOLS

Range of Acceptable Filter Rate	Expressed in gpm/Square Feet	
Type of Filter Media	Minimum	Maximum
Sand	Rapid Sand or Pressure Sand	3
	High Rate Sand Pressure or Vacuum	10
		18*
D.E.	Continuous Feed	0.8
	Manual Feed	1.0
Cartridge**	Pressure	1.0
	Vacuum	1.35
		2.0
		2.0
		.375

NOTE:

*Filters which are sized at maximum application rate shall be equipped with flow control valves to maintain flow equilibrium to account for varying filter pressures and consequent flow production.

**Cartridge filters shall have a nominal micron rating of twenty microns or less.

(23) Disinfection equipment. Owners shall provide disinfection equipment:

(a) Providing a continuous and effective disinfectant residual in the water;

(b) Using a disinfectant with an easily monitored residual;

(c) Having a design feed rate providing effective disinfection levels when the pool is in peak demand conditions;

(d) Having easily cleanable equipment and piping used to apply chemicals and with provisions to prevent undue clogging. All materials shall be resistant to action of chemicals used;

(e) Conforming to NSF standards if disinfection equipment has:

(i) Adjustable output rate chemical feed equipment for liquid solutions. The equipment shall:

(A) Feed under positive pressure in the recirculation system;

(B) Provide means for dosage adjustment;

(C) Have provisions to prevent hypochlorite solution siphoning when equipment is turned off. This applies when the disinfection equipment is above pool water level.

(ii) Flow through chemical feed for solid feed material. Solid tablets or granules shall not be placed in skimmer baskets accessible to the public.

(f) Allowing hand feeding on an emergency basis only;

(g) Meeting the following conditions when using chlorine gas:

(i) Chlorine rooms shall:

(A) Be above ground level;

(B) Be constructed so all openings or partitions with adjoining rooms are sealed;

(C) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(D) Have door opening outward only and to the out-of-doors;

(E) Provide a sign on the door exterior reading DANGER CHLORINE. The sign shall be large enough to be read twenty-five feet away.

(ii) Chlorine rooms shall have mechanical exhausting ventilation including:

(A) Air inlet located as far as possible from fan intake to promote good air circulation patterns;

(B) Minimum of one air change per minute in the chlorine room when fan is operating;

(C) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(D) Suction for fan near the floor;

(E) Exhaust for fan and chlorinator vent located to prevent contaminating air intake and prevent undue hazard for the pool facility users; and

(F) Screened chlorinator vent.

(iii) Gas chlorine systems shall:

(A) Be vacuum injection type, with vacuum-actuated cylinder regulators;

(B) Provide integral backflow and anti-siphon protection at the injector; and

(C) Provide taring (net weight of cylinder gas) scales for determining chlorine weight.

(iv) Breathing protection available in an accessible area for the operator outside of the chlorine room including:

(A) Self-contained breathing apparatus designed for use in a chlorine atmosphere for working with chlorine leaks and maintained in accordance with department of labor and industries standards; or

(B) Provisions to substitute breathing protection at the site, if procedures can be established and documented with emergency service fire districts or other approved organization within the area for promptly responding to chlorine leaks.

(v) Means for automatic shutoff when pool flow is interrupted; and

(vi) Chlorine gas cylinders shall:

(A) Be stored only in chlorine rooms;

(B) Have approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;

(C) Be properly secured to prevent tipping;

(D) Be tagged to indicate cylinders are empty or full; and

(E) Not exceed one hundred fifty pounds tare weight per cylinder. If one-ton cylinder use is desired, an engineer specializing in chlorine design shall prepare a design proposal for department consideration.

(24) Chemical feeding equipment for pH control. Owners applying chemicals for controlling pH through chemical feed equipment shall provide equipment with:

(a) Adequate size and design to allow routine cleaning and maintenance;

(b) Materials resistant to chemical action;

(c) Means for automatic shut off when pool flow is interrupted;

(d) Chemical feed equipment for pH control on pools fifty thousand gallons volume or greater;

(e) Any pool feeding with:

(i) Caustic soda (NAOH);

(ii) Carbon dioxide (CO₂); or

(iii) Other chemicals the department determines necessary to require metered and controlled feeding.

(25) Heaters. Where pool heating equipment is provided, owners shall:

(a) Locate equipment so any standing pilot is readily accessible; and

(b) Install equipment per NEC and UMC.

(26) Ventilation. Owners shall provide indoor pool facility ventilation conforming with ASHRAE pool facility standards.

(27) Testing equipment. Owners shall use testing equipment as noted in the water quality section under WAC 248-98-030(6).

(28) Chemical storage. Owners shall ensure chemical storage design and placement minimizes safety risks.

(29) Restroom, locker room, and plumbing fixtures. Owners shall provide restroom, locker room, and plumbing facilities at pools as follows:

(a) General use swimming pool facilities with:

(i) Minimum components including:

(A) Dressing rooms;

(B) Showers;

(C) Toilets and urinals;

(D) Lavatories; and

(E) Hose bibs.

(ii) A design providing easy accessibility to toilet and shower facilities by users with minimum cross traffic of nonusers;

(iii) Locker rooms including:

(A) Separate facilities for both sexes with provisions to block line of sight into locker rooms;

(B) Nonslip floors with suitable drains;

(C) Junctions between walls and floors covered for ease of cleaning; and

(D) Adequate ventilation to prevent moisture build-up in the facility.

(iv) Plumbing fixtures as described under Table 050.7 of this section;

(v) Shower facilities that:

(A) Deliver water at a temperature range of ninety to one hundred ten degrees Fahrenheit; and

(B) Provide single service soap in nonglass dispensers.

(vi) Flush toilets and toilet tissue in dispensers;

(vii) Sinks provided with:

(A) Tempered or hot and cold running water;

(B) Single service soap in nonglass dispensers; and

(C) Single service towels or electric hand dryers.

(viii) Hose bibs with vacuum breakers provided:

(A) At a maximum spacing of one hundred fifty feet around pool deck; and

(B) Within the equipment room at facilities having pools fifteen hundred square feet or more.

(ix) Janitor sink with a vacuum breaker at pools greater than fifteen hundred square feet; and

(x) Sewage disposed of in a manner approved by the department or local health officer.

(b) Limited-use swimming pool facility plumbing as described under Table 050.8 of this section.

TABLE 050.7

PLUMBING FIXTURE MINIMUM REQUIREMENTS FOR GENERAL USE SWIMMING POOLS AMOUNT OF FIXTURES REQUIRED FOR OCCUPANCY LOAD BY SEX

Type of Fixture		Male	Female
1. Toilets	up to 120	1/60	1/40
	from 121-360 add	1/80	1/60
	over 360 add	1/150	1/100
2. Urinals	up to 120	1/60	NA
	from 121-360 add	1/80	
	over 360 add	1/150	
3. Showers	up to 120	1/40	1/40
	from 121-360 add	1/60	1/60
	over 360 add	1/100	1/100
4. Sinks	up to 200	1/100	1/100
	from 201-400 add	1/200	1/200
	over 400 add	1/400	1/400
5. Hose bibs	One hose bib accessible to each locker room and provided with a vacuum breaker.		
6. Janitor sink	One*		

NOTE:

*Required for pools 1500 square feet or greater.

TABLE 050.8

PLUMBING FIXTURE MINIMUM REQUIREMENT FOR LIMITED USE SWIMMING POOLS

Pools with:	Toilets	Showers	Sinks	Dress.Rm.
1. Living units within 100 feet and less than 3 stories	-	-	-	-
2. Living units >100 feet but <500 feet and less than 3 stories.	1	-	1	-
3. Living units within 1/4 mile and/or with 3 or more stories.*	1(M) 1(F)	-	1(M) 1(F)	-
4. Living units greater than 1/4 mile.**	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)

NOTE:

*Consideration for elevators adjacent to pool may allow variance from this requirement.

**When pool bathing load for the proposed facility exceeds a capacity of 150 people, the fixture units provided at limited use facilities shall conform with the general use requirements in Table 050.7.

(c) If owners limit the number of people within their facility to a certain number and post maximum occupancy loading, the number of plumbing fixture units may be based on that maximum occupancy.

(30) Lighting. Owners shall design and maintain pool facility lighting to:

(a) Illuminate indoor facilities, outdoor facilities used after dusk, and locker room facilities with a minimum lighting intensity maintained thirty inches above any walking surface, pool deck, or pool area of:

- (i) Thirty foot-candles at indoor facilities;
- (ii) Fifteen foot-candles at outdoor facilities;
- (iii) Twenty foot-candles in locker rooms.

(b) Allow lifeguards or attendants to clearly see pool areas and walking surfaces;

(c) Meet any additional lighting requirements deemed necessary by the department or local health officer;

(d) Provide protective shielding for all lighting fixtures above walking surfaces and pool areas; and

(e) Provide all indoor facilities with one or more pool area emergency lights designed to turn on in the event of a power failure. The emergency lighting shall conform to requirements of UL standard 924.

(31) Emergency equipment. Owners shall provide first aid and emergency equipment readily available during operating hours as follows:

(a) General use swimming pool facilities:

(i) A telephone within the facility with a prominently displayed list of emergency medical service response numbers;

(ii) Sufficient and suitable area provided to accommodate persons within the facility requiring first aid treatment and necessary first aid equipment;

(iii) A supplied first aid kit as follows:

(A) For general use pools fifteen hundred square feet or more, a standard twenty-four unit kit;

(B) For general use pools less than fifteen hundred square feet and limited use pools, a standard sixteen unit kit;

(iv) Two or more blankets reserved for emergency use;

(v) A backboard with means to secure victim to board and provide immobilization of head, neck, and back at pools requiring lifeguards;

(vi) Devices to aid victims in distress as follows:

(A) For pools with width less than twenty-four feet, rescue poles one-half the pool width or more;

(B) For pools with width twenty-four feet or more, rescue poles twelve feet or more in length;

(C) One or more of the poles with a double crook life hook in pools without lifeguards;

(D) One or more reaching poles for every fifteen hundred square feet of pool surface area;

(E) Throwing ring buoy, heaving jug, heaving line, throw-rope bag, or other similar devices with rope the width of the pool or fifty feet, whichever is less for reaching and retrieving victim;

(F) Rescue tube or rescue buoy at each lifeguard station.

(b) Limited use swimming pool facilities:

(i) During period facility is open for use, one of the following:

(A) A telephone within one minute access;

(B) Alternate means of reaching emergency medical service response numbers;

(C) Provision of an audible emergency alarm to alert others at area of need to respond.

(ii) Comply with requirements under subsection (31)(a)(iii), (iv), and (vi) of this section.

(32) Lifeguard chairs. Owners shall provide lifeguard chairs as follows:

(a) Where lifeguards are required and pools have depths greater than five feet, at least one lifeguard chair shall be provided adjacent to the deep area of the pool;

(b) Installed to manufacturer standards.

(33) Signs. Owners shall provide signs at pools which must convey the following conditions, but may be conveyed by any combination of words, pictures, or symbols:

(a) Prohibition of running or horseplay;

(b) Prohibition of use by persons with communicable diseases;

(c) Prohibition of use by persons under the influence of alcohol or drugs;

(d) Requirement for a cleansing shower before entering the pool;

(e) Warning that persons refusing to obey the regulations are subject to removal from the premises;

(f) Prohibition of food or drink in the pool water;

(g) In pools where lifeguards are not present, post requirements for facility use as described under WAC 248-98-060(3)(b)(iii) and (c);

(h) Location of nearest telephone for emergency use or emergency notification procedure.

(34) Food service. When food service is provided, owners shall:

(a) At general use pool facilities, ensure food and beverage sale and consumption areas are separated from pool and deck enclosure areas. Special provisions may be made for allowing food and beverage service on the walkway provided a minimum six feet clear area is maintained between the pool edge and any tables or chairs provided for special facility functions;

(b) At limited use pool facilities, prohibit food and beverage in the pool water and maintain a minimum four foot clear area between pool edge and any tables and chairs provided for food service;

(c) At general use pool facilities, prohibit alcohol;

(d) At limited use pool facilities, when alcohol is sold within the pool facility, provide an attendant at the pool area;

(e) Provide trash containers;

(f) Prohibit glass containers in the pool facility.

(35) Drinking fountain. Owners shall provide an operable drinking fountain at general use swimming pools fifteen hundred square feet or more. Drinking fountains shall conform with American Standards Association requirements.

(36) Foot baths. Owners shall prohibit the use of foot baths at water recreation facilities. This does not preclude use of foot showers, provided the area is well drained.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Regulation .98.060, effective 3/11/60)

WAC 248-98-060 OPERATION ((- SANITARY CONTROL AND SAFETY MEASURES)) OF SWIMMING POOL FACILITIES. (1) ((All parts of all pools subject to these rules and regulations, including their premises and appurtenances, shall be maintained in a clean and sanitary condition at all times while the pool is open to bathers.

(2) Operator or attendant. All public and semipublic pools shall be maintained and operated by one or more persons familiar with the equipment and appurtenances and having a good understanding of the principles of swimming pool operation. The operator or attendant shall require a careful observance of the sanitary regulations.

(3) Operating records. At all public swimming pools, semipublic swimming pools, and wading pools, full daily records shall be kept as follows: The actual length of time pumps and filters are in operation; when each filter is backwashed or cleaned, the results of all tests made of the quality of the water and the results of disinfectant residual tests. These records must be available for inspection by the state department of health or the local health officer having jurisdiction.

(4) All persons using public or semipublic pools shall be required to take a cleansing bath in the nude, using warm water and soap, and to rinse off thoroughly all soapsuds before entering the pool. In the case of semipublic pools, the requirement of this paragraph will be posted in a prominent location within each living unit, or on a prominent sign adjacent to the pool.

(5) Communicable disease. No person having skin lesions, sore or inflamed eyes, mouth, nose, or ear discharges, or who is known to the health officer to be a carrier of any communicable disease shall use any pool subject to these rules and regulations.

(6) Pollution of pool prohibited. Urinating, expectorating, blowing the nose, or depositing any foreign matter in any pool subject to these rules and regulations is prohibited.

(7) Tobacco, food and drink shall be completely banned from the enclosure of any public swimming pool.

(8) Spectators. Persons not dressed for bathing shall not be allowed on walks immediately adjacent to public pools.

(9) Lifesaving and first aid facilities:

(a) Every public and semipublic swimming pool shall be equipped with one or more light but strong poles with blunt ends and not less than 12 feet in length for making reaching assists or rescues; one or more throwing buoys not more than 15 inches in diameter, having 60 feet of 3/16 inch manila rope attached, placed in easily accessible racks adjacent to the pool; a standard 24-unit first aid kit which shall be kept filled and readily accessible for emergency use; and two or more blankets reserved for emergency use. In addition, there shall be prominently displayed immediately adjacent to the telephone a telephone number list to include the nearest available doctor, ambulance service, hospital, and police or fire department rescue unit.

(10) Common towels, combs, brushes and drinking cups are prohibited.

(11) Posting regulations. Placards reciting paragraphs (4) through (10) inclusive shall be posted conspicuously at the pool or enclosure and in the dressing rooms and offices of all pools subject to the provisions of these rules and regulations.

(12) Care of bathing suits and towels. All bathing suits, towels and bathing caps furnished patrons at any pool subject to these rules and regulations shall be laundered with soap and hot water, and thoroughly rinsed and dried before re-use.

(13) Care of floor surfaces. Bathroom floors and appurtenances as well as pool decks and walkways shall be scrubbed at least daily to insure cleanliness at all times. Disinfection with chlorine solution or other germicides shall be accomplished daily. The provisions of this paragraph shall apply to all public and semipublic pools, wading pools and spray pools.

(14) Public pools shall be so operated that the entire volume of the pool shall be recirculated in not more than six hours. Semipublic pools shall be so operated that the entire volume of the pool shall be recirculated in not more than 12 hours. PROVIDED, That pools previously

approved with turnover rates varying from the above may continue to so operate.) Operation plan. Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing practices and developing an operations manual addressing each of the following:

(a) Physical pool facility components;

(b) Personnel;

(c) Users and spectators;

(d) Environmental conditions.

(2) Physical components. Owners shall provide routine checks of the physical components:

(a) Ensuring all structural facilities which the users come in contact are intact and free from undue wear or fatigue and replaced as needed;

(b) Eliminating adverse affects of water ponding on walking surfaces;

(c) Ensuring preventive maintenance on equipment essential for protection of the public health, safety, and water quality;

(d) Ensuring any necessary emergency equipment is available and in good repair;

(e) Maintaining barrier protection;

(f) Ensuring common articles such as towels, bathing suits, bathing caps, etc., for patron use are sanitized before re-use if provided for patrons; and

(g) Ensuring treatment and turnover times are continuous twenty-four hours a day during seasons or periods of use and do not exceed six hours provided:

(i) Allowances shall be made for minor equipment maintenance;

(ii) Pools previously approved with turnover rates varying from subsection (2)(g)(i) of this section may continue to operate if water quality conditions conform with WAC 248-98-030.

(3) Required personnel. Owners shall ensure appropriate personnel at pool facilities as follows:

(a) General use pool facilities having one or more pools fifteen hundred square feet or more in surface area shall have lifeguards present at all times pools are in use, except:

(i) Pools having surface area less than twenty-five hundred square feet, four and one-half feet or less in depth, limiting use from two to ten adults in the pool are not required to have a lifeguard;

(ii) When swim teams are facility users, the owner may allow substitution of qualified coaches. See subsection (5) of this section to substitute for a lifeguard for guarding of a swim team.

(b) General use pool facilities less than fifteen hundred square feet shall provide lifeguards or attendants as follows:

(i) Lifeguards shall be present:

(A) If pool facility provides training for water safety and basic swimming instruction for children twelve years of age or under; or

(B) If pool facility provides training for safety and basic swimming instruction for adults and the pool is over four feet deep; or

(C) When pool facility provides training, practice, and/or meets for swim teams, substitution may occur as described under subsection (3)(a)(ii) of this section.

(ii) Attendants or lifeguards shall be present when organized programs are provided at the pool facility, for example, teaching of adult swimming lessons in water four feet or less, formal exercise classes, and the like;

(iii) When no lifeguard or attendant is present, the facility use shall be limited by the following conditions:

(A) When pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older shall accompany the children and be at the pool or pool deck at all times the children use the facility;

(B) When used by persons seventeen years of age or under, a minimum of two people at the pool facility at all times the pool is in use;

(C) Subdivision (b)(iii)(A) and (B) of this subsection posted.

(c) When lifeguards are not provided at limited use pool facilities, within the conditions noted in the definition for a limited use pool, use of the facility shall be limited by the following conditions:

(i) When the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older shall accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) When used by persons seventeen years of age or under, a minimum of two people at the pool facility at all times the pool is in use;

(iii) Subdivision (c)(i) and (ii) of this subsection posted and ongoing provisions to notify the responsible person of conditions for use of the facility.

(d) A water treatment operator.

(4) Personnel duties and equipment. Owners shall ensure the specific duties and equipment of designated personnel include:

(a) Lifeguards during periods of lifeguarding, guard users of the pool facility in areas assigned;

(b) Assistant lifeguards when provided at the pool used under the following conditions:

(i) Fifty percent or more of the persons assigned to guard on the deck are lifeguards;

(ii) Assistant lifeguards limited to guarding responsibility of areas four feet or less in depth; and

(iii) One or more lifeguards on duty trained at the equivalent of "lifeguard training" as recognized by the ARC or equivalent as recognized by the department.

(c) Attendants, when provided at pools not requiring lifeguards, oversee pool use by the bathers and provide supervision and elementary rescues such as reaching assists to bathers in need. This does not mean the person is qualified or trained to make swimming rescues;

(d) Qualified swimming coaches when substituting for lifeguards, guard swimming team at the pool facility in areas assigned;

(e) Water treatment operator oversees that the water treatment components are functioning adequately to protect public health, safety, and water quality;

(f) Notification of responsible persons on the conditions for facility use at pool facilities not requiring lifeguards, and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under including, but not limited to a person:

(i) Renting an apartment, hotel, motel, RV camp site; or

(ii) Who is an owner or member of a condominium, homeowner's association, mobile home park, or private club with a pool facility.

(g) Lifeguards, assistant lifeguards, or attendants:

(i) Wearing a distinguishing suit, uniform, or emblem; and

(ii) Equipped with a whistle or a signaling device.

(5) Personnel training. Owners shall require training for each type of personnel including:

(a) Lifeguards shall maintain current certificates in the following:

(i) Standard first aid and adult, single rescue CPR through ARC or the American Heart Association; and

(ii) Advanced lifesaving, advanced lifesaving review, or lifeguard training through ARC; or

(iii) YMCA lifeguarding or crossover course through the YMCA; or

(iv) Lifeguard through the National Lifeguard Service, Canadian;

or
(v) Lifeguard through the National Pool and Waterpark Lifeguard Training Course; or

(vi) Other training the department determines equivalent;

(vii) Thirty-six months after enactment of the personnel training provisions of this chapter, the department will no longer recognize training for lifeguards in advanced lifesaving or advanced lifesaving review through the ARC.

(b) Assistant lifeguards shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or the American Heart Association; and

(ii) Emergency water safety with ARC; or

(iii) Bronze medallion award through the Royal Lifesaving Society of Canada;

(iv) Shallow water lifeguard through the National Pool and Waterpark Lifeguard Training; or

(v) Other training the department determines equivalent; and

(vi) Be fourteen years of age or older.

(c) Swim coaches substituting for lifeguards with swim teams shall maintain current certificates through the following:

(i) Standard first aid and adult, single rescue CPR through ARC or the American Heart Association; and

(ii) Safety training for swim coaches through ARC; or

(iii) Other training the department determines equivalent.

(d) Attendant shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or the American Heart Association; and

(ii) Basic water safety with ARC; or

(iii) Other training the department determines equivalent; and

(iv) Be sixteen years of age or older.

(e) Water treatment operator shall have specific knowledge in provision of pool water chemistry, filtration, pumping equipment, and rules and regulations pertaining to pool facilities;

(f) When pool facility is using chlorine gas, an operator shall have specific training as follows:

(i) Proper operation of the chlorination equipment and routine maintenance procedures;

(ii) Basic understanding of physical and chemical properties of chlorine gas under pressure;

(iii) Basic understanding on use of leak detection and emergency safety equipment;

(iv) Basic knowledge of proper first-aid procedures and response for accidental inhalation of chlorine gas;

(v) Six hours or more of formal instruction once every three years or three hours or more every eighteen months with certificate of training provided.

(g) Persons shall be exempt from having current CPR or standard first-aid certificates if the persons hold current certificates in any of the following:

(i) Community CPR in the place of adult, single rescue CPR;

(ii) In the place of standard first aid:

(A) Advanced first aid;

(B) First responder;

(C) Emergency medical technician; or

(D) Paramedic.

(iii) Other training the department recognizes as equivalent or exceeding current requirements.

(6) Emergency response plan. Owners shall ensure emergency response provisions as follows:

(a) In pool facilities where lifeguards, assistant lifeguards, or swim coaches are required:

(i) Sufficient qualified personnel, for example, lifeguards, assistant lifeguards, or swim coaches where appropriate, located to provide a response time not to exceed thirty seconds to all pool users;

(ii) Based on, but not limited to, the following:

(A) Pool depth;

(B) Line of sight;

(C) Bather load;

(D) Training procedures;

(E) Emergency procedures, and

(F) Lifeguard rotation.

(iii) Emergency response drills to meet the response time including:

(A) Drills two or more times each year;

(B) Testing documentation.

(iv) Where SCUBA or kayaking lessons are performed at the pool, personnel guarding these activities shall be provided special in-service training.

(b) In pool facilities where no lifeguards are provided:

(i) Posting and ongoing notification and enforcement of conditions for pool use. See subsection (3)(b) and (c) of this section;

(ii) Enforcement of conditions by owner and authorized personnel;

(iii) Emergency equipment specified under WAC 248-98-050(31), readily available during operating hours.

(c) Ongoing training and evaluation of the lifeguarding skills and/or assistant, coach, or attendant skills;

(d) In facilities where chlorine gas is used:

(i) Annual emergency drills;

(ii) Identification of the location of accessible chlorine cylinder repair kits.

(7) Bather use. Owners shall establish rules of conduct for facility users to ensure health and safety as follows:

(a) Signage noted under WAC 248-98-050(33);

(b) Facilities used for swimming instruction courses may allow diving into water depths recognized as adequate by the organization providing the certificates, for example ARC or YMCA, provided the divers are supervised by instructors.

(8) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or the user and take appropriate action in response to these factors, including electrical storms, fog, wind, visibility problems, etc.

(9) Closure. Owners shall close the facility when the facility or portion thereof presents an unhealthful, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or operation requirements as detailed under WAC 248-98-030 and 248-98-060.

AMENDATORY SECTION (Amending Regulation .98.080, effective 3/11/60)

WAC 248-98-080 WADING POOLS. (1) ((Wading pools shall be not more than 24 inches in depth.

(2) The water in wading pools at all times while in use shall meet the requirements pertaining to water quality as outlined in WAC 248-98-030 of these rules and regulations.

(3) Wading pool water shall be recirculated and shall be disinfected in accordance with the provisions of WAC 248-98-040 and of 248-98-050 (1)(d).

(4) In the operation of wading pools the requirements pertaining to sanitary control of swimming pools as outlined in WAC 248-98-060 (1), (5) and (6) of these regulations apply.

(5) Adequate sanitary toilet facilities shall be available in the vicinity of wading pools:

(6) No wading pool shall be maintained or operated when such pool is determined by the health officer to constitute a menace to health if used for wading)) Location. Owners shall locate pools to:

(a) Minimize pollution by dust, smoke, soot, and other undesirable substances;

(b) Eliminate pollution from surrounding surface drainage; and

(c) Ensure pump house, trees, and other structures are located fifteen feet or more from the pool or provide barriers or other means to prevent ready access from the structures. Structure shall not be construed to include:

(i) Building walkways above the second story or roofs of any building structure; or

(ii) Any barriers provided to prevent unauthorized pool access, for example, fencing.

(2) Materials. Owners shall use only structure and equipment materials which are nontoxic, durable, inert, impervious to water, and easily cleanable.

(3) Walking surfaces. Owners shall design and maintain pool walking surfaces:

(a) Uniformly sloping away from the pool or pools a minimum of one-fourth inch per foot and a maximum of one-half inch per foot;

(b) Of a nonslip finish not presenting a tripping hazard;

(c) Equipped with sufficient drains to prevent standing water;

(d) Of easily cleanable, impervious finishes;

(e) Four feet or more in width;

(f) At facilities with swimming pools fifteen hundred square feet or more associated with the wading pool, provide a minimum of sixteen square feet per bather; and

(g) In conformance with department-established guidelines for any resilient artificial surface.

(4) Barriers. Owners shall provide barrier protection to prevent unauthorized access including:

(a) In outdoor facilities, a barrier of forty-eight inches or more in height with:

(i) Barrier:

(A) Not allowing passage of a four-inch diameter sphere;

(B) Horizontal members with less than forty-five inches spacing between the tops of the horizontal members shall have vertical members not exceeding one and three-quarters inches in width;

(C) Horizontal members with forty-five inches or more spacing between tops of horizontal members shall have vertical members not exceeding four inches in width.

(ii) Lockable gates and entrances provided with a self-closing, self-latching mechanism fifty-four inches or more from the ground with a clear space fifty inches deep on the latch side of the door to position a wheelchair. When a latching mechanism is provided at any lower height, the latching mechanism shall be of a type remaining continuously locked, and only opening:

(A) With the use of a key or other access control system; or

(B) By reaching over the gate to a latch three inches or more below the top of the gate on the pool side of the barrier in compliance with CPSC standards for residential pool latching.

(b) Indoor facility barriers, suitable to prevent access of unauthorized individuals;

(c) Restricted area service entrances shall be exempt from door or gate requirements providing no public access is available;

(d) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during non-use periods; and

(e) An entrance to the pool area which shall not serve as a required exit from another part of a building when there is a conflict with other codes or regulations.

(5) Pool surfaces. Owners shall ensure pool surfaces with:

(a) Materials complying with subsection (2) of this section;

(b) Water tight and nonabrasive construction;

(c) White or light color finish not obscuring the view of objects or surfaces;

(d) Surfaces not causing cutting, pinching, puncturing, entanglement, or abrasion hazard under casual contact; and

(e) Construction tolerances conforming with current NSPI public pool standards.

(6) Wading pool floor and wall dimensional design. Owners shall ensure pool dimensional designs for floors and walls provide for safety, circulation, and water quality including, but not limited to:

(a) All corners formed by intersection of walls with floor shall be covered;

(b) Uniform pool floor slopes not exceeding one foot of drop in twelve feet of run.

(7) Wading pool entry and exit. Owners shall provide means of entry and exit on all pools including one of the following:

(a) Stairs when provided meeting the following construction requirements:

(i) Nonslip tread finish;

(ii) Contrasting color stair tread edges clearly visible to users;

(iii) Handrails with the leading edge for stairs at entry/exit being neither eighteen inches or more beyond nor eight inches or more inside (horizontally) the vertical plane of the bottom riser;

(iv) Riser treads with a minimum unobstructed, horizontal, ten-inch tread depth and minimum two-hundred-forty-inch surface area;

(v) Riser height uniform and seven and one-half inches or less, except last step leading into pool may be less than uniform height.

(b) Shallow pool entry seven and one-half inches or less in depth;

(c) Ramp entry into the pool meeting the following construction requirements:

(i) Handrail extending over the deck edge and extending to the bottom of the ramp for entering and leaving the wading pool;

(ii) Ramp edges protruding into the pool of contrasting color;

(iii) Ramp slope not to exceed one foot in seven feet.

(d) Designs permitting entry and exit for impaired or handicapped persons are encouraged.

(8) Turnover. Owners shall ensure pools turn over entire pool water volume in three hours or less and:

(a) Where wading pools are recirculated jointly with swimming pools, means to ensure efficient turnover and treatment are maintained;

(b) Exceptions to recirculation requirements may be made for flow through pools in the following conditions:

(i) Where water supply is sufficient to provide the same turnover period specified for recirculation pools;

(ii) The water supply source meets the quality requirements and is subject to a disinfection method as outlined under WAC 248-98-030(3);

(iii) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and

(iv) The pool water quality complies with WAC 248-98-030.

(9) Pool depth markings. Owners shall provide depth markings:

(a) Plainly marking the water depth in feet on the horizontal surface of the coping or deck edge;

(b) Located on the coping or deck within eighteen inches of the water edge and positioned to be read while standing on the deck facing the water;

(c) Which are slip resistant;

(d) Placed at the maximum and minimum water depths;

(e) Spaced at intervals not exceeding twenty-five feet;

(f) Uniformly arranged on both sides and ends of the pool; and

(g) With a four inch minimum height.

(10) Bather load. Owners shall ensure maximum number of bathers permitted in the wading pool facility at any one time not exceed one bather per seven square feet.

(11) Inlets. Owners shall provide pool inlets:

(a) Submerged and located to produce uniform water and chemical circulation throughout the pool; and

(b) Located on the bottom of pools twenty-five hundred square feet or more, unless otherwise justified by the design engineer to the department's or local health officer's satisfaction.

(12) Outlets. Owners shall provide pool outlets with:

(a) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow and main drain piping designed to carry fifty percent or more of total recirculation filter flow;

(b) Overflow outlets that maintain:

(i) A minimum of sixty percent of filter recirculation flow at all times; and

(ii) An overflow channel which may be used on any pool and required on pools twenty-five hundred square feet or more on the pool perimeter to promote uniform circulation and skimming action of the upper water layer with:

(A) A design preventing all matter entering the channel from returning to the pool;

(B) Dimensions minimizing the hazard for bathers, such as catching arms or feet;

(C) One one-hundredth of a foot slope per foot or more;

(D) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and

(E) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow equivalent to one-fifth of the balancing tank expressed in gallons per minute.

(iii) Skimmers in lieu of pool overflow channels up to twenty-five hundred square feet if:

(A) Weir provided in skimmer has a maximum flow rate through skimmer not exceeding four gpm per inch of weir;

(B) Devices are recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;

(C) The skimmer is equipped with a device to prevent air lock in the recirculation suction line, such as, an equalizer line;

(D) The skimmer is equipped with a removable and cleanable screen designed to trap large solids;

(E) Automatically adjustable and operates freely through all designed loading rates. Displacement shall be computed at ten gallons per bather.

(c) Main drains in all pools with:

(i) Location at the pool's low points;

(ii) A minimum of two main drains spaced:

(A) Twenty feet or less apart nor closer than six feet; or

(B) As far as possible from each other in pools seven feet or less linear floor distance.

(iii) Total open area of grates sized to prevent a suction or entrapment hazard dangerous to user;

(iv) Grates on drains with:

(A) Maximum flow of one and one-half feet per second; or

(B) Net outlet area four times or more the area of the discharge pipe.

(v) Openings one-half inch or less wide;

(vi) Grates designed to withstand forces of users;

(vii) Grates removable only with specific tool; and

(viii) Means to control flow from recirculation pump or balancing tank.

(13) Flow. Owners shall maintain pool recirculation flow not to exceed:

(a) Six feet per second in valved suction or discharge side of the pump; and

(b) Ten feet per second in open discharge pipes on the pressure side of the pump or filter discharge. The recirculation flow limit does not apply to the return inlet and the last two feet of pipe leading to the inlet.

(14) Balancing tanks. Owners with overflow channels requiring balancing tanks shall:

(a) Maintain volume equivalent to seven times maximum bathing load expressed in gallons; and

(b) Increase capacity as necessary to provide volume for make-up water and to prevent air lock in the pump suction line.

(15) Pumps. Owners shall have and maintain wading pool recirculation pumps with adequate capacity to:

(a) Provide design flows and pressure for water recirculation over the entire operating filter pressure;

(b) Allow proper back washing of filters when specified; and

(c) Have self-priming capability when installed above pool water level.

(16) Strainers. Where pumps precede the filter, owners shall equip pool recirculation facilities with hair and lint strainers which shall:

(a) Be located upstream of recirculation pumps;

(b) Provide strainer screen sufficiently strong to prevent collapse when clogged;

(c) Have an openable cover; and

(d) Provide valving to isolate the strainer when located below pool water level.

(17) Valves. Owners shall provide valves at appropriate locations to allow isolation and maintenance of equipment.

(18) Equipment rooms. Owners shall provide equipment rooms:

(a) Enclosing pumps, disinfection equipment, filters and other electrical and mechanical feed equipment and associated chemicals. Chemical storage shall conform to manufacturer requirements;

(b) Providing work space and access to perform routine operations;

(c) With a forty-six-square-foot minimum floor area and provide a three-foot minimum of access area to service equipment;

(d) With one floor drain or more and a floor slope to the drain at a one-fourth-inch-per-foot minimum;

(e) Ready access if below grade;

(f) Ventilation;

(g) Twenty foot-candles or more of light measured thirty inches from the floor; and

(h) Kept locked.

(19) Make-up water. Owners shall ensure a source of make-up water and associated piping at the pool:

(a) Providing sufficient quantity to replace daily pool losses;

(b) Coming from a supply conforming with chapter 248-54 WAC;

(c) Preventing cross connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the pool water or waste water; and

(d) If using a pool fill spout, not projecting greater than one inch into the space above the water surface area and shielded to not create a deck hazard.

(20) Filters. Owners shall equip pools with filtration equipment:

(a) Meeting the applicable standards of NSF or equivalent;

(b) Using acceptable type and filter rates described under Table 080.1 of this section;

(c) Having pressure or vacuum gauges for measuring loss of head through the filter with a minimum of one gauge preceding and one gauge following the filter;

(d) Having a rate of flow indicator to measure flow which has accuracy, repeatability, and durability equivalent to flow meters meeting NSF standards; and

(e) Having a means of discharging filter backwash to waste with:

(i) Discharge in a manner not creating a public nuisance;

(ii) Disposal in accordance with applicable local laws or regulations;

(iii) Minimum air gap of two pipe diameters to prevent cross-connection from waste discharge and recirculation system piping;

(iv) Discharge receptor and piping of sufficient size to accept backwash water and prevent flooding; and

(v) Ability to monitor filter effluent during backwash, that is, use of a sight glass.

(f) Providing means to release air entering the filter tank on pressure filters;

(g) When cartridge filters are used:

(i) Provide with an extra set of cartridges; and

(ii) Have any bypass valves in a permanently closed position.

(h) When using pressure DE filters with separation tanks:

(i) Provide means of air release or a lid providing a slow and safe release of pressure; and

(ii) Show a readily visible user warning that the air release must be opened before starting the circulation pump.

TABLE 080.1

TYPE AND RANGES OF FILTERS FOR WADING POOLS

Range of Acceptable Filter Rate Type of Filter Media	Expressed in gpm/Square Feet	
Sand	Minimum	Maximum
Rapid Sand and Pressure Sand	—	3
Wading Pools less than 10,000 gallons		
High Rate Sand Pressure or Vacuum	10	15
Wading Pools greater than 10,000 gallons		
High Rate Sand Pressure* or Vacuum*	10	18
	Continuous Feed	Manual Feed

Range of Acceptable Filter Rate Type of Filter Media	Expressed in gpm/Square Feet		
D.E.			
Pressure	1.0	1.35	2.0
Vacuum	0.8	1.0	2.0
Cartridge**			0.375

NOTE:

*Filters sized at maximum application rate shall be equipped with flow control valves to maintain flow equilibrium to account for varying filter pressures and consequent flow production.

**Cartridge filters shall have a nominal micron rating of twenty microns or less.

(21) Disinfection equipment. Owners shall provide disinfection equipment:

(a) Providing a continuous and effective disinfectant residual in the water;

(b) Using a disinfectant with an easily monitored residual;

(c) Having a design feed rate providing effective disinfection levels when the pool is in peak demand conditions;

(d) Having easily cleanable equipment and piping used to apply chemicals and with provisions to prevent undue clogging. All materials shall be resistant to action of chemicals used;

(e) Conforming to NSF standards if the disinfection equipment has:

(i) Adjustable output rate chemical feed equipment for liquid solutions. When using this equipment, it shall:

(A) Feed under positive pressure in the recirculation system;

(B) Provide means for dosage adjustment;

(C) Have provisions to prevent hypochlorite solution siphoning when equipment is turned off, this applies when the disinfection equipment is above pool water level.

(ii) Flow through chemical feed for solid feed material. Solid tablets or granules shall not be placed in skimmer baskets accessible to the public.

(f) Allowing hand feeding on an emergency basis only;

(g) Meeting the following conditions when using chlorine gas:

(i) Chlorine rooms shall:

(A) Be above ground level;

(B) Be constructed so all openings or partitions with adjoining rooms are sealed;

(C) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(D) Have door opening outward only and to the out-of-doors;

(E) Provide a sign on the door exterior reading DANGER CHLORINE. The sign shall be large enough to be read twenty-five feet away.

(ii) Chlorine rooms shall have mechanical exhausting ventilation including:

(A) Air inlet located as far as possible from fan intake to promote good air circulation patterns;

(B) Minimum of one air change per minute in the chlorine room when fan is operating;

(C) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(D) Suction for fan near the floor;

(E) Exhaust for fan and chlorinator vent located to prevent contaminating air intake and prevent undue hazard for the pool facility users; and

(F) Screened chlorinator vent.

(iii) Gas chlorine systems shall:

(A) Be vacuum injection type, with vacuum-actuated cylinder regulators;

(B) Provide integral backflow and anti-siphon protection at the injector; and

(C) Provide taring (net weight of cylinder gas) scales for determining chlorine weight.

(iv) Breathing protection available in an accessible area for the operator outside of the chlorine room including:

(A) Self-contained breathing apparatus designed for use in a chlorine atmosphere for working with chlorine leaks and maintained in accordance with department of labor and industries standards; or

(B) Provisions to substitute breathing protection at the site, if procedures can be established and documented with emergency service fire districts or other approved organization within the area for promptly responding to chlorine leaks.

(v) Means for automatic shutoff when pool flow is interrupted; and
 (vi) Chlorine gas cylinders shall:
 (A) Be stored only in chlorine rooms;
 (B) Have approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;

(C) Be properly secured to prevent tipping;
 (D) Be tagged to indicate cylinders are empty or full; and
 (E) Not exceed one hundred fifty pounds tare weight per cylinder. If one-ton cylinder use is desired, an engineer specializing in chlorine design shall prepare a design proposal for department consideration.

(22) Chemical feeding equipment for pH control. Owners applying chemicals for controlling pH through chemical feed equipment shall provide equipment with:

(a) Adequate size and design to allow routine cleaning and maintenance;

(b) Materials resistant to chemical action;

(c) Means for automatic shut off when pool flow is interrupted;

(d) Chemical feed equipment for pH control on pools fifty thousand gallons volume or greater;

(e) Any pool feeding with:
 (i) Caustic soda (NAOH);
 (ii) Carbon dioxide (CO₂); or
 (iii) Other chemicals the department determines necessary to require metered and controlled feeding.

(23) Heaters. Where pool heating equipment is provided, owners shall:

(a) Locate equipment so any standing pilot is readily accessible; and
 (b) Install equipment per NEC and UMC.

(24) Ventilation. Owners shall provide indoor pool facility ventilation conforming with ASHRAE pool facility standards.

(25) Testing equipment. Owners shall use testing equipment as noted in the water quality section under WAC 248-98-030(6).

(26) Chemical storage. Owners shall ensure chemical storage design and placement minimizes safety risks.

(27) Restroom and plumbing fixtures. Owners shall provide restroom and plumbing facilities at pools as follows:

(a) Where wading pool facilities are provided in conjunction with general use and limited use swimming pools, spas, or other water recreation facilities, the wading pool bathing load shall be added to the total load for consideration of plumbing fixture units;

(b) If a wading pool is the sole water recreation facility at a site, plumbing fixtures as described under Table 080.2 including:

(i) Flush toilets and toilet tissue in dispensers;
 (ii) Shower facilities that:

(A) Deliver water at a temperature range of ninety to one hundred ten degrees Fahrenheit;

(B) Provide single service soap in nonglass dispensers.

(iii) Sinks provided with:
 (A) Tempered or hot and cold running water;

(B) Single service soap in nonglass dispensers; and
 (C) Single service towels or electric hand dryers.

(iv) Hose bibs with vacuum breakers conveniently accessible to pool and within one hundred feet; and
 (v) Sewage disposed of in a manner approved by the department or local health officer.

TABLE 080.2

PLUMBING FIXTURE MINIMUM REQUIREMENTS FOR SOLE FACILITY WADING POOLS

Wading Pools with:	Toilets	Sinks	H.B.	Showers
1. Limited use wading pools with living units* within 100 feet and less than 3 stories	-	-	1	-
2. Limited use wading pools with living units > 100 feet but < 500 feet and less than 3 stories.**	1	1	1	-
3. Limited use wading pools with living units > 500 feet but < 1/4 mile and/or with 3 or more stories.**	1(M) 1(F)	1(M) 1(F)	1	-
4. Limited use wading pools with living units > 1/4 mile or general use wading pools.***	1(M) 1(F)	1(M) 1(F)	1	1(M) 1(F)

NOTE:

****Living Units*** means all units associated with limited use facilities intended to be served.

****Consideration for elevators adjacent to pool may allow variance from this requirement.**

*****When wading pool bathing load exceeds 40 of either sex, the fixture units provided shall conform with the general use requirements for swimming pools.**

(c) If owners limit the number of people within their facility to a certain number and post maximum occupancy loading, the number of plumbing fixture units may be based on that maximum occupancy.

(28) Lighting. Owners shall design and maintain pool facility lighting to:

(a) Illuminate indoor facilities, outdoor facilities used after dusk, and locker room facilities with a minimum lighting intensity maintained thirty inches above any walking surface, pool deck, or pool area of:

(i) Thirty foot-candles at indoor facilities;

(ii) Fifteen foot-candles at outdoor facilities;

(iii) Twenty foot-candles in locker rooms.

(b) Allow lifeguards or attendants to clearly see pool areas and walking surfaces;

(c) Meet any additional lighting requirements deemed necessary by the department or local health officer;

(d) Provide protective shielding for all lighting fixtures above walking surfaces and pool areas;

(e) Provide all indoor facilities with one or more pool area emergency lights designed to turn on in the event of a power failure. The emergency lighting shall conform to requirements of UL standard 924.

(29) Signs. Owners shall provide signs at pools which must convey the following conditions, but may be conveyed by any combination of words, pictures, or symbols:

(a) Prohibition of running or horseplay;

(b) Prohibition of use by persons with communicable diseases;

(c) Prohibition of use by persons under the influence of alcohol or drugs;

(d) Prohibition of food or drink in the pool water;

(e) In pools where lifeguards or attendants are not present, post requirements for facility use as required under WAC 248-98-085(3).

(30) Food service. When food service is provided, owners shall:

(a) At general use pool facilities, ensure food and beverage sale and consumption areas are separated from pool and deck. Special provisions may be made for allowing food and beverage service on the walkway provided a minimum six feet clear area is maintained between the pool edge and any tables or chairs provided for special facility functions;

(b) At limited use pool facilities, prohibit food and beverage in the pool water and maintain a minimum four foot clear area between pool edge and any tables and chairs provided for food service;

(c) Provide trash containers;

(d) Prohibit glass containers in the pool facility.

NEW SECTION

WAC 248-98-085 OPERATION—WADING POOLS. (1) Operation plan. Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing practices and developing an operations manual addressing each of the following:

(a) Physical pool facility components;

(b) Personnel;

(c) Users and spectators;

(d) Environmental conditions.

(2) Physical components. Owners shall provide routine checks of the physical components:

(a) Ensuring all structural facilities the users come in contact are intact and free from undue wear or fatigue and replaced as needed;

(b) Eliminating adverse effects of water ponding on walking surfaces;

(c) Ensuring preventative maintenance on equipment essential for protection of the public health, safety, and water quality;

(d) Maintaining barrier protection;

(e) Ensuring treatment turnover is continuous twenty-four hours a day during seasons or periods of use and does not exceed three hours provided:

(i) Allowances shall be made for minor equipment maintenance;

(ii) Pools previously approved with turnover rates varying from subsection (2)(e)(i) of this section may continue to operate if water quality conditions conform with WAC 248-98-030.

(3) Required personnel. Owners shall ensure appropriate personnel at pool facilities as follows:

(a) A water treatment operator oversees that the water treatment components are adequately functioning to protect public health, safety, and water quality; and

(b) At pool facilities with no lifeguards, assistant lifeguards, or attendants, use shall be subject to the following conditions:

(i) When the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older shall accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) When used by persons seventeen years of age or under, a minimum of two people are at the pool facility at all times the pool is in use;

(iii) At general use pools, subdivision (b)(i) and (ii) of this subsection be posted; and

(iv) At limited-use pools, subdivision (b)(i) and (ii) of this subsection be posted and ongoing provisions notifying the responsible person of the conditions.

(4) Personnel duties and equipment. Owners shall ensure the specific duties and equipment of designated personnel include:

(a) Lifeguards, during periods of lifeguarding, guard pool facility users in areas assigned;

(b) Assistant lifeguards when provided at the pool used under the following conditions:

(i) Assistant lifeguard limited to guarding responsibility of areas four feet or less in depth; and

(ii) A lifeguard overseeing the activities of the assistant lifeguard.

(c) Attendants when provided oversee use of the pool by the bathers and provide supervision and elementary rescues, such as reaching assists to bathers in need;

(d) Water treatment operators oversee, as needed, the water treatment components are functioning adequately to protect public health, safety, and water quality;

(e) Notification of responsible persons on the conditions for use at pool facilities not requiring lifeguards, and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users, including but limited to a person:

(i) Renting an apartment, hotel, motel, RV camp site; or

(ii) Who is an owner or member of a condominium, homeowner's association, mobile home park, or private club with a pool facility.

(f) Lifeguards, assistant lifeguards, or attendants:

(i) Wear distinguishing suit, uniform, or emblem; and

(ii) Equipped with a whistle or a signaling device.

(5) Personnel training. Owners shall require training for each type of personnel including:

(a) Lifeguards shall maintain a current certificate in the following:

(i) Standard first aid and adult, single rescue CPR through ARC or American Heart Association; and

(ii) Advanced lifesaving, advanced lifesaving review, or lifeguard training through ARC; or

(iii) YMCA lifeguarding or crossover course through the YMCA; or

(iv) Lifeguard through the National Lifeguard Service, Canadian; or

(v) Lifeguard through National Pool and Waterpark Lifeguard Training; or

(vi) Other training the department determines equivalent;

(vii) Thirty-six months after enactment of the personnel training provisions of this chapter, the department shall no longer recognize training for lifeguards in advanced lifesaving, or advanced lifesaving review through the ARC.

(b) Assistant lifeguards shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or American Heart Association; and

(ii) Emergency water rescue with ARC; or

(iii) Bronze medallion award through the Royal Lifesaving Society of Canada; or

(iv) Shallow water lifeguard through the National Pool and Waterpark lifeguard training; or

(v) Other training the department determines equivalent; and

(vi) Be fourteen years of age or older.

(c) Attendant shall maintain current certificates and meet the requirements in the following:

(i) Adult, single rescue CPR through ARC or the American Heart Association; and

(ii) Basic water safety with ARC; or

- (iii) Other training the department determines equivalent; and
- (iv) Be sixteen years of age or older.
- (d) Water treatment operator shall have specific knowledge in provision of pool water chemistry, filtration, pumping equipment and rules and regulations pertaining to pool facilities;
- (e) When pool facility is using chlorine gas, an operator shall have specific training as follows:
 - (i) Proper operation of the chlorination equipment and routine maintenance procedures;
 - (ii) Basic understanding of physical and chemical properties of chlorine gas under pressure;
 - (iii) Basic understanding on use of leak detection and emergency safety equipment;
 - (iv) Basic knowledge of proper first aid procedures and response for accidental inhalation of chlorine gas;
 - (v) Six hours or more of formal instruction once every three years or three hours or more every eighteen months with certificate of training provided.
- (f) Persons shall be exempt from having current CPR or standard first aid certificates if the persons hold current certificates in any of the following:
 - (i) Community CPR in place of adult, single rescue CPR;
 - (ii) In place of standard first aid:
 - (A) Advanced first aid;
 - (B) First responder;
 - (C) Emergency medical technician; or
 - (D) Paramedic.
 - (iii) Other training the department recognizes as equivalent or exceeding current requirements.
- (6) Bather use. Owners shall establish conduct rules for users to ensure health and safety. The rules shall include signage noted under WAC 248-98-080(29).
- (7) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or the user and take appropriate action in response to these factors, including electrical storms, visibility problems, etc.
- (8) Closure. Owners shall close the facility when the facility or portion thereof presents an unhealthy, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or operation requirements as detailed under WAC 248-98-030 and 248-98-085.

AMENDATORY SECTION (Amending Regulation .98.090, effective 3/11/60)

WAC 248-98-090 SPRAY POOLS. (~~The water supply for a spray pool shall at all times meet the water quality requirements as outlined in WAC 248-98-030 of these rules and regulations. The spray pool shall be equipped at its low point with an unvalved drain of sufficient capacity and design to prohibit accumulation of any water in the pool~~) (1) Location. Owners shall locate pools to:

- (a) Minimize pollution by dust, smoke, soot, and other undesirable substances; and
- (b) Eliminate pollution from surrounding surface drainage.
- (2) Materials. Owners shall only use structure and equipment materials which are nontoxic, durable, inert, impervious to water and easily cleanable.
- (3) Walking surfaces. Owners shall design and maintain walking surfaces:
 - (a) Uniformly sloping away from the pool or pools a minimum of one-fourth inch per foot and a maximum of one-half inch per foot;
 - (b) Of a nonslip finish not presenting a tripping hazard;
 - (c) Equipped with sufficient drains to prevent standing water;
 - (d) Of easily cleanable impervious finishes;
 - (e) Four feet or more in width, extending around fifty percent or more of the spray pool;
 - (f) In conformance with department-established guidelines for any resilient artificial surfaces.
- (4) Pool structure. Owners shall ensure general pool requirements include:
 - (a) Pool surfaces with nonslip finishes and impervious to water;
 - (b) Uniform pool floor slopes not to exceed one foot in twelve feet;
 - (c) Provision for using an approved potable water supply. Water shall not be recirculated, but drain to waste after use in the spray pool; or
 - (d) If a spray pool facility is used in conjunction with a swimming pool over thirty thousand gallons in volume, recirculated swimming pool water may be used in the spray pool if:

(i) Means for treatment of the water draining from the spray pool is provided including filtration, disinfection, and recirculation through a separate spray pool treatment system;

(ii) Such system is sized on the maximum introduction rate of water from the recirculated swimming pool water;

(iii) Treated spray pool water is introduced into the swimming pool recirculation system;

(iv) Proper safeguards are employed to prevent interruption of proper swimming pool facility operation; and

(v) Design and construction of treatment equipment and associated facilities conform with swimming pool design requirements.

(5) Inlets and outlets. Owners shall provide pool inlets and outlets with:

(a) Spray nozzles not inflicting damage to users. Maximum flow through nozzles within close proximity to bathers shall not exceed fifteen fps at the nozzle;

(b) The drain located at the low point of the pool and with sufficient capacity and design to prohibit water accumulation in the pool. The outlet drain shall:

(i) Be located at the low point of the pool;

(ii) Have openings one-half inch or less wide;

(iii) Use grate design to withstand forces of users;

(iv) Have grates removable only with specific tools; and

(v) On grates attached to recirculating pumps, have:

(A) Total open area of grates sized to prevent a suction hazard dangerous to the user;

(B) Grates on drains with a maximum flow of one and one-half feet per second, or net area of outlet four times or more the discharge pipe area.

(6) Valves. Owners shall provide valves at appropriate locations to allow isolation and maintenance of equipment.

(7) Make-up water. Owners shall ensure a source of make-up water and associated pool piping:

(a) Coming from a supply conforming with chapter 248-54 WAC;

(b) Preventing cross connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the spray pool water or waste water.

(8) Waste water discharge. Water used in a pool shall be disposed of in a manner acceptable to the local health jurisdiction.

(9) Signs. Owners shall provide signs at pools about general requirements for facility use. Owners may use any combination of words, pictures, or symbols conveying the prohibition of the following conditions:

(a) Running or horseplay;

(b) Use by persons with communicable diseases;

(c) Use by persons under the alcohol or drug influence;

(d) Food or drink in pool water.

NEW SECTION

WAC 248-98-095 OPERATION—SPRAY POOLS. (1) Operation plan. Owners shall ensure proper operation to protect the public health, safety, and water quality. An operations plan shall address each of the following:

(a) Physical pool facility components;

(b) Personnel;

(c) Users and spectators;

(d) Environmental conditions.

(2) Physical components. Owners shall provide routine checks of the physical components:

(a) Ensuring all structural facilities which the users come in contact are intact and free from undue wear or fatigue and replace as needed;

(b) Eliminating adverse effects of water ponding on walking surfaces;

(c) Ensuring preventative maintenance on equipment essential for protection of the public health, safety, and water quality.

(3) Required personnel and duties. Owners shall provide personnel to oversee the spray pool facility ensuring proper operation and maintenance. When the facility is using recirculated water, a water treatment operator shall oversee water quality and equipment operation.

(4) Bather use. Owners shall establish rules of conduct for users to ensure health and safety. The rules shall include conditions noted under WAC 248-98-090(9).

(5) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or the user and take appropriate action in response to these factors, including electrical storms, visibility problems, etc.

(6) Closure. Owners shall close the facility when the facility or portion thereof presents an unhealthy, unsafe, or unsanitary condition. The conditions include lack of compliance with the water quality and/or operation requirements as detailed under WAC 248-98-030 and 248-98-095.

NEW SECTION

WAC 248-98-098 WATER RECREATION FACILITY POOLS NOT IN OPERATION. Owners of pool facilities not in operation shall maintain one of the following conditions:

- (1) Inoperable spa, swimming, and wading pool access shall be locked; and
- (2) If pools are abandoned, backfilled with appropriate fill material.

AMENDATORY SECTION (Amending Regulation .98.100, effective 3/11/60)

WAC 248-98-100 (~~(APARTMENT HOUSES)~~) WATER RECREATION INDUSTRY REQUIREMENTS. ~~((★)) All owners of companies selling swimming ((pool provided and maintained by an apartment house or trailer court as an additional facility for tenants where the same is less than 1500 square feet in surface area may be designed, constructed, maintained, and operated in accordance with the requirements for semipublic))~~ pools, spa pools, wading pools or spray pools, and their associated facilities regulated by chapter 248-98 WAC shall furnish each purchaser a complete set of operating instructions and shall include detailed information on the safe use of the facilities including:

- (1) Proper treatment methods to ensure water quality and sanitation;
- (2) Proper safety procedures to reduce injury risks;
- (3) Specific safety instructions for use at facilities having water temperatures ninety-five degrees Fahrenheit or more on the health effects of hot water and a specific caution and explanation on the health effects of hot water on pregnant women and young children.

NEW SECTION

WAC 248-98-102 TECHNICAL ADVISORY COMMITTEE.

(1) The department shall appoint a technical advisory committee to assist in the following:

- (a) Reviewing and drafting of proposed rules;
- (b) Development of guidelines for use of new products, equipment, procedures, and periodic program review.
- (2) The technical advisory committee shall have meetings whenever the department determines necessary.
- (3) The technical advisory committee water recreation pool facility membership shall include representation from the following:
 - (a) General use pool facility;
 - (b) Limited use pool facility;
 - (c) Local representative from the spa and pool industry (NSPI);
 - (d) Washington recreation and parks association representative;
 - (e) Engineer or architect design consultant;
 - (f) Eastern and western Washington local environmental health authority representatives;
 - (g) Department representative;
 - (h) RWCF owner representative, as appropriate, as described under chapter 248-97 WAC.
- (4) The technical advisory committee may appoint subcommittees as the committee determines appropriate to address specific issues.
- (5) The department shall maintain minutes of meetings.

NEW SECTION

WAC 248-98-104 RESTRICTIONS ON ANIMALS. Owners shall prevent animal access to the water recreation pool facility except by users or spectators requiring services of guide dogs accompanying them to the deck area.

AMENDATORY SECTION (Amending Order 715, filed 9/14/72)

WAC 248-98-110 (~~(WAIVER)~~) VARIANCE. (1) The ((secretary of the department of social and health services, or his designee,)) local health officer may ((in his discretion, waive parts of these regulations upon a showing by an applicant that a waiver may be made in an individual case without placing the safety or health of persons using the swimming pool in jeopardy)) allow variance from this chapter or portions thereof provided:

(a) The local health officer receives written department concurrence;
(b) Data and/or research provides sufficient evidence to the satisfaction of the health officer the water recreation facility, or considered components, adequately protects public health and safety, as well as water quality;

(c) The variance is consistent with the intent of this chapter.
(2) The department may allow variance from this chapter or portions thereof provided:

(a) Data and/or research provides sufficient evidence to the satisfaction of the department the water recreation facility, or considered components, shall adequately protect public health and safety, as well as water quality;

(b) The variance is consistent with the intent of this chapter.
(3) The local health officer and department shall provide the board an annual summary of variances granted January 31 of the following year or at the board's request at any time. The board may evaluate such variances granted to determine if the provisions of this chapter are met.

(4) The board may, in its discretion, make provisions to submit variance requests to the board for review and decision.

AMENDATORY SECTION (Amending Order 715, filed 9/14/72)

WAC 248-98-120 SUBSTITUTION. The ~~((secretary of))~~ board authorizes the department ~~((of social and health services, or his designee, may, in his discretion;))~~ to allow substitutions of equipment, facilities, or procedures required by ~~((these regulations upon a showing))~~ chapter 248-98 WAC when, in the sole determination of the department, data and/or research provide sufficient evidence that such substitution is equivalent to the requirement and will adequately provide for the protection of the public health and safety of persons using the ~~((pool))~~ water recreation facility.

NEW SECTION

WAC 248-98-130 ENFORCEMENT. (1) The department or, if enforcement responsibility is assigned under a joint plan of operation in WAC 248-98-005, the local health officer:

- (a) Shall enforce chapter 248-98 WAC rules; or
- (b) May refer cases within the department's or local health officer's jurisdiction to the local prosecutor's office or the office of the attorney general, as appropriate.

(2) When a water recreation facility (WRF) is in violation of chapter 70.90 RCW provisions or chapter 248-98 WAC rules, appropriate enforcement action may be initiated by the department, local health officer, local prosecutor's office, or office of the attorney general. Enforcement actions may include any one or a combination of the following:

- (a) Informal administrative conferences to explore facts and resolve problems, convened at the request of the department, local health officer, or owner;
- (b) Orders directed to the water recreation facility (WRF) owner and/or operator and/or the person causing or responsible for the violation of the chapter 248-98 WAC rules;
- (c) Imposition of civil penalties of up to five hundred dollars per violation per day as authorized under RCW 70.90.200;
- (d) Denial, suspension, or revocation of operating permits; and
- (e) Civil or criminal action initiated by the local prosecutor's office or by the office of the attorney general.

(3) Orders authorized under this section include, but are not limited to the following:

- (a) Requiring corrective measures necessary to effect compliance with chapters 248-98 WAC or 70.90 RCW. Such orders may or may not include a compliance schedule; and
- (b) Orders to stop work and/or refrain from using any WRF or portion thereof or improvement thereto until all permits, certifications, and approvals required by statute or rule are obtained.
- (4) An order issued under this section shall:
 - (a) Be in writing;
 - (b) Name the facility and the person or persons to whom the order is directed;
 - (c) Briefly describe each action or inaction constituting a violation of chapters 70.90 RCW or 248-98 WAC rules;
 - (d) Specify any required corrective action, if applicable;
 - (e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to:
 - (i) Civil penalties of up to five hundred dollars;

- (ii) Denial, suspension, or revocation of the facility's operating permit; or
- (iii) Referral to the county prosecutor or attorney general's office.
- (f) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.
- (5) Service of an order shall be made:
- (a) Personally, unless otherwise provided by law; or
- (b) By certified mail return receipt requested.
- (6) Under department or local health officer adopted rules or policies, civil penalties of up to five hundred dollars per day may be assessed against any person violating provisions of chapters 70.90 RCW or 248-98 WAC.
- (7) The department or local health officer shall have cause to deny the operating permit application or reapplication or to revoke or suspend a required operating permit of any person who has:
- (a) Previously had:
- (i) An operating permit suspended or revoked; or
- (ii) An operating permit application denied for reason.
- (b) Failed or refused to comply with provisions of chapters 70.90 RCW and 248-98 WAC or any other statutory provision or rule regulating the WRF construction or operation; or
- (c) Obtained or attempted to obtain an operating permit or any other required certificate or approval by fraudulent means or misrepresentation.
- (8) For the purposes of subsection (7) of this section, a person shall be defined to include:
- (a) Applicant;
- (b) Reapplicant;
- (c) Permit holder; or
- (d) An individual associated with subsection (8)(a), (b), or (c) of this section including, but not limited to:
- (i) Board members;
- (ii) Officers;
- (iii) Managers;
- (iv) Partners;
- (v) Association members;
- (vi) Agents; and
- (vii) In addition, third persons acting with the knowledge of such persons.
- (9) The department or local health officer may summarily suspend an operating permit, other required permit, license, or certification without a prior hearing if the department or local health officer:
- (a) Finds public health, safety, or welfare imperatively requires emergency action; and
- (b) Incorporates a finding to that effect in its notice or order.

NEW SECTION

- WAC 248-98-135 HEARINGS. (1) A person aggrieved by the department's or local health officer's denial, suspension, or revocation of any permit may request an administrative hearing.
- (a) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.
- (b) A hearing requested to contest the department's action shall be governed by RCW 43.20A.205. The applicant's and permit holder's right to an adjudicative proceeding is in the same law.
- (c) The procedure for the adjudicative proceeding is in this chapter and in chapter 248-08 WAC.
- (2) Any person aggrieved by the department's or local health officer's application of civil penalties may request an administrative hearing.
- (a) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.
- (b) A hearing requested to contest the department's action shall be governed by RCW 43.20A.205. When the department imposes a civil fine, the right of a person to an adjudicative proceeding is in the same law.
- (c) The procedure for the adjudicative proceeding is in this chapter and in chapter 248-08 WAC.

NEW SECTION

WAC 248-98-998 SEVERABILITY. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-98-999 LEGAL AUTHORITY OF THE STATE BOARD OF HEALTH.

WSR 90-02-073 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed January 2, 1990, 3:59 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To separate general certification provisions from the procedures for the administration of certification proceedings.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-75-018, 180-75-019, 180-75-020, 180-75-025, 180-75-026, 180-75-027, 180-75-030, 180-75-033, 180-75-034, 18-75-035, 180-75-037, 180-75-038, 180-75-039, 180-75-040, 180-75-042, 180-75-043, 180-75-044, 180-75-084, 180-75-086 and 180-75-199; and amending WAC 180-75-005, 180-75-045 and 180-75-081.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to notice filed as WSR 89-21-082 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt
Secretary

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-005 PURPOSE. The purpose of this chapter is to incorporate into one chapter the general certification (~~provisions to ensure uniform application and interpretation of the various certification rules within the confines of current statutory law. It is not the intent or purpose of this chapter to govern or limit the procedures and standards which are otherwise applicable to the nonrenewal or discharge of certificated employees by school districts and educational service districts. Proceedings under this chapter and local discharge/nonrenewal proceedings are separate proceedings~~) requirements applicable to all permits and certificates.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-045 CERTIFICATE VALIDITY. Any certificate issued pursuant to chapters 180-77 or 180-79 WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-75-055, if such certification is required by statute or rules of the state board of education, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-081 GOOD MORAL CHARACTER AND PERSONAL FITNESS—DEFINITION. As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with ~~((and))₂~~, to teach ~~((children))₂~~, and ~~((personal fitness necessary))~~ to perform supervision of children ~~((and))~~. Good moral character and personal fitness includes, but is not limited to, the following:

(1) No conviction of any felony crime involving:

(a) The physical neglect of ~~((children))~~ a child under chapter 9A.42 RCW;

(b) The physical injury or death of ~~((children))~~ a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW; ~~((and))~~

(c) The sexual ~~((abuse of children))~~ exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) PROVIDED, That the general classes of felony crimes referenced within ~~((a) and (b) of))~~ this subsection shall ~~((be limited in application to felony crimes in the state of Washington and equivalent federal and crimes in other states committed against children and which, in fact, caused bodily harm to such children greater than transient pain or minor temporary marks; provided further, that the general class of felony crime referenced within (c) of this subsection shall be limited in application to felony crimes in the state of Washington and))~~ include equivalent federal and crimes in other states committed against ~~((children:))~~ a child;

(h) PROVIDED FURTHER, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(i) Provided Further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as a professional educator within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness; ~~((and))~~

(h) If this ~~((section))~~ subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or certificate holder has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or certificate holder.

(3) No serious behavioral problem~~((s))~~ which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No intentional and knowing practice within the state of Washington within the previous five school years with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-75-018 WRITTEN NOTICE OF DENIAL, LAPSING, OR REVOCATION BY SUPERINTENDENT OF PUBLIC INSTRUCTION.

WAC 180-75-019 INVESTIGATORY FILES—ESTABLISHMENT, SECURITY, DISCLOSURE, RETENTION, AND DESTRUCTION.

WAC 180-75-020 APPEAL—GENERAL.

WAC 180-75-025 APPEAL PROCEDURE—INFORMAL SPI REVIEW.

WAC 180-75-026 AGREEMENT NOT TO CONTINUE OR ACCEPT EDUCATIONAL EMPLOYMENT.

WAC 180-75-027 WAIVER OF REQUIREMENT FOR TIMELY APPEAL.

WAC 180-75-030 APPEAL PROCEDURE—FORMAL SPI REVIEW PROCESS.

WAC 180-75-033 APPEAL PROCEDURE TO SBE.

WAC 180-75-034 CERTIFICATE REVOCATION—INITIATION OF PROCEEDINGS.

WAC 180-75-035 CERTIFICATE REVOCATION AND SUBSEQUENT REINSTATEMENT.

WAC 180-75-037 CERTIFICATE REVOCATION—GROUNDS FOR REVOCATION.

WAC 180-75-038 DUTY OF EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT TO INVESTIGATE COMPLAINTS.

WAC 180-75-039 DUTY OF ESD SUPERINTENDENT, DISTRICT SUPERINTENDENT AND PRIVATE SCHOOL ADMINISTRATOR TO FILE COMPLAINTS.

WAC 180-75-040 NOTIFICATION OF DENIAL, SURRENDER, LAPSING, OR REVOCATION OF CERTIFICATES.

WAC 180-75-042 EMERGENCY SUSPENSION OF CERTIFICATE.

WAC 180-75-043 UNPROFESSIONAL CONDUCT FOR FAILURE TO FILE A COMPLAINT.

WAC 180-75-044 UNPROFESSIONAL CONDUCT FOR MISREPRESENTATION OF FACTS.

WAC 180-75-084 GOOD MORAL CHARACTER, PERSONAL FITNESS, AND UNPROFESSIONAL CONDUCT—BURDEN AND STANDARD OF PROOF.

WAC 180-75-086 VOLUNTARY SURRENDER OF CERTIFICATES.

WAC 180-75-199 CODE OF PROFESSIONAL RESPONSIBILITY FOR CERTIFICATED EDUCATIONAL PROFESSIONALS.

WSR 90-02-074

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 2, 1990, 4:04 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To eliminate the college developed exit examination requirement in order to facilitate the systematic creation of a statewide exit examination.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-78-192, 180-78-193, 180-78-194, 180-78-195, 180-78-197 and 180-78-199; and amending WAC 180-78-191.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to notice filed as WSR 89-21-083 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-191 EXIT EXAMINATION ((~~REQUIREMENT~~))—((~~REQUIRED FOR PROGRAM APPROVAL~~)) DEVELOPMENT OF UNIFORM STATE EXIT EXAMINATION. ((~~Commencing January 1, 1990, no college or university's preparation program shall be or continue to be approved by the state board of education unless such college or university requires all candidates recommended for certificates to pass an exit examination administered in accordance with the provisions of WAC 180-78-192 through 180-78-195.~~)) The procedures for the establishment of a

uniform state exit examination for teacher certification candidates shall consist of the following:

(1) During the 1989-1990 academic year, the superintendent of public instruction shall establish an examination committee, composed of college and university faculty members representing each of the areas to be addressed on the state-wide examination, who shall develop sample essay examination questions and recommended scoring procedures which will serve as prototypes for the questions that will be used in the uniform admission to practice examination.

(2) During the 1990-1991 academic year, as a condition of program approval, the prototype essay questions shall be field-tested by colleges and universities either in appropriate courses or through a comprehensive professional education exit examination.

(3) Randomly selected student responses to the prototype examination questions, as determined by the superintendent of public instruction, shall be submitted by June 30, 1991, to the superintendent of public instruction and graded in accordance with instructions provided by the examination committee.

(4) A report shall be given to each college and university by August 31, 1991, on the passage rate of its students for each of the areas that has been examined.

(5) The superintendent of public instruction shall make recommendations to the state board of education by September 1991 for the development, administration, and scoring procedures, including timelines and cost estimates, for a uniform state administered admission to practice examination for professional educators which shall commence in August 1993.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-78-192 EXIT EXAMINATION REQUIREMENT—PANEL OF EXAMINERS.

WAC 180-78-193 EXIT EXAMINATION REQUIREMENT—MANDATORY TOPICS.

WAC 180-78-194 EXIT EXAMINATION REQUIREMENTS—MANDATORY PARTS FOR CERTIFICATION.

WAC 180-78-195 EXIT EXAMINATION REQUIREMENT—STANDARDS FOR ADMINISTRATION.

WAC 180-78-197 EXIT EXAMINATION REQUIREMENTS—PILOT PROGRAMMING.

WAC 180-78-198 REVISION OF GENERIC STANDARDS.

WAC 180-78-199 UNIFORM ADMISSION TO PRACTICE EXAMINATION.

WSR 90-02-075

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 2, 1990, 4:07 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To identify acts of unprofessional conduct for which certificated staff may have their certificates revoked or suspended. Letters of reprimand may also be issued.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to notice filed as WSR 89-21-085 on October 18, 1989.

Changes Other than Editing from Proposed to Adopted Version: Definition of student and prohibitions regarding alcohol and drug use broadened.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt
Secretary

Chapter 180-87 WAC PROFESSIONAL CERTIFICATION—ACTS OF UNPROFESSIONAL CONDUCT

WAC

- 180-87-001 Sunset provision.
- 180-87-003 Authority.
- 180-87-005 Purpose.
- 180-87-010 Public policy goals of chapter.
- 180-87-015 Accountability for acts of unprofessional conduct.

ADMINISTRATIVE PROVISIONS

- 180-87-020 Applicability of chapter to private conduct.
- 180-87-025 Exclusivity of chapter.
- 180-87-030 Prospective application of chapter and amendments.
- 180-87-035 Education practitioner—Definition.
- 180-87-040 Student—Definition.
- 180-87-045 Colleague—Definition.

ACTS OF UNPROFESSIONAL CONDUCT

- 180-87-050 Misrepresentation or falsification in the course of professional practice.
- 180-87-055 Alcohol or controlled substance abuse.
- 180-87-060 Disregard or abandonment of generally recognized professional standards.
- 180-87-065 Abandonment of contract for professional services.
- 180-87-070 Unauthorized professional practice.
- 180-87-080 Sexual misconduct with students.
- 180-87-085 Furnishing alcohol or controlled substance to students.
- 180-87-090 Improper remunerative conduct.
- 180-87-095 Failure to file a complaint.

NEW SECTION

WAC 180-87-001 **SUNSET PROVISION.** This chapter does not apply after January 9, 1994, unless this section is repealed.

NEW SECTION

WAC 180-87-003 **AUTHORITY.** The authority for this chapter is RCW 28A.70.005 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for

and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.70.160 which authorizes the revocation of certificates for unprofessional conduct. (Note: RCW 28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

NEW SECTION

WAC 180-87-005 **PURPOSE.** The sole purpose of this chapter is to set forth policies and procedures related to reprimand, suspension, and revocation actions respecting certification of education practitioners in the state of Washington for acts of unprofessional conduct. It is recognized that grounds for the discharge, nonrenewal of contracts, or other adverse change in contract status affecting the employment contracts of education practitioners are broader than stated herein. The grounds set forth as unprofessional conduct in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of education practitioners.

NEW SECTION

WAC 180-87-010 **PUBLIC POLICY GOALS OF CHAPTER.** The public policy goals of this chapter are as follows:

(1) To protect the health, safety, and general welfare of students within the state of Washington.

(2) To assure the citizens of the state of Washington that education practitioners are accountable for acts of unprofessional conduct.

(3) To define and provide notice to education practitioners within the state of Washington of the acts of unprofessional conduct for which they are accountable pursuant to the provisions of chapter 180-86 WAC.

NEW SECTION

WAC 180-87-015 **ACCOUNTABILITY FOR ACTS OF UNPROFESSIONAL CONDUCT.** Any educational practitioner who commits an act of unprofessional conduct proscribed within this chapter may be held accountable for such conduct pursuant to the provisions of chapter 180-86 WAC.

ADMINISTRATIVE PROVISIONS

NEW SECTION

WAC 180-87-020 **APPLICABILITY OF CHAPTER TO PRIVATE CONDUCT.** As a general rule, the provisions of this chapter shall not be applicable to the private conduct of an education practitioner except where the education practitioner's role as a private person is not clearly distinguishable from the role as an education practitioner and the fulfillment of professional obligations.

NEW SECTION

WAC 180-87-025 **EXCLUSIVITY OF CHAPTER.** No act, for the purpose of this chapter, shall be

defined as an act of unprofessional conduct unless it is included in this chapter.

NEW SECTION

WAC 180-87-030 PROSPECTIVE APPLICATION OF CHAPTER AND AMENDMENTS. The provisions of this chapter shall take effect ninety calendar days after adoption and shall apply prospectively to acts of unprofessional conduct committed after such effective date. Unless provided to the contrary, any revision shall take effect six months after adoption and shall apply prospectively from such effective date.

NEW SECTION

WAC 180-87-035 EDUCATION PRACTITIONER—DEFINITION. As used in this chapter, the term "education practitioner" means any certificate holder licensed under rules of the state board of education to serve as a certificated employee.

NEW SECTION

WAC 180-87-040 STUDENT—DEFINITION. As used in this chapter, the term "student" means the following:

- (1) Any student who is under the supervision, direction, or control of the education practitioner.
- (2) Any student enrolled in any school or school district served by the education practitioner.
- (3) Any student enrolled in any school or school district while attending a school related activity at which the education practitioner is performing professional duties.
- (4) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the education practitioner. Former student, for the purpose of this section, includes but is not limited to drop outs, graduates, and students who transfer to other districts or schools.

NEW SECTION

WAC 180-87-045 COLLEAGUE—DEFINITION. As used in this chapter, the term "colleague" means any person with whom the education practitioner has established a professional relationship and includes fellow workers and employees regardless of their status as education practitioners.

ACTS OF UNPROFESSIONAL CONDUCT

NEW SECTION

WAC 180-87-050 MISREPRESENTATION OR FALSIFICATION IN THE COURSE OF PROFESSIONAL PRACTICE. Any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner concerning any of the following is an act of unprofessional conduct:

- (1) Statement of professional qualifications.
- (2) Application or recommendation for professional employment, promotion, certification, or an endorsement.

(3) Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit.

(4) Representation of completion of inservice or continuing education credit hours.

(5) Evaluations or grading of students and/or personnel.

(6) Financial or program compliance reports submitted to state, federal, or other governmental agencies.

(7) Information submitted in the course of an official inquiry by the superintendent of public instruction related to the following:

- (a) Good moral character or personal fitness.
- (b) Acts of unprofessional conduct.

(8) Information submitted in the course of an investigation by a law enforcement agency or by child protective services regarding school related criminal activity.

NEW SECTION

WAC 180-87-055 ALCOHOL OR CONTROLLED SUBSTANCE ABUSE. Unprofessional conduct includes:

(1) Being under the influence of alcohol or of a controlled substance, as defined in chapter 69.50 RCW, on school premises or at a school-sponsored activity involving students, following:

- (a) Notification to the education practitioner by his or her employer of concern regarding alcohol or substance abuse affecting job performance;
- (b) A recommendation by the employer that the education practitioner seek counseling or other appropriate and available assistance; and
- (c) The education practitioner has had a reasonable opportunity to obtain such assistance.

(2) The possession, use, or consumption on school premises or at a school sponsored activity of a Schedule 1 controlled substance, as defined by the state board of pharmacy, or a Schedule 2 controlled substance, as defined by the state board of pharmacy, without a prescription authorizing such use.

(3) The consumption of an alcoholic beverage on school premises or at a school sponsored activity involving students if such consumption is contrary to written policy of the school district or school building.

NEW SECTION

WAC 180-87-060 DISREGARD OR ABANDONMENT OF GENERALLY RECOGNIZED PROFESSIONAL STANDARDS. Any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of any of the following professional practices is an act of unprofessional conduct:

- (1) Assessment, treatment, instruction, or supervision of students.
- (2) Employment or evaluation of personnel.
- (3) Management of moneys or property.

NEW SECTION

WAC 180-87-065 ABANDONMENT OF CONTRACT FOR PROFESSIONAL SERVICES. Any

permanent abandonment, constituting a substantial violation without good cause, of one of the following written contracts to perform professional services for a private school or a school or an educational service district is an act of unprofessional conduct:

(1) An employment contract, excluding any extracurricular or other specific activity within such contract or any supplementary contract.

(2) Professional service contract.

NEW SECTION

WAC 180-87-070 UNAUTHORIZED PROFESSIONAL PRACTICE. Any act performed without good cause that materially contributes to one of the following unauthorized professional practices is an act of unprofessional practice.

(1) The employment of a person to serve as an employee in a position for which certification is required by rules of the state board of education when such person does not possess, at the time of commencement of such responsibility, a valid certificate to hold the position for which such person is employed.

(2) The assignment or delegation in a school setting of any responsibility within the scope of the authorized practice of nursing, physical therapy, or occupational therapy to a person not licensed to practice such profession unless such assignment or delegation is otherwise authorized by law, including the rules of the appropriate licensing board.

(3) The practice of education by a certificate holder during any period in which such certificate has been suspended.

(4) The failure of a certificate holder to abide by the conditions within an agreement, executed pursuant to WAC 180-86-150, to not continue or to accept education employment.

(5) The failure of a certificate holder to comply with any condition, limitation, or other order or decision entered pursuant to chapter 180-86 WAC.

(6) PROVIDED, That for the purpose of this section, good cause includes, but is not limited to, exigent circumstances where immediate action is necessary to protect the health, safety, or general welfare of a student, colleague, or other affected person.

NEW SECTION

WAC 180-87-080 SEXUAL MISCONDUCT WITH STUDENTS. Unprofessional conduct includes the commission by an education practitioner of any sexually exploitive act with or to a student including, but not limited to, the following:

(1) Any sexual advance, verbal or physical;

(2) Sexual intercourse as defined in RCW 9A.44.010;

(3) Indecent exposure as defined in RCW 9A.88.010;

(4) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student;

(5) PROVIDED, That the provisions of this section shall not apply if at the time of the sexual conduct the participants are married to each other.

NEW SECTION

WAC 180-87-085 FURNISHING ALCOHOL OR CONTROLLED SUBSTANCE TO STUDENTS. Unprofessional conduct includes the illegal furnishing of alcohol or a controlled substance, as defined in chapter 69.50 RCW, to any student by an education practitioner.

NEW SECTION

WAC 180-87-090 IMPROPER REMUNERATIVE CONDUCT. Any deliberate act in the course of professional practice which requires or pressures students to purchase equipment, supplies, or services from the education practitioner in a private remunerative capacity is an act of unprofessional conduct.

NEW SECTION

WAC 180-87-095 FAILURE TO FILE A COMPLAINT. The intentional or knowing failure of an educational service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint pursuant to WAC 180-86-110 regarding the lack of good moral character or personal fitness of an education practitioner or the commission of an act of unprofessional conduct by an education practitioner is an act of unprofessional conduct.

WSR 90-02-076

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 2, 1990, 4:11 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To establish the administrative procedures to accompany chapter 180-87 WAC, Acts of unprofessional conduct.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to notice filed as WSR 89-21-084 on October 18, 1989.

Changes Other than Editing from Proposed to Adopted Version: Sunset provisions added, timeframes altered and reporting requirements added.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt

Secretary

Chapter 180-86 WAC
**PROFESSIONAL CERTIFICATION—POLICIES
AND PROCEDURES FOR ADMINISTRATION OF
CERTIFICATION PROCEEDINGS**

WAC

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- 180-86-185 Notification of denial, surrender, lapsing, or revocation of certificates.
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NEW SECTION

WAC 180-86-003 AUTHORITY. The authority for this chapter is RCW 28A.70.005 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for certification of personnel employed in the common schools of this state. (Note: RCW 28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

NEW SECTION

WAC 180-86-005 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the administration of standards related to certification proceedings.

NEW SECTION

WAC 180-86-010 PUBLIC POLICY—CERTIFICATION PROCEEDING SEPARATE FROM OTHER PROCEEDINGS. The public policy purpose of certification proceedings is to protect the health, safety, and general welfare of the citizens of the state of Washington. These proceedings are separate from civil and criminal proceedings, nonrenewal and discharge proceedings, or proceedings of any other administrative agency.

NEW SECTION

WAC 180-86-012 SUNSET OF AUTHORITY TO REPRIMAND. The authority of the superintendent to issue orders of reprimand shall expire January 31, 1992, unless this section is repealed.

ORDERS**NEW SECTION**

WAC 180-86-015 DENIAL OF APPLICATION FOR CERTIFICATION OR ENDORSEMENT ORDER—DEFINITION. As used in this chapter the term "denial of application for certification order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) A conclusion of law that the applicant does not qualify for the certificate, including renewal and reinstatement, or endorsement request.

NEW SECTION

WAC 180-86-020 LAPSE OF CERTIFICATE ORDER—DEFINITION. As used in this chapter, the term "lapse of certificate order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) A conclusion of law stating the affected certificate(s) has lapsed.
- (3) An order to not continue to practice as an education practitioner in a position for which certification is required under the laws of the state of Washington until the affected certificate(s) is reinstated.

NEW SECTION

WAC 180-86-030 REPRIMAND ORDER—DEFINITION. As used in this chapter, the term "reprimand order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) One or more conclusions of law stating the commission of an act of unprofessional conduct.
- (3) An order to not continue or repeat the conduct.

NEW SECTION

WAC 180-86-035 SUSPENSION ORDER—DEFINITION. As used in this chapter, the term "suspension order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) One or more conclusions of law stating one or more of the following:
 - (a) The commission of an act of unprofessional conduct.
 - (b) The lack of good moral character.
 - (c) The lack of personal fitness.
- (3) An order suspending the education practitioner from practicing for a stated period of time.
- (4) Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming professional practice.

NEW SECTION

WAC 180-86-040 REVOCATION ORDER—DEFINITION. As used in this chapter, the term "revocation order" means an official document issued by the superintendent of public instruction which contains:

- (1) Findings of fact.
- (2) One or more conclusions of law stating one or more of the following:
 - (a) The commission of an act of unprofessional conduct.
 - (b) The lack of good moral character.
 - (c) The lack of personal fitness.

- (3) An order revoking the certificate(s) of the education practitioner.

GROUNDS FOR ORDERS

NEW SECTION

WAC 180-86-050 GROUNDS FOR ISSUANCE OF DENIAL OF APPLICATION FOR CERTIFICATION OR ENDORSEMENT ORDER. The superintendent of public instruction shall issue a denial of application for certification or endorsement order if the applicant is not eligible for one or more of the following:

- (1) Certification.
- (2) Reissuance of a certificate.
- (3) Reinstatement of a certificate.
- (4) An endorsement.

NEW SECTION

WAC 180-86-055 GROUNDS FOR ISSUANCE OF LAPSE OF CERTIFICATE ORDER. The superintendent of public instruction shall issue a lapse of certificate order if the certificate holder fails to fulfill the continuing education requirements of chapter 180-85 WAC.

NEW SECTION

WAC 180-86-065 GROUNDS FOR ISSUANCE OF A REPRIMAND ORDER. The superintendent of public instruction may issue a reprimand order whenever the superintendent of public instruction determines one or both of the following:

- (1) That the certificate holder has committed an act of unprofessional conduct but the evidence is probably insufficient to meet the clear and convincing proof standard for suspension or revocation.
- (2) That the certificate holder has committed an act of unprofessional conduct but the violation and the consequence were not serious and the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a reprimand.
- (3) PROVIDED, That the superintendent of public instruction, in the administration of this chapter, shall place a high priority on processing complaints that allege circumstances which appear to warrant a suspension or revocation and, in order to do so, may elect not to pursue, when necessary, any and all complaints which appear to only warrant a reprimand.

NEW SECTION

WAC 180-86-070 GROUNDS FOR ISSUANCE OF SUSPENSION ORDER. The superintendent of public instruction may issue a suspension order under one of the following conditions:

- (1) The certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not serve as an education practitioner for a stated period of time and the superintendent of public instruction

has agreed that the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(2) The certificate holder has committed an act of unprofessional conduct or lacks good moral character but the superintendent of public instruction has determined that a suspension as applied to the particular certificate holder will probably deter subsequent unprofessional or other conduct which evidences lack of good moral character or personal fitness by such certificate holder, and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(3) The certificate holder lacks personal fitness but the superintendent of public instruction has determined the deficiency is correctable through remedial action and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension which states condition precedent to resuming professional practice and which also may state certain conditions subsequent to resuming practice.

(4) PROVIDED, That suspension shall never be appropriate if the certificate holder has committed a felony crime under WAC 180-75-081(1).

NEW SECTION

WAC 180-86-075 GROUND FOR ISSUANCE OF A REVOCATION ORDER. The superintendent of public instruction may issue a revocation order under one of the following conditions:

(1) The superintendent of public instruction has determined that the certificate holder has committed a felony crime under WAC 180-75-081(1), which bars the certificate holder from any future practice as an education practitioner.

(2) The certificate holder has not committed a felony crime under WAC 180-75-081(1) but the superintendent of public instruction has determined the certificate holder has committed an act of unprofessional conduct or lacks good moral character or personal fitness and revocation is appropriate.

ADVISORY COMMITTEE

NEW SECTION

WAC 180-86-085 ADMISSIONS AND PROFESSIONAL CONDUCT ADVISORY COMMITTEE—CREATION AND COMPOSITION. The superintendent of public instruction shall appoint a nine-member admissions and professional conduct advisory committee. Prior to making appointments to such committee, the superintendent of public instruction shall

consult with one or more officers within recognized professional associations regarding possible appointments. The advisory committee shall consist of three teachers, one of whom shall be a private school teacher, three educational staff associates, and three administrators. Advisory committee members must be practicing in such designated roles while serving on the advisory committee.

NEW SECTION

WAC 180-86-090 ADMISSIONS AND PROFESSIONAL CONDUCT ADVISORY COMMITTEE—OPERATIONAL PROCEDURES. The following shall govern the operational procedures of the admissions and professional conduct advisory committee:

(1) Meetings of the advisory committee shall be open to the public except when it is considering the admission or professional conduct of a particular certificate holder unless such affected certificate holder requests the meeting to be open to the public.

(2) Each member of the advisory committee shall have one vote.

NEW SECTION

WAC 180-86-095 ADMISSIONS AND PROFESSIONAL CONDUCT ADVISORY COMMITTEE—DUTIES. The duties of the admissions and professional conduct advisory committee are as follows:

(1) To advise the superintendent of public instruction and the state board of education on matters related to good moral character, personal fitness, and unprofessional conduct regarding education practitioners.

(2) To review informal appeals conducted pursuant to WAC 180-86-140 and provide recommendations to the review officer on the content of the written decision.

NEW SECTION

WAC 180-86-097 SUNSET OF ADVISORY COMMITTEE. The provisions of WAC 180-86-085, 180-86-090, and 180-86-095 shall not apply after January 1, 1992, unless this section is repealed.

INVESTIGATIVE PROCEDURES

NEW SECTION

WAC 180-86-100 REPRIMAND OR CERTIFICATE SUSPENSION OR REVOCATION—INITIATION OF PROCEEDINGS. The initiation of reprimand, suspension, or revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification becomes aware from whatever source that a certificate holder has had a professional license revoked by a licensing agency or has been arrested, charged, or convicted for any felony offense included within WAC 180-75-081(1), the superintendent of public instruction

or the designated administrative officer shall cause an investigation.

(2) In all other cases, the initiation of investigative proceedings shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent of public instruction shall provide the affected certificate holder with a copy of such written complaint and a copy of WAC 180-86-180.

NEW SECTION

WAC 180-86-105 DUTY OF EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT TO INVESTIGATE COMPLAINTS. Each educational service district superintendent shall cause to be investigated all written and signed complaints, from whatever source, that allege that a certificated education professional within his or her educational service district is not of good moral character or personal fitness or has committed an act of unprofessional conduct. If the educational service district superintendent investigates and determines the facts are reliable and further investigation by the superintendent of public instruction is warranted, the educational service district superintendent shall forward the written complaint and the results of his or her investigation to the superintendent of public instruction: **PROVIDED**, That if the educational service district superintendent, after consultation with the assistant attorney general assigned to his or her educational service district, determines that the substance of the complaint would not constitute grounds for reprimand, suspension, or revocation if true, then such educational service district superintendent need not investigate the complaint: **PROVIDED FURTHER**, That if the educational service district superintendent receives a written assurance from the superintendent of public instruction, a district superintendent, or a chief administrative officer of an approved private school that such official is investigating or will investigate the same or a substantially similar complaint, the educational service district superintendent shall be deemed to have caused an investigation in compliance with this section.

NEW SECTION

WAC 180-86-110 DUTY OF ESD SUPERINTENDENT, DISTRICT SUPERINTENDENT AND PRIVATE SCHOOL ADMINISTRATOR TO FILE COMPLAINTS. When an educational service district superintendent, a district superintendent, or the chief administrative officer of an approved private school possesses sufficient reliable information to believe that a certificated employee within such district or approved private school is not of good moral character or personally fit or has committed an act of unprofessional conduct, such superintendent or chief administrative officer,

within a reasonable period of time of making such determination, shall file a written complaint with the superintendent of public instruction: **PROVIDED**, That if an educational service district or school district is considering action to discharge an employee of such district, the educational service district or school district superintendent need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge.

NEW SECTION

WAC 180-86-115 INVESTIGATORY FILES—ESTABLISHMENT, SECURITY, DISCLOSURE, RETENTION, AND DESTRUCTION. The following policies shall apply to investigatory files established by the superintendent of public instruction:

(1) Establishment. Upon receipt of any negative material relating to good moral character, personal fitness, or professional conduct or which forms the basis for initiation of a certificate investigation, that section within the office of the superintendent of public instruction having responsibility for certification shall establish an investigatory file which shall contain all information related to the good moral character, personal fitness, and professional conduct in question.

(2) Security. The investigatory file shall be maintained separately from an applicant's or a certificate holder's noninvestigatory certification file and shall be kept in a secured storage area with access limited to the chief administrator responsible for certification, the assigned investigator and/or designated staff assistants of such investigator, the review officer established pursuant to WAC 180-86-140, the counsel for administrative law services, and involved assistant attorney general.

(3) Disclosure. The intelligence information, including investigative records, in the investigatory file shall be exempt from public disclosure and copying pursuant to RCW 42.17.310 (1)(d). In response to a public records request concerning material in an open investigatory file made by someone other than the certificate holder or applicant, the assigned investigator in the office of the superintendent of public instruction shall notify the requestor that the existence of or material in an open investigatory file, pursuant to RCW 42.17.310 (1)(d), is exempt from public disclosure. In response to a public records request concerning material in a closed investigatory file made by someone other than the certificate holder or applicant, the requestor shall be informed only of any formal action taken—i.e., voluntary surrender, revocation, suspension, or reprimand—and, if not a voluntary surrender, the grounds for the action—i.e., lack of good moral character and/or personal fitness or commission of an act of unprofessional conduct and shall further be notified that the material within a closed investigatory file, pursuant to RCW 42.17.310 (1)(d), is exempt from public disclosure.

(4) Retention and destruction. Investigatory files shall be retained and destroyed pursuant to the following policies:

(a) If an applicant or certificate holder receives an order of denial of application for certification for failure to possess good moral character or personal fitness and

such order is not rescinded or a final reprimand, suspension, or revocation order, the investigatory file related thereto shall not be destroyed until such affected party reaches the age of seventy-five or until such time as the chief administrator for certification determines, with a high degree of certainty, that the information within such file would not be relevant to a subsequent application for or reinstatement of a certificate or a subsequent reprimand, suspension, or revocation action. An affected party may request the chief administrator of certification, once in each calendar year, to make such a determination and either to destroy his or her investigatory file or to advise the affected party of the reason or reasons for the decision to retain such file.

(b) In all other cases, investigatory files shall be destroyed no later than one year after the date of establishment unless the chief administrator for certification, prior to such date, determines that the information within such file is or might be relevant either for investigatory and/or adjudication purposes in a current or subsequent revocation investigation or action and, in which case, the investigatory file shall be destroyed ten years after the file has been closed, which for the purpose of this section means the last date upon which the file was reviewed for an investigatory purpose. An affected party may request the chief administrator of certification, once in each calendar year, to make a determination as to current or subsequent relevancy of the information within his or her file and either to destroy his or her investigatory file or to advise the affected party of the reason or reasons for the decision to retain such file.

ISSUANCE OF ORDERS

NEW SECTION

WAC 180-86-120 ISSUANCE OF DENIAL ORDER BY SUPERINTENDENT OF PUBLIC INSTRUCTION. Whenever the superintendent of public instruction takes action to deny an application, the superintendent of public instruction, in accordance with the provisions of this chapter, shall issue an order of denial of application for certification or endorsement to the applicant or affected certificate holder and shall provide such person a copy of applicable administrative appeal procedures provided in this chapter.

NEW SECTION

WAC 180-86-130 ISSUANCE OF PROPOSED ORDER FOR LAPSING, REPRIMAND, SUSPENSION, OR REVOCATION BY SUPERINTENDENT OF PUBLIC INSTRUCTION. Whenever the superintendent of public instruction has decided to take action to lapse, suspend, or revoke a certificate or reprimand a certificate holder, the superintendent of public instruction, in accordance with the provisions of this chapter, shall issue a proposed order for lapsing, reprimand, suspension, or revocation to the affected certificate holder and shall provide such person a copy of applicable administrative appeal procedures provided in this chapter. If the proposed order is to lapse, suspend, or revoke a

certificate and the superintendent of public instruction has knowledge that such certificate holder is employed within the common school system or by an approved private school, the superintendent of public instruction shall advise such employer that a proposed order has been sent to the employee but shall not provide such employer with a copy of the proposed order.

NEW SECTION

WAC 180-86-135 ISSUANCE OF FINAL ORDER FOR LAPSING, REPRIMAND, SUSPENSION, OR REVOCATION BY SUPERINTENDENT OF PUBLIC INSTRUCTION. Final orders for lapsing, reprimand, suspension, and revocation shall be issued by the superintendent of public instruction as follows:

(1) If the certificate holder fails to appeal a proposed order pursuant to this chapter within thirty calendar days following the date of mailing the proposed order, the superintendent of public instruction shall issue a final order of lapsing, reprimand, suspension, or revocation.

(2) If the certificate holder appeals a proposed order pursuant to this chapter, the superintendent of public instruction shall not issue a final order until completion of the informal review process by the superintendent of public instruction.

APPEALS

NEW SECTION

WAC 180-86-140 APPEAL—GENERAL. Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that his or her certificate has lapsed or that his or her certificate will be suspended or revoked or that a reprimand order will be issued in thirty calendar days unless the decision is appealed shall be advised that he or she is entitled to appeal that decision to the superintendent of public instruction if he or she follows the procedures established in this chapter: PROVIDED, That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, the provisions of WAC 180-86-155 provide an additional appeal to the state board of education and RCW 34.05-.570 provides for judicial review of such decisions.

NEW SECTION

WAC 180-86-145 APPEAL PROCEDURE—INFORMAL SPI REVIEW. Any person who appeals the decision or proposed order to deny his or her application, the lapsing of his or her certificate, the issuance of a reprimand, or the proposed order to suspend or revoke his or her certificate must file a written notice with the

superintendent of public instruction within thirty calendar days following the date of mailing from the section of the superintendent of public instruction's office responsible for certification of the decision or proposed order.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be lapsed, suspended, or revoked, or why the proposed reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

(1) If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application or notice of lapsing, whichever is applicable, and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application or decided to lapse the certificate, whichever is applicable, of the reason(s) why the application was denied or lapsed. If the review officer deems it advisable, he or she shall schedule an informal meeting with the appellant, the person or persons who denied the application or lapsed the certificate, and any other interested party designated by the review officer to receive oral information concerning the application or lapsing. Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the timely-filed appeal notice.

(2) If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or certificate holder and/or counsel for the applicant or certificate holder with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee: PROVIDED, That notice of appeal must be received at least fifteen calendar days in advance of a scheduled meeting.

(3) Send by certified mail a written decision—i.e., findings of fact and conclusions of law—on the appeal within thirty calendar days from the date of receipt of the timely-filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, the lapsing of the certificate, the proposed order to reprimand, or the proposed order to suspend or revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) PROVIDED, That in the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC 180-86-160. In requesting such delay, the appellant shall disclose fully

all pending quasi-judicial administrative proceedings in which the appellant is involved.

NEW SECTION

WAC 180-86-150 APPEAL PROCEDURE—FORMAL SPI REVIEW PROCESS. Formal appeals to the superintendent of public instruction shall be provided as follows:

(1) Any person who has filed an appeal in accordance with WAC 180-86-140 and desires to have the decision of the review officer formally reviewed by the superintendent of public instruction may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt of the review officer's written decision.

(2) For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.05 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings pursuant to RCW 28A.03.500 to hear a particular appeal. Decisions in cases formally appealed pursuant to this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority pursuant to RCW 28A.03.500.

(3) The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known address and if the decision is to reprimand, suspend, or revoke, the appellant shall be notified that such order takes effect upon signing of the final order and that no stay of reprimand, suspension, or revocation shall exist until the appellant files an appeal in a timely manner pursuant to WAC 180-75-033.

NEW SECTION

WAC 180-86-155 APPEAL PROCEDURE TO SBE. Any person whose application has been denied for any reason, who has been reprimanded, or whose certificate has been lapsed or revoked by the superintendent of public instruction in accordance with the procedures of this chapter may appeal that decision to the state board of education by filing a notice of appeal with the superintendent of public instruction or the secretary of the state board of education within thirty calendar days of the date of mailing the decision of the superintendent of public instruction. Review by the state board of education shall be conducted as follows:

(1) Review shall be conducted by the state board of education at its next scheduled meeting following notice of appeal unless either the appellant or the superintendent of public instruction requests an extension of the review to the following next scheduled meeting.

(2) Review conducted by the state board of education shall be confined to the record, except that in cases of alleged irregularities in procedures before the superintendent of public instruction, not shown in the record,

testimony thereon shall be taken before the state board of education.

(3) The record shall include written briefs submitted.

(4) Oral argument will be permitted if fifteen days advance notice is given to the secretary of the state board of education.

(5) The state board of education will be assisted in its deliberations and its final order by an assistant attorney general who has not been involved in any prior proceeding related to the previous administrative order by the superintendent of public instruction.

(6) The state board of education may affirm the decision of the superintendent of public instruction, remand the matter for further proceedings, or reverse the decision.

(7) If the decision of the state board of education is to reverse the decision of the superintendent of public instruction or to remand the matter for further proceedings, the state board of education shall state its reasons in a written order.

(8) The final order of the state board of education shall be by written order, attested by the secretary of the state board of education, and sent to the appellant by certified mail within ten calendar days of the final decision by the state board of education. In addition, persons aggrieved by a final order shall be advised of their right to judicial review pursuant to RCW 34.05.570.

NEW SECTION

WAC 180-86-160 AGREEMENT NOT TO CONTINUE OR ACCEPT EDUCATIONAL EMPLOYMENT. The agreement required for deferring suspension or revocation proceedings shall read as follows:

"I,, have received notice in the form of a proposed order to suspend or revoke that the superintendent of public instruction believes sufficient cause exists for the suspension or revocation of the following certificate(s):

- (1) _____ Cert. No. _____
- (2) _____ Cert. No. _____

As a condition to a delay in the hearing date, I agree not to commence or continue employment in any Washington public or private school or agency in a position requiring such certificate until the superintendent of public instruction dismisses the case without a hearing or until a hearing has been held and the final decision is rendered by the superintendent of public instruction. I further agree to advise the review officer assigned to my suspension or revocation proceedings of all decisions rendered in any administrative or judicial tribunal and all appeals therefrom which the review officer and I have agreed are factually related to the action to suspend or revoke my certificate(s). I understand my failure to abide by this agreement is an act of unprofessional conduct and, therefore, may be sufficient cause for revocation of my certificate(s)."

NEW SECTION

WAC 180-86-165 WAIVER OF REQUIREMENT FOR TIMELY APPEAL. The requirements in this chapter for timely notice of appeal shall be waived if justifiable cause is established by the appellant, including failure to receive such notice without fault of the appellant or a plausible reason by the appellant for failure to understand the nature of or the timelines within the received notice.

NEW SECTION

WAC 180-86-170 BURDEN AND STANDARD OF PROOF. The following burden and standard of proof shall be applicable:

(1) If an application for certification or reinstatement has been denied for lack of good moral character or personal fitness, the evidence submitted by the applicant must prove by clear and convincing evidence that he or she is of good moral character and personal fitness or the application will be denied.

(2) In a suspension or revocation proceeding, the superintendent of public instruction must prove by clear and convincing evidence that the certificate holder is not of good moral character or personal fitness or has committed an act of unprofessional conduct.

(3) In all other proceedings, including reprimand and lapsing proceedings, the standard of proof shall be a preponderance of evidence.

EMERGENCY SUSPENSION

NEW SECTION

WAC 180-86-175 EMERGENCY SUSPENSION OF CERTIFICATE. Notwithstanding any other provision of this chapter, the superintendent of public instruction, pursuant to RCW 34.05.479, may emergency suspend a certificate if the superintendent of public instruction finds that the public health, safety, or welfare of students, colleagues, or the general public imperatively requires emergency action. In such cases, the holder of the certificate who is subjected to emergency suspension of his or her certificate shall have the right to commence an informal review of such action within forty-eight hours of filing a notice of appeal with the superintendent of public instruction or, if applicable, to sign an agreement pursuant to WAC 180-86-180. If such an agreement is signed or, if not, unless the superintendent of public instruction sustains the emergency action within seven calendar days of the filing of the notice of appeal, the emergency suspension shall be void. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings, pursuant to RCW 28A.03.050, to hear the appeal and sustain the emergency action.

VOLUNTARY SURRENDER

NEW SECTION

WAC 180-86-180 VOLUNTARY SURRENDER OF CERTIFICATES. A holder of a certificate who has

not received a final order for revocation of his or her certificate may voluntarily surrender his or her certificate to the superintendent of public instruction if the certificate holder believes that he or she is or might be ineligible to hold a certificate for any reason which is or might constitute grounds for revocation of the certificate other than conviction of a felony crime stated within WAC 180-75-081(1).

A certificate holder voluntarily surrendering a certificate shall provide the superintendent of public instruction the following affidavit:

"I,, have reason to believe that I am or might be ineligible to hold a certificate(s) for reasons which do or might constitute grounds for revocation of the certificate(s). Accordingly, I hereby voluntarily surrender the following certificate(s):

- (1) _____ Cert. No. _____
- (2) _____ Cert. No. _____

I have not been to the best of my knowledge convicted of any felony crime listed within WAC 180-75-081(1).

I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered, to provide the superintendent of public instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above. I further understand that the superintendent of public instruction will notify other states and public and private school officials within the state of Washington that I have voluntarily surrendered my certificate(s)."

Upon request for reinstatement of such certificate, the applicant must comply with WAC 180-75-087 and, in addition, must disclose in full the reasons for the voluntary surrender of the certificate. In the event the surrendered certificate would have expired or lapsed but for the surrendering of the certificate, the applicant must meet all requirements for reinstating an expired or lapsed certificate.

PUBLIC NOTICE AND REPORT

NEW SECTION

WAC 180-86-185 NOTIFICATION OF DENIAL, SURRENDER, LAPSING, OR REVOCATION OF CERTIFICATES. The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been surrendered or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all certificate holders whose certificates have been lapsed, surrendered, or revoked: PROVIDED, That such notification shall not be made prior to forty-five days after the final administrative order and shall not be made if a court order staying the denial, lapsing, or revocation is in effect.

NEW SECTION

WAC 180-86-200 ANNUAL REPORT. The superintendent of public instruction, annually, shall transmit to the state board of education a factual report describing the administration of this chapter. The report shall include:

- (1) Number of the following actions:
 - (a) Voluntary surrenders of certificates.
 - (b) Reprimands, suspensions, and revocations.
 - (c) Cases investigated.
- (2) Brief descriptions of the cases investigated but written so as to protect the privacy rights of persons involved.
- (3) Any other information the superintendent of public instruction deems important to the public and the state board of education.

WSR 90-02-077

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 21—Filed January 2, 1990, 4:13 p.m.]

Date of Adoption: October 10, 1989.

Purpose: To amend chapter 392-142 WAC for the allocation of state payments to school districts for the replacement of school buses.

Citation of Existing Rules Affected by this Order: Amending chapter 392-142 WAC.

Statutory Authority for Adoption: RCW 28A.41.170.

Other Authority: RCW 28A.41.540.

Pursuant to notice filed as WSR 89-18-049 on August 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990

Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 83-16, filed 10/26/83)

WAC 392-142-005 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.41 RCW, which includes ((~~student transportation programs~~) state depreciation and replacement payments for school buses as specified in RCW 28A.41.540.

AMENDATORY SECTION (Amending Order 83-16, filed 10/26/83)

WAC 392-142-010 PURPOSE. The purpose of this chapter is to implement RCW 28A.41.540 by ((~~establishing~~) developing:

- (1) ((~~Procedures to develop~~) Student transportation vehicle categories;
- (2) ((~~Procedures to develop~~) State-determined purchase prices for student transportation vehicle categories;

(3) Standards for operation and maintenance of school buses;

(4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;

(5) A depreciation schedule and allocation process for school buses contracted from private carriers; and

(6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982.

NEW SECTION

WAC 392-142-075 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-142-080 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" means the school year for which the payments to school district calculated pursuant to this chapter are made.

NEW SECTION

WAC 392-142-085 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

NEW SECTION

WAC 392-142-090 DEFINITION—WASHINGTON STATE PATROL INSPECTION OFFICER. As used in this chapter, "Washington state patrol inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

NEW SECTION

WAC 392-142-095 DEFINITION—STATE SUPPORTED SPECIFICATIONS. As used in this chapter, "state supported specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements judged by the advisory committee formed pursuant to RCW 28A.41-.540 to produce minimum long-range operating costs and to accommodate transportation of students with handicapping conditions.

NEW SECTION

WAC 392-142-100 DEFINITION—SCHOOL BUS. As used in this chapter, "school bus" means a vehicle:

- (1) With a seating capacity of more than ten persons including the driver;
- (2) Used for transportation of students to and from school or in connection with school activities; and

(3) That meets the requirement set forth in chapter 392-143 WAC (Transportation—Specifications for school buses).

NEW SECTION

WAC 392-142-105 DEFINITION—DISTRICT-OWNED SCHOOL BUS. As used in this chapter, "district-owned school bus" means a school bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

NEW SECTION

WAC 392-142-110 DEFINITION—CONTRACTOR-OWNED SCHOOL BUS. As used in this chapter, "contractor-owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

NEW SECTION

WAC 392-142-115 DEFINITION—SPECIAL HANDICAPPED EQUIPMENT. As used in this chapter, "special handicapped equipment" means at least wheelchair lifts and may include passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

NEW SECTION

WAC 392-142-120 DEFINITION—SEATING REFERENCE POINT. As used in this chapter, "seating reference point" means the point of intersection of horizontal and vertical axis measured as follows:

- (1) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and
- (2) The vertical distance is 2.5 inches above the top of the seat cushion.

NEW SECTION

WAC 392-142-125 DEFINITION—STUDENT CAPACITY. As used in this chapter, "student capacity" means the maximum allowable number of students that can be seated on a school bus using twenty-one inch seat spacing from the seating reference point.

NEW SECTION

WAC 392-142-130 DEFINITION—GASOLINE ENGINE. As used in this chapter, "gasoline engine" means a spark-ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof.

NEW SECTION

WAC 392-142-135 DEFINITION—DIESEL ENGINE. As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel.

NEW SECTION

WAC 392-142-140 DEFINITION—TRANSMISSION. As used in this chapter, "transmission" means either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box.

NEW SECTION

WAC 392-142-145 DEFINITION—USEFUL LIFE. As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use.

NEW SECTION

WAC 392-142-150 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED BEFORE SEPTEMBER 1, 1982, AND AFTER SEPTEMBER 1, 1975. As used in this chapter, "school bus categories for those buses purchased before September 1, 1982, and after September 1, 1975," means the following:

	Student Capacity	Minimum Annual Mileage	Depreciation Percentage	Maximum Useful Mileage
(1)	10 to 22	18,750	25.00%	75,000
(2)	23 to 51	15,625	12.50%	125,000
(3)	52 to 69	15,000	10.00%	150,000
(4)	70 and up	12,500	6.25%	200,000

NEW SECTION

WAC 392-142-155 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED AFTER SEPTEMBER 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	48 to 60	Gas	Manual	10
(14)	48 to 60	Gas	Automatic	10
(15)	48 to 60	Diesel	Manual	15
(16)	48 to 60	Diesel	Automatic	15
(17)	61 to 72	Gas	Manual	10
(18)	61 to 72	Gas	Automatic	10
(19)	61 to 72	Diesel	Manual	15
(20)	61 to 72	Diesel	Automatic	15
(21)	78 to 84	Diesel	Manual	20
(22)	78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Manual	20
(24)	85 to 90	Diesel	Automatic	20

NEW SECTION

WAC 392-142-160 DEFINITION—VENDOR BID PROPOSAL. As used in this chapter, "vendor bid

proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

NEW SECTION

WAC 392-142-165 DEFINITION—STATE-DETERMINED PURCHASE PRICE. As used in this chapter, "state-determined purchase price" means the arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate, documented in vendor bid proposals for that portion of the actual bid price associated with meeting state-supported specifications for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:

- (1) Sales taxes;
- (2) Freight to the school district;
- (3) Cost associated with full payment within thirty days of delivery.

Not included in the actual bid prices are any costs associated with district specified requirements in excess of those state specifications provided in WAC 392-143-015.

NEW SECTION

WAC 392-142-170 DEFINITION—STATE-DETERMINED HANDICAPPED EQUIPMENT PRICE. As used in this chapter, the term "state-determined handicapped equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of special handicapped equipment permanently affixed to a school bus.

NEW SECTION

WAC 392-142-175 DEFINITION—INFLATION RATE. As used in this chapter, "inflation rate" means the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year.

NEW SECTION

WAC 392-142-180 DEFINITION—TOTAL SCHOOL BUS DEPRECIATION PAYMENTS. As used in this chapter, "total school bus depreciation payments" means the sum of all state school bus depreciation payments for prior school years made for an individual school bus.

NEW SECTION

WAC 392-142-185 DEFINITION—IMPUTED INTEREST EARNINGS. As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the vehicle transportation fund from state payments and imputed interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day

notes during the previous state fiscal year calculated on the basis of simple interest.

NEW SECTION

WAC 392-142-190 **DEFINITION—SALVAGE VALUE.** As used in this chapter, "salvage value" means the state-determined school bus price for the year the school bus was placed on the state depreciation schedule divided by the useful life and multiplied by twenty-five percent.

NEW SECTION

WAC 392-142-195 **DEFINITION—SPI FORM 1020.** As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition of a school bus or that the school bus has been taken out of service.

NEW SECTION

WAC 392-142-200 **DEFINITION—SPI FORM 1029.** As used in this chapter, "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspecting officer indicates that the school bus has been inspected and approved upon initial purchase.

NEW SECTION

WAC 392-142-205 **DETERMINATION OF SCHOOL BUS CATEGORIES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The superintendent of public instruction shall annually develop school bus categories including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year;
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year.

NEW SECTION

WAC 392-142-210 **STATE-DETERMINED PRICES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current school year. The superintendent of public instruction shall follow this schedule:

- (1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and

- (2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.

NEW SECTION

WAC 392-142-215 **SCHOOL BUS INSPECTION.** All school buses must be inspected and approved by a Washington state patrol inspection officer at the time of purchase. This inspection must be recorded by the inspecting officer on SPI Form 1029 and forwarded to the superintendent of the operating or contracting school district.

NEW SECTION

WAC 392-142-220 **SCHOOL BUS OPERATION PERMIT.** The superintendent of public instruction shall issue a school bus operation permit upon:

- (1) The recommendation of approval by the responsible regional transportation coordinator; and
- (2) The proper completion and processing of the following documentation:
 - (a) The original of SPI Form 1020 signed by an authorized school district representative;
 - (b) One copy of the sellers invoice signed by an authorized dealer representative;
 - (c) One copy of the successful bid document signed by an authorized dealer representative;
 - (d) One copy of either or both of the following:
 - (i) The warrant(s) issued to purchase the bus;
 - (ii) The conditional sales contract signed by both an authorized school district and dealer representative;
 - (e) The original weight slip for the vehicle; and
 - (f) The original school bus inspection report.

NEW SECTION

WAC 392-142-225 **PLACEMENT OF USED SCHOOL BUSES ON STATE DEPRECIATION SCHEDULES.** Used school buses shall be placed on the state depreciation schedule in effect at the time of the school bus' manufacture as follows:

- (1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated as if it had been purchased in the year of manufacture, including an estimate by the superintendent of public instruction of:
 - (a) Prior school years total state depreciation payments;
 - (b) Imputed interest earnings; and
 - (c) Salvage value.
- (2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:
 - (a) A school bus owned by one school district is purchased by another school district. Such a bus shall be placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.

NEW SECTION

WAC 392-142-230 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR BUSES PURCHASED AFTER SEPTEMBER 1, 1975, AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982, as follows:

(1) Place each district-owned school bus in the appropriate school bus category set forth in WAC 392-142-150.

(2) Multiply the purchase price for that school bus by:

(a) Ninety percent for school buses purchased after September 1, 1975, and before September 1, 1980; or

(b) One hundred percent for school buses purchased after September 1, 1980, and before September 1, 1982;

(3) Multiply the result obtained in subsection (2) of this section by the lessor of:

(a) The depreciation percentage for that school bus category determined in subsection (1) of this section if the actual annual mileage for the bus is less than the minimum annual mileage; or

(b) The actual annual mileage divided by the maximum useful mileage for that student capacity category determined in subsection (1) of this section.

NEW SECTION

WAC 392-142-235 ALLOCATION OF STATE DEPRECIATION PAYMENT FOR SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1975, AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion each school district's annual school bus depreciation payment as calculated in WAC 392-142-230 according to the schedule set forth in RCW 28A.48.010.

NEW SECTION

WAC 392-142-240 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR DISTRICT-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982, as follows:

(1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in (b) of this subsection by the useful lifetime determined in (a) of this subsection;

(d) Multiply the result obtained in (c) of this subsection by the number of months remaining in the school year; and

(e) Divide the result obtained in (d) of this subsection by twelve.

(2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:

(b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in (b) of this subsection by the useful lifetime determined in (a) of this subsection;

(d) Multiply the result obtained in (c) of this subsection by the total number of months the school bus has been on the depreciation schedule including the months for the current school year;

(e) Subtract from the result obtained in (d) of this subsection the total school bus depreciation payments made in prior school years;

(f) Subtract from the result obtained in (d) of this subsection the imputed interest earnings; and

(g) Subtract from the result obtained in (f) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

NEW SECTION

WAC 392-142-245 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR CONTRACTOR-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses purchased after September 1, 1982, by:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year, multiply the state-determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve and further divide by the useful lifetime for the appropriate school bus category; or

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

NEW SECTION

WAC 392-142-250 ALLOCATION OF STATE DEPRECIATION PAYMENT SUPPORT—SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion school bus depreciation payments each school year calculated:

(1) Pursuant to WAC 392-142-235 in:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year;

(2) Pursuant to WAC 392-142-240 according to the schedule set forth in RCW 28A.48.010.

NEW SECTION

WAC 392-142-255 DEPOSIT OF STATE SUPPORT IN TRANSPORTATION VEHICLE FUND. School districts shall deposit proceeds for the rent, sale, or lease of school buses and depreciation payments allocated pursuant to WAC 392-142-235 and 392-142-240 in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245 in the transportation vehicle fund.

NEW SECTION

WAC 392-142-260 ALLOWABLE USES OF TRANSPORTATION VEHICLE FUND. School districts shall use moneys in the transportation vehicle fund for the following purposes:

(1) The purchase of approved transportation vehicles;

(2) Performing major repairs receiving prior approval by the superintendent of public instruction.

NEW SECTION

WAC 392-142-265 MAINTENANCE AND OPERATION. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district prima facie evidence of such proof shall include required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.

(3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate.

NEW SECTION

WAC 392-142-270 DISPOSITION OF SCHOOL BUSES. Each school district shall notify the superintendent of public instruction whenever a school bus is taken out of service as a school bus on SPI Form 1020 within thirty days of this action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-142-015	DEFINITIONS.
WAC 392-142-020	VEHICLE CATEGORIES.
WAC 392-142-025	VEHICLE CATEGORY
	USEFUL LIFE.
WAC 392-142-030	STATE-DETERMINED
	PURCHASE PRICE.
WAC 392-142-035	MAINTENANCE AND
	OPERATION.
WAC 392-142-040	STATE PAYMENT FOR
	SCHOOL BUSES.
WAC 392-142-045	SCHOOL BUSES PRIOR TO
	SEPTEMBER 1, 1982.
WAC 392-142-050	DISTRICT-OWNED
	SCHOOL BUS.
WAC 392-142-055	CONTRACTOR-OWNED
	SCHOOL BUS.
WAC 392-142-060	SCHOOL BUS
	INSPECTION.
WAC 392-142-065	SCHOOL BUS OPERATION
	PERMIT.
WAC 392-142-070	VEHICLE TRANSPORTA-
	TION FUND.

WSR 90-02-078**PERMANENT RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 20—Filed January 2, 1990, 4:14 p.m.]

Date of Adoption: October 27, 1989.

Purpose: To establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

Citation of Existing Rules Affected by this Order: Amending WAC 393-191-001, 392-191-005, 392-191-010 and 392-191-020.

Statutory Authority for Adoption: RCW 28A.67.065.
Other Authority: RCW 28A.67.225.

Pursuant to notice filed as WSR 89-19-080 on September 20, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990
Judith A. Billings
Superintendent of
Public Instruction

Chapter 392-191 WAC
SCHOOL PERSONNEL—EVALUATION OF THE
PROFESSIONAL PERFORMANCE CAPABILITIES

WAC

392-191-001	Authority.
392-191-005	Purpose.
392-191-010	Minimum <u>evaluation</u> criteria—Certificated classroom teachers.
392-191-020	Minimum <u>evaluation</u> criteria—Certificated support personnel.
392-191-025	Minimum procedural standards—Purposes of evaluation.
392-191-030	Minimum procedural standards—Frequency of evaluation.
392-191-035	Minimum procedural standards—Conduct of the evaluation.
392-191-040	Minimum procedural standards—Procedures to be used in making evaluations.
392-191-045	Minimum procedural standards—Use of evaluation results.
392-191-060	Professional growth component.
392-191-065	Professional growth component—Purpose.
392-191-070	Professional growth component—Implementation.
392-191-075	Professional growth component—Committee membership.
392-191-080	Professional growth component—Sources of information.
392-191-085	Professional growth component—Short form of evaluation.
392-191-090	Professional growth component—Records.
392-191-095	Professional growth component—Timeline.

AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)

WAC 392-191-001 AUTHORITY. The general authority for this chapter is RCW 28A.67.065 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. This general authority is supplemented by RCW 28A.67.225 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certificated support personnel conducted pursuant to RCW 28A.67.065.

AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)

WAC 392-191-005 PURPOSE. The purpose of this chapter is to establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)

WAC 392-191-010 MINIMUM EVALUATION CRITERIA—CERTIFICATED CLASSROOM TEACHERS. The following are the minimum criteria for certificated classroom teachers:

(1) Instructional skill. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) Classroom management. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) Professional preparation and scholarship. The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) Effort toward improvement when needed. The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) The handling of student discipline and attendant problems. The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) Interest in teaching pupils. The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) Knowledge of subject matter. The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s).

AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)

WAC 392-191-020 MINIMUM EVALUATION CRITERIA—CERTIFICATED SUPPORT PERSONNEL. The following are the minimum criteria for certificated support personnel:

(1) Knowledge and scholarship in special field. Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and

knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) Specialized skills. Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) Management of special and technical environment. Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) The support person as a professional. Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) Involvement in assisting pupils, parents, and educational personnel. Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

NEW SECTION

WAC 392-191-025 MINIMUM PROCEDURAL STANDARDS—PURPOSES OF EVALUATION. The purposes of evaluations of certificated classroom teachers and certificated support personnel shall be, at a minimum:

(1) To identify in consultation with classroom teachers and certificated support personnel observed, particular areas in which their professional performance is satisfactory or outstanding, and particular areas in which the classroom teacher or support person needs to improve his or her performance.

(2) To assist classroom teachers and certificated support personnel, who have identified areas needing improvement, in making those improvements.

(3) To identify classroom teachers or certificated support personnel whose professional performance is unsatisfactory and for whom remediation is needed.

NEW SECTION

WAC 392-191-030 MINIMUM PROCEDURAL STANDARDS—FREQUENCY OF EVALUATION. Each school year the frequency of evaluation shall be:

(1) All classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties.

(2) Minimum length of time for any observation shall be thirty minutes.

(3) New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(4) Total observation time for each employee for each school year shall be not less than sixty minutes.

NEW SECTION

WAC 392-191-035 MINIMUM PROCEDURAL STANDARDS—CONDUCT OF THE EVALUATION. The conduct of the evaluation of classroom teachers and certificated support personnel shall include, at a minimum, the following which shall constitute the formal portion of the evaluation which shall be made a part of the employee's personnel file:

(1) Observation and oral and written comment pursuant to RCW 28A.67.065 by the principal or his/her designee at the school to which the certificated employee is assigned. The local policies may provide for additional or extended observations and by persons other than the principal or his/her designee.

(2) Written and oral comment by the certificated employee being evaluated, pursuant to local policies.

(3) For certificated classroom teachers, the minimum criteria set forth in WAC 392-191-010; and for certificated support personnel the minimum criteria set forth in WAC 392-191-020. Nothing in this chapter shall be construed to prohibit a local school district from developing an evaluation instrument which contains criteria in excess of those established by the superintendent of public instruction.

NEW SECTION

WAC 392-191-040 MINIMUM PROCEDURAL STANDARDS—PROCEDURES TO BE USED IN MAKING EVALUATIONS. The following procedures shall be used in making evaluations:

(1) The procedures stipulated in RCW 28A.67.065 shall be used by principals and other personnel conducting evaluations of certificated classroom teachers and certificated support personnel.

(2) Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared.

(3) Each employee shall have the opportunity for a minimum of two confidential conferences with his/her principal or other evaluator either following receipt of the written evaluation results, or at a time mutually satisfactory to the participants. The sole purpose of such conference shall be to provide additional information to aid the principal or his or her designee in completing the evaluation (e.g., providing direction, assistance, guidance, encouragement to the employee).

(4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

NEW SECTION

WAC 392-191-045 MINIMUM PROCEDURAL STANDARDS—USE OF EVALUATION RESULTS. Evaluation results shall be used:

(1) To acknowledge, recognize, and encourage excellence in professional performance.

(2) To document the satisfactory performance by an employee of his/her assigned duties.

(3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement.

(4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.

NEW SECTION

WAC 392-191-060 PROFESSIONAL GROWTH COMPONENT. In addition to the observation required by WAC 392-191-005 through 392-191-045, local school districts shall adopt, pursuant to chapter 41.59 RCW, an evaluation system which includes a professional growth component. Such professional growth component shall be administered in accordance with WAC 392-191-060 through 392-191-090 unless a collective bargaining agreement provides otherwise.

NEW SECTION

WAC 392-191-065 PROFESSIONAL GROWTH COMPONENT—PURPOSE. The purpose of the professional growth component is to assist certificated classroom teachers in the development of professional growth plans by encouraging enhancements and improvements in teaching skills, techniques, and abilities.

NEW SECTION

WAC 392-191-070 PROFESSIONAL GROWTH COMPONENT—IMPLEMENTATION. Each district shall establish a professional growth committee which shall develop the district's professional growth program in accordance with the procedures in this chapter.

NEW SECTION

WAC 392-191-075 PROFESSIONAL GROWTH COMPONENT—COMMITTEE MEMBERSHIP. Each local school district shall establish in accordance with local district policy a professional growth planning/review committee which shall include, at a minimum, representatives of the following groups:

(1) Certificated classroom teachers. A minimum of one teacher from the K-8 level and one teacher from the high school level if the local school district provides education services to any grades beyond the sixth grade.

(2) Certificated support personnel. A minimum of one itinerant staff person, if the school district employs itinerant personnel, and a minimum of one other representative of counseling, assessment, library and/or other certificated support staff, if the school district employs nonitinerant certificated support staff.

(3) Central office administrators. A minimum of one representative.

(4) Building level administrators. A minimum of one administrator from the K-8 level and one administrator from the high school level if the local school district provides education services to any grades beyond the sixth grade.

(5) Additional persons. Local school districts may add additional members to the committee.

(6) **PROVIDED,** That the local school district committee established under the In-service Training Act of

1977—Administration of funds—Rules—Requirements for local districts—In-service training task force, RCW 28A.71.210, may be used by the school district as the professional growth committee.

NEW SECTION

WAC 392-191-080 PROFESSIONAL GROWTH COMPONENT—SOURCES OF INFORMATION. One or more of the following sources of information shall be used by certificated classroom teachers in developing professional growth plans: (1) Peer review and evaluation, (2) input by parents, (3) input by students, (4) personal and/or professional goals, (5) school district goals, (6) building goals, (7) self-assessment, (8) personal academic records, and (9) school district evaluations.

NEW SECTION

WAC 392-191-085 PROFESSIONAL GROWTH COMPONENT—SHORT FORM OF EVALUATION. Nothing in the professional growth component shall preclude a district from combining the short form of evaluation, RCW 28A.67.065, with its professional growth models.

NEW SECTION

WAC 392-191-090 PROFESSIONAL GROWTH COMPONENT—RECORDS.

Materials/records/portfolios developed as a result of the individual's participation in the professional growth program shall be the property of the certified staff member participating in the program and shall not be retained in the employee's personnel file or used by the district in its formal evaluation criteria.

NEW SECTION

WAC 392-191-095 PROFESSIONAL GROWTH COMPONENT—TIMELINE. Districts shall:

(1) Establish a professional growth committee, pursuant to WAC 392-191-075, during, if not before, the 1990-91 school year.

(2) Adopt a professional growth component in school districts by the 1992-93 school year.

WSR 90-02-079

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2927—Filed January 2, 1990, 4:15 p.m.]

Date of Adoption: January 2, 1990.

Purpose: Changes individual provider policy to accommodate children in their own homes. Adjusts maximum monthly contracted rate to reflect hourly rate increases due to medical benefits enhancement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-820, 388-15-870 and 388-15-880.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Same as Purpose.

Effective Date of Rule: January 3, 1990, 12:01 a.m.

January 2, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-820 **MEDICAID PERSONAL CARE SERVICES—DEFINITIONS.** (1) "Applicant" means a person (~~who applied~~) applying for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community Residence" means:

(a) The client's own home, whether in a building owned or rented by the client;

(b) A licensed adult family home under department contract;

(c) A licensed boarding home under department contract;

(d) A licensed children's foster family home; or

(e) A licensed group care facility.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is limited to allowable help with the tasks listed under subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this subsection. The type of help allowable for each task shall not include assistance that must be provided only by a licensed health professional.

(a) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, other basic personal hygiene, and grooming needs. Personal hygiene includes supervising client when performing the tasks, assisting client when caring for own appearance, and performing grooming tasks for client when unable to care for own appearance.

(b) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(c) "Bathing" means assisting client to wash self. Bathing includes supervising client (~~who can~~) able to bathe self when guided, assisting client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(d) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or

buttering bread, and feeding the client when unable to feed self.

(e) "Toileting" means assistance with bladder or bowel problems. Toileting includes supervising the client when able to care for own toileting needs if guided, helping client to and from the bathroom, assisting with bedpan routines, diapering and lifting client on and off the toilet. Toileting may include performing routine peri/colostomy/catheter tasks, for the client when client is able to supervise the activities.

(f) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing the wheelchair, and providing constant physical assistance to the client if totally unable to walk alone or with a mechanical device.

(g) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steady-ing, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(h) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(i) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(j) "Body care" means assisting the client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails. Body care excludes foot care for clients who are diabetic or have poor circulation. Body care excludes changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(k) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(l) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health and maintenance of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(5) "Handicapping condition" means a medical condition which causes a functional impairment in activities of daily living.

(6) "Household assistance" means assistance with incidental household services provided as an integral, but subordinate part of the personal care furnished directly to the client. Household assistance shall be considered an integral part of personal care when such assistance is directly related to a medical condition or to a service reflected in the client's service plan and is furnished along with a direct personal care service. The department shall not authorize household assistance as a Medicaid personal care task in an adult family home, licensed boarding home, children's foster family home, or children's group care facility.

(a) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(b) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(c) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(d) "Wood supply" means splitting, stacking, or carrying wood for the client and used as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable.

(7) "Immediate family member" means the client's husband or wife, parent, or child.

(8) "Medicaid personal care services" means medically-oriented tasks, directed at the client or the client's immediate environment, that are necessitated by a client's handicapping condition. Such services shall be:

(a) Based on an assessment of applicant/client needs;

(b) Provided in conformance with a service plan ordered by the client's attending physician;

(c) Reviewed by a registered nurse at least every ninety days;

(d) Performed by qualified and trained personal care aides, excluding members of the client's immediate family.

(9) "Medically-oriented tasks" means direct personal care services, household assistance provided as an integral but subordinate part of the personal care furnished directly to the client, and supervision.

(10) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to clients. This person may be an employee of a

qualified agency provider or may be under contract as a qualified individual provider.

(11) "Personal care provider" means a qualified agency provider or a qualified individual provider under department contract to provide Medicaid personal care services.

(12) "Personal care service plan" means a plan which is:

(a) Developed by the department in cooperation with appropriate community agency staff;

(b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;

(c) Ordered by the client's attending physician.

(13) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005(54), or the client's Christian Science practitioner.

(14) "Physician's order" means written approval by the client's attending physician of the specific personal services to be provided to the client.

(15) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

(16) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

(17) "Supervision" means being available to:

(a) Help the client with personal care tasks that cannot be scheduled (toileting, ambulation, transfer, positioning, some medication assistance); and/or

(b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-870 MEDICAID PERSONAL CARE SERVICES—SERVICE PROVISION SYSTEM. (1) Area agencies on aging shall contract with qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) Area agencies on aging shall provide or contract for registered nurse oversight for personal care services.

(3) The department shall contract with area agencies on aging to assume the above responsibilities.

(4) The department shall contract with qualified individual providers to perform Medicaid personal care services at the department-established rate.

(5) Agency providers shall deliver services to adult clients in the clients' own residences unless the personal care service plan exceeds eighty-five hours per month. Individual providers may deliver services to children in providers' own residences regardless of the hours authorized. Clients shall have freedom of choice in selecting a qualified agency provider.

(6) Individual providers under contract with the department shall deliver services to clients in the clients' own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

(7) Adult family home (AFH) sponsors or licensed boarding home staff shall provide services to clients in an AFH or licensed boarding home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility. Clients shall have freedom of choice in selecting a licensed AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-880 PAYMENT AND AUTHORIZATION. Payment and authorization.

(1) In the individual provider program, the department pays an hourly rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.

(2) In the contracted program, the department pays the contractor who pays the service provider.

(3) The department pays an hourly rate of five dollars and thirty-six cents for actual hours worked in providing Medicaid personal care services.

(4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.

(5) Authorizations for ~~((in-home))~~ contracted Medicaid personal care services shall not exceed ~~((seven))~~ eight hundred ~~((seventy-two))~~ four dollars and ~~((ten))~~ ninety-five cents per month.

(6) Authorizations for in-home Medicaid personal care services by an individual provider shall not exceed seven hundred seventy-two dollars and ten cents per month.

(7) Authorizations for Medicaid personal care in an adult family home shall not exceed sixty hours of service per month.

(7) Authorizations for Medicaid personal care in a licensed boarding home under department contract shall not exceed thirty hours per month.

(8) Payment shall not be made for services provided exceeding the department's authorization.

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

WSR 90-02-080

PERMANENT RULES

DEPARTMENT OF REVENUE

[Order PT 90-1—Filed January 2, 1990, 4:30 p.m.]

Date of Adoption: January 2, 1990.

Purpose: To place the interest rate and component for property tax calculations in its own WAC section for ease of annual updating.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-30-261; and amending WAC 458-30-260.

Statutory Authority for Adoption: RCW 84.08.010(2) and 84.34.141.

Pursuant to notice filed as WSR 89-23-100 on November 21, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990

William N. Rice

Assistant Director

Property Tax Division

AMENDATORY SECTION (Amending Order PT 89-2, filed 2/8/89)

WAC 458-30-260 VALUATION PROCEDURES AND STANDARDS. The assessor shall use all available information to determine the productive capacity of classified farm and agricultural land. Consideration shall be given to actual production within an area, averaged over not less than the immediate past five years. Farm production information and other related data shall be available to the assessor as provided by the act and this chapter. Reliable statistical sources may also be used. A soil capability analysis may be considered in determining the productive or earning capacity of the land.

In determining the current use value of farm and agricultural land, the assessor shall use the capitalization of income method described in the following subsections of this section.

(1) The net cash rental to be capitalized shall be determined as follows:

(a) The assessor shall use leases of farm land paid on an annual basis, in cash or its equivalent. The land must have been available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. If leases do not meet these requirements, they will not be used. The lease payments shall be averaged as follows:

(i) Each annual lease payment, or rent, shall be averaged for the typical crops within that area; and

(ii) The typical cash rental for each year shall be averaged for not less than the last five crop years. A deduction shall be allowed for the customary costs that are paid by the land owner. All costs and expenses shall be averaged over the immediate past five years. If the land is irrigated by a sprinkler system, an amount for the irrigation equipment shall be deducted from the gross cash rent to determine the net rent for the land only. However, such irrigation equipment shall be placed on the assessment roll at its true and fair value.

(b) Should there be an insufficient number of leases available to adequately determine net cash rental, it shall be established by determining:

(i) The landlord's share of the cash value of typical or usual crops grown on land of similar quality. The cash value shall include government subsidies if they are based on the productive capacity of the land. The acreage kept out of production because of these subsidies shall be included in the total acreage valued by capitalization of the income;

(ii) The landlord's share of the standard cost of production will be determined and deducted from his or her share of the cash value established pursuant to this subsection.

The resulting amount shall be averaged for not less than five crop years.

(c) When the land being valued is not in use for commercial agricultural purposes, or where the available information is insufficient to determine an agricultural income, the assessor shall compute a reasonable amount to be capitalized as income, based on the land's estimated productive capacity.

(2) The capitalization rate to be used in valuing land shall be the sum of the following:

(a) An interest ((rate of ~~11.18 percent~~) component to be determined by the department and certified to the assessor on or before January 1st of each year, and shall be comparable to interest rates charged on long-term loans secured by mortgages on farms or agricultural lands averaged over the last five years; plus

(b) A component for property taxes ((in the following amounts for each county:)) that shall be determined by dividing the total taxes levied within the county for the year preceding the assessment by the total assessed value of the county.

((Adams	1.33%	Lewis	1.23%
Asotin	1.50%	Lincoln	1.33%
Benton	1.49%	Mason	1.14%
Chelan	1.38%	Okanogan	1.42%
Clallam	1.17%	Pacific	1.42%
Clark	1.28%	Pend Oreille	1.22%
Columbia	1.14%	Pierce	1.59%
Cowlitz	1.16%	San Juan	0.92%
Douglas	1.31%	Skagit	1.25%
Ferry	0.95%	Skamania	1.37%
Franklin	1.66%	Snohomish	1.22%
Garfield	1.70%	Spokane	1.45%
Grant	1.36%	Stevens	1.15%
Grays Harbor	1.36%	Thurston	1.54%
Island	0.96%	Wahkiakum	1.22%
Jefferson	1.07%	Walla Walla	1.29%
King	1.33%	Whatcom	1.24%
Kitsap	1.19%	Whitman	1.56%
Kittitas	1.15%	Yakima	1.27%
Klickitat	1.34%		

(3) The value of the agricultural land shall be the net cash rental of the land divided by the capitalization rate determined in subsection (2) of this section.

(4) The department's determination of the interest rate established in subsection (2)(a) of this section may be appealed to the state board of tax appeals not later than thirty days after the notice has been issued by:

(a) An owner of a parcel(s) of land classified as farm and agricultural; or

(b) The assessor of any county containing parcels of land that are classified as farm and agricultural.

(5) Land presently used as a residential building site shall be valued at its true and fair value as a homesite in accordance with WAC 458-12-301. However, land that migratory farm labor accommodations, bunkhouses, storeyards, barns, machine sheds, and similar type structures are located upon shall not be considered as a residential building site.

(6) Except for a parcel(s) of land classified under a rating system, a parcel of land classified as open space shall have an assessed value not less than what it would have if classified as farm and agricultural land.

(7) Timber land shall be valued according to chapter 84.33 RCW.

NEW SECTION

WAC 458-30-262 AGRICULTURAL LAND VALUATION—INTEREST RATE—PROPERTY TAX COMPONENT.

Adams	1.32%	Lewis	1.25%
Asotin	1.50%	Lincoln	1.45%
Benton	1.55%	Mason	1.25%
Chelan	1.26%	Okanogan	1.38%
Clallam	1.25%	Pacific	1.44%
Clark	1.35%	Pend Oreille	1.24%
Columbia	1.38%	Pierce	1.59%
Cowlitz	1.20%	San Juan	0.95%
Douglas	1.38%	Skagit	1.27%
Ferry	0.95%	Skamania	0.96%
Franklin	1.64%	Snohomish	1.31%
Garfield	1.82%	Spokane	1.55%
Grant	1.40%	Stevens	1.10%
Grays Harbor	1.43%	Thurston	1.64%
Island	0.98%	Wahkiakum	1.21%
Jefferson	1.10%	Walla Walla	1.34%
King	1.38%	Whatcom	1.34%
Kitsap	1.30%	Whitman	1.61%
Kittitas	1.15%	Yakima	1.38%
Klickitat	1.32%		

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-30-261 FIVE YEAR AVERAGE GRAIN PRICES.

WSR 90-02-081

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—January 2, 1990]

**NOTICE OF SCHEDULED REGULAR MEETINGS OF THE
WASHINGTON FOREST PRACTICES BOARD FOR THE
YEAR 1990**

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meetings on February 14, May 9, August 8, and November 14, 1990. Locations are to be published prior to each quarterly meeting.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington Street, EL-03, Olympia, WA 98504, (206) 753-5315.

WSR 90-02-082
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—January 2, 1990]

NOTICE OF SCHEDULED REGULAR MEETING OF THE
 WASHINGTON FOREST PRACTICES BOARD

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular quarterly meeting on February 14, 1990, at 2 p.m. at the Energy Facility Site Evaluation Council Hearing Room, 4224 6th Avenue S.E., Building #1, Lacey, Washington.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington Street, EL-03, Olympia, WA 98504, (206) 753-5315.

WSR 90-02-083
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—December 29, 1989]

MEETING NOTICE FOR
 JANUARY AND FEBRUARY 1990
 TRANSPORTATION IMPROVEMENT BOARD
 TRANSPORTATION BUILDING
 OLYMPIA, WASHINGTON 98504

Work session (bus tour), 9:30 a.m. – 5:00 p.m., Thursday, January 18, 1990, in Bothell at the Ramada Inn, 19333 North Creek Parkway. Field review of TIA projects in the South Snohomish County and King County area.

TIB meeting, 9:00 a.m., Friday, January 19, 1990, in Bothell at the Bothell City Council Chambers, 18305 101st N.E.

TIB meeting, 9:00 a.m., Thursday, February 15, 1990, in Olympia at the Transportation Building, Commission Board Room.

WSR 90-02-084
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 3, 1990, 10:55 a.m.]

Original Notice.

Title of Rule: WAC 388-15-820 Medicaid personal care services—Definitions; 388-15-870 Medicaid personal care services—Service provision system; and 388-15-880 Payment and authorization.

Purpose: Changes individual provider policy to accommodate children in their own homes. Adjusts maximum monthly contracted rate to reflect hourly rate increases due to medical benefits enhancement.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.09 RCW.
 Summary: Same as Purpose.
 Reasons Supporting Proposal: Same as Purpose.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rick Bacon, Aging and Adult Services, 586-4746.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

January 2, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-820 MEDICAID PERSONAL CARE SERVICES—DEFINITIONS. (1) "Applicant" means a person (~~who applied~~) applying for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community Residence" means:

(a) The client's own home, whether in a building owned or rented by the client;

(b) A licensed adult family home under department contract;

(c) A licensed boarding home under department contract;

(d) A licensed children's foster family home; or

(e) A licensed group care facility.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is limited to allowable help with the tasks listed under subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this subsection. The type of help allowable for each task shall not include assistance that must be provided only by a licensed health professional.

(a) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, other basic personal hygiene, and grooming needs. Personal hygiene includes supervising client when performing the tasks, assisting client when caring for own appearance, and performing grooming tasks for client when unable to care for own appearance.

(b) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(c) "Bathing" means assisting client to wash self. Bathing includes supervising client (~~who can~~) able to bathe self when guided, assisting client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(d) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(e) "Toileting" means assistance with bladder or bowel problems. Toileting includes supervising the client when able to care for own toileting needs if guided, helping client to and from the bathroom, assisting with bedpan routines, diapering and lifting client on and off the toilet. Toileting may include performing routine peri/colostomy/catheter tasks, for the client when client is able to supervise the activities.

(f) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing the wheelchair, and providing constant physical assistance to the client if totally unable to walk alone or with a mechanical device.

(g) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(h) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(i) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(j) "Body care" means assisting the client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails. Body care excludes foot care for clients who are diabetic or have poor circulation. Body care excludes changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(k) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(l) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health and maintenance of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(5) "Handicapping condition" means a medical condition which causes a functional impairment in activities of daily living.

(6) "Household assistance" means assistance with incidental household services provided as an integral, but subordinate part of the personal care furnished directly to the client. Household assistance shall be considered an integral part of personal care when such assistance is directly related to a medical condition or to a service reflected in the client's service plan and is furnished along with a direct personal care service. The department shall not authorize household assistance as a Medicaid personal care task in an adult family home, licensed boarding home, children's foster family home, or children's group care facility.

(a) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(b) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(c) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(d) "Wood supply" means splitting, stacking, or carrying wood for the client and used as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable.

(7) "Immediate family member" means the client's husband or wife, parent, or child.

(8) "Medicaid personal care services" means medically-oriented tasks, directed at the client or the client's immediate environment, that are necessitated by a client's handicapping condition. Such services shall be:

(a) Based on an assessment of applicant/client needs;

(b) Provided in conformance with a service plan ordered by the client's attending physician;

(c) Reviewed by a registered nurse at least every ninety days;

(d) Performed by qualified and trained personal care aides, excluding members of the client's immediate family.

(9) "Medically-oriented tasks" means direct personal care services, household assistance provided as an integral but subordinate part of the personal care furnished directly to the client, and supervision.

(10) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to clients. This person may be an employee of a qualified agency provider or may be under contract as a qualified individual provider.

(11) "Personal care provider" means a qualified agency provider or a qualified individual provider under department contract to provide Medicaid personal care services.

(12) "Personal care service plan" means a plan which is:

(a) Developed by the department in cooperation with appropriate community agency staff;

(b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;

(c) Ordered by the client's attending physician.

(13) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005(54), or the client's Christian Science practitioner.

(14) "Physician's order" means written approval by the client's attending physician of the specific personal services to be provided to the client.

(15) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

(16) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

(17) "Supervision" means being available to:

(a) Help the client with personal care tasks that cannot be scheduled (toileting, ambulation, transfer, positioning, some medication assistance); and/or

(b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-870 MEDICAID PERSONAL CARE SERVICES—SERVICE PROVISION SYSTEM. (1) Area agencies on aging shall contract with qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) Area agencies on aging shall provide or contract for registered nurse oversight for personal care services.

(3) The department shall contract with area agencies on aging to assume the above responsibilities.

(4) The department shall contract with qualified individual providers to perform Medicaid personal care services at the department-established rate.

(5) Agency providers shall deliver services to adult clients in the clients' own residences unless the personal care service plan exceeds eighty-five hours per month. Individual providers may deliver services to children in providers' own residences regardless of the hours authorized. Clients shall have freedom of choice in selecting a qualified agency provider.

(6) Individual providers under contract with the department shall deliver services to clients in the clients' own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

(7) Adult family home (AFH) sponsors or licensed boarding home staff shall provide services to clients in an AFH or licensed boarding

home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility. Clients shall have freedom of choice in selecting a licensed AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-880 PAYMENT AND AUTHORIZATION. Payment and authorization.

- (1) In the individual provider program, the department pays an hourly rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.
- (2) In the contracted program, the department pays the contractor who pays the service provider.
- (3) The department pays an hourly rate of five dollars and thirty-six cents for actual hours worked in providing Medicaid personal care services.
- (4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.
- (5) Authorizations for ~~((in-home))~~ contracted Medicaid personal care services shall not exceed ~~((seven))~~ eight hundred ~~((seventy-two))~~ four dollars and ~~((ten))~~ ninety-five cents per month.
- (6) Authorizations for in-home Medicaid personal care services by an individual provider shall not exceed seven hundred seventy-two dollars and ten cents per month.
- (7) Authorizations for Medicaid personal care in an adult family home shall not exceed sixty hours of service per month.
- (7) Authorizations for Medicaid personal care in a licensed boarding home under department contract shall not exceed thirty hours per month.
- (8) Payment shall not be made for services provided exceeding the department's authorization.

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

WSR 90-02-085
PERMANENT RULES
DEPARTMENT OF NATURAL RESOURCES
 [Filed January 3, 1990, 11:19 a.m.]

Date of Adoption: January 3, 1990.

Purpose: Amending WAC 332-30-166 to increase disposal site use fee from fifteen cents per cubic yard to forty cents per cubic yard for all eight Puget Sound disposal sites.

Citation of Existing Rules Affected by this Order: Amending WAC 332-30-166.

Statutory Authority for Adoption: RCW 79.90.560.

Pursuant to notice filed as WSR 89-23-104 on November 22, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 19.85 RCW has been evaluated.

Effective Date of Rule: Thirty-one days after filing.

January 3, 1990
 Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 537, Resolution No. 585, filed 4/6/88 [6/17/88])

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained

from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Material may be disposed of on state-owned aquatic land only at approved open water disposal sites and only after authorization has been obtained from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the interagency open water disposal site evaluation committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) The department will only issue authorization for use of the site after:

(a) The environmental protection agency and department of ecology notify the department that, in accordance with Sections 404 and 401, respectively, of the Federal Clean Water Act, the dredged materials are suitable for in-water disposal and do not appear to create a threat to human health, welfare, or the environment; and

(b) All necessary federal, state, and local permits are acquired.

(5) Any use authorization granted by the department shall be subject to the terms and conditions of any required federal, state, or local permits.

(6) The department shall suspend or terminate any authorization to use a site upon the expiration of any required permit.

(7) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(8) Pipeline disposal of material to an established disposal site will require special consideration.

(9) Fees will be charged at rates sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site. Army Corps of Engineers navigation channel maintenance projects are exempt from this fee schedule.

FEES

(a) Puget Sound and Strait of Juan De Fuca:

(i) All ~~((Seattle, Tacoma, and Everett))~~ disposal sites \$0.40 per cubic yard (c.y.), \$2,000 minimum.

~~((ii) Other disposal sites \$0.15 per c.y. for the first 200,000 c.y., negotiated fee for project volumes exceeding 200,000 c.y., \$2,000 minimum:))~~

(b) Grays Harbor/Willapa Harbor: Minimum fee \$300.00

(c) Damage fee - \$5.00/cubic yard

(10) Open water disposal site selection. Sites are selected and managed by the department with the advice of the interagency open water disposal site evaluation

committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

(f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.

(g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.

(h) Current velocity, particle size, bottom slope and method of disposal must be considered.

(i) Projects transporting dredged material by pipeline will require individual review.

(j) Placement of temporary site marking buoys may be required.

(k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.

(l) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.

(m) Locate sites where surveillance is effective and can easily be found by tugboat operators.

(11) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

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

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 90-02-086

PROPOSED RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Filed January 3, 1990, 12:46 a.m.]

Original Notice.

Title of Rule: Amending, repealing and establishing certain sections of Title 154 WAC.

Purpose: Modifications to eliminate unnecessary restrictions; to keep terminology consistent; to clarify; and general housekeeping changes.

Statutory Authority for Adoption: Chapter 41.04 RCW.

Statute Being Implemented: RCW 41.04.260.

Summary: The statute provides that state employees may elect to defer a portion of salary prior to federal withholding tax. The committee invests deferred monies on behalf of employees. Funds are available after separation from state employment.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lee Dreisbach, Director and Mary Bush, Program Manager, Olympia, (206) 586-4980.

Name of Proponent: Committee for Deferred Compensation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify wording to be consistent and make modifications to eliminate unnecessary restrictions.

Proposal Changes the Following Existing Rules: Broadens interpretations of existing rules; eliminates some restrictions; and keeps terminology consistent.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 600 South Franklin, Classroom #2, Olympia, WA 98504, on February 13, 1990, at 9:00 a.m.

Submit Written Comments to: Lee Dreisbach, Director, Committee for Deferred Compensation, 2600 Martin Way, Suite "D", Olympia, WA 98504, by February 9, 1990.

Date of Intended Adoption: February 13, 1990.

January 2, 1990

Mary Bush

Program Manager

NEW SECTION

WAC 154-04-041 ACCUMULATED DEFERRALS. "Accumulated deferrals" means compensation deferred under the plan, adjusted until date of payment by income received, increases or decreases in investment value, fees, and any prior distributions made.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 154-04-035 AMOUNTS DEFERRED.

WAC 154-04-110 DEFERRED COMPENSATION REVOLVING FUND.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-08-050 DEFERRED COMPENSATION REVOLVING FUND. All deferred compensation hereunder shall be paid into a special fund created in the treasury of the state of Washington called the "deferred compensation revolving fund." All costs of administration and staffing of the plan, expenses of the committee, and such other amounts determined by the committee and permitted by law, shall be paid as necessary out of the deferred compensation revolving fund. Amounts in the deferred compensation revolving fund may be invested pursuant to RCW 41.04.250 as directed by the committee. All ~~((benefits))~~ accumulated deferrals payable to participants or their respective beneficiary or beneficiaries shall be paid from the deferred compensation revolving fund unless otherwise paid.

AMENDATORY SECTION (Amending WSR 89-20-021, filed 9/27/89, effective 10/28/89)

WAC 154-12-010 ENROLLMENT. (1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any ~~((calendar month))~~ payroll period only if a participation agreement providing for such deferral is executed by the participant ~~((and approved by the committee or its designee))~~ before the beginning of such ~~((month))~~ payroll period.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The ~~((dollar))~~ amount ~~((deferred ("deferred compensation")))~~ specified must equal at least thirty dollars per month ~~((Once a participant has specified an amount of deferral, such specification))~~ and shall continue ~~((unless))~~ until changed or revoked pursuant to WAC 154-12-050 or 154-12-070 of this plan. ~~((Participants must have at least one monthly deferral.))~~

AMENDATORY SECTION (Amending WSR 89-20-021, filed 9/27/89, effective 10/28/89)

WAC 154-12-015 ~~((ACCEPTANCE OF INTERPLAN))~~ PLAN TO PLAN TRANSFERS. ~~((Pursuant to Section 457-(2)(k) of the final regulations promulgated under section 457 of the code.))~~

(1) Transfers to the plan. If a participant was formerly a participant in an eligible state deferred compensation plan (within the meaning of Section 457 of the code and the regulations thereunder), and if such a plan permits the direct transfer of the participant's interest therein to the plan, then the plan shall accept assets representing the value of such interest; provided, however, the committee may require in its sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under the plan except that:

(a) The amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.

(b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount.

(2) Transfers from the plan. ~~((The amounts credited to the account of a former participant in the plan may be transferred to another eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder) and in which the former participant currently participates, and if such plan provides for the acceptance of such amounts; provided, however, that if a participant terminates his service with the participating employer in order to accept employment with the entity sponsoring such plan and if such plan accepts transferred amounts, then payment of benefits under the plan will not commence, regardless of any other provision of this plan, and the deferrals will automatically be transferred to such plan.))~~ The only rollovers or transfers allowable under Section 457 of the Internal Revenue Code are from one eligible Section 457 plan to another eligible Section 457 plan.

If a participant, prior to making a final election under WAC 154-12-090(2) regarding the method of payment, accepts employment with an employer who offers an eligible Section 457 plan, and the participant becomes a participant in that plan, then accumulated deferrals may, at the election of the participant and after written notice to the committee, be transferred to the other plan, provided that plan provides for the acceptance of such transfers.

(3) Application for transfer. If the conditions in subsections (1) and (2) of this section are met and the participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the committee.

~~((4) Administrative rules. The committee shall prescribe such rules consistent with the provisions of subsections (1) and (2) of this section concerning plan to plan transfers as in its sole judgment it deems desirable for the orderly administration of the plan.))~~

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of:

(1) Fifteen thousand dollars for the taxable year, reduced in the same manner as the seven thousand five hundred dollars limitation is reduced in WAC 154-12-020, or

(2) The sum of:

(a) The limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus

(b) So much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030. A prior taxable year shall be taken into account only if:

(i) It begins after December 31, 1978;

(ii) The participant was eligible to participate in the plan during all or any portion of the taxable year, and;

(iii) Compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

"Normal retirement age," as used in chapters 154-01 through 154-68 WAC, means the range of ages:

Ending not later than age seventy and one-half; and

Beginning not earlier than the earliest age at which the participant has the right to retire under a state authorized pension for which the participant is eligible without consent of the state and under which the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in a state authorized pension plan.

~~((Provided, however, if the participant elects to defer amounts in excess of the maximum deferral allowed by WAC 154-12-020 but within the limited catch-up permitted by this section, the participant thereby establishes a date (i.e., a specific "normal retirement age").~~

~~Before which date, amounts deferred can be paid to the participant only under the unforeseeable emergency exception in WAC 154-24-010 (even if the participant separates from service); and~~

~~After which date, if the participant separates from service or has separated from service, amounts deferred must be paid out as described in WAC 154-12-090 (1)(b).))~~

This catch-up provision may not be used in the year in which the participant attains age seventy and one-half, and may not be used in any year thereafter.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-050 MODIFICATION OF DEFERRAL OR INVESTMENT OPTION(S). A participant may change his/her deferral or investment option(s) not more than four times in any calendar year. Changes in the amount of deferral must equal at least ten dollars or more per month. (Beneficiaries entitled to receive accumulated deferrals may also change investment options not more than four times per year.)

An increase (or an increase and a change in investment option(s) which are effective the same date) shall not be counted as a change. Only a decrease in the amount of deferral, a transfer, or a change in investment option(s) not accompanied by an increase, shall be counted as a change.

Any combination of a decrease, a transfer, or a change in investment option(s) effective the same date, shall be considered one change.

A change (whether counted as such or not) shall be effective for any calendar month only if the participant signs a new participation agreement and it is approved by the committee or its designee before the beginning of that calendar month. All participation agreements indicating changes in investment option(s) must be filed with the committee no later than fifteen days prior to the established pay date for which the change will occur. The committee reserves the right to defer the effective date of any change.

During the payout process, the committee may periodically liquidate mutual fund shares in amounts necessary to meet distribution requirements for a six-month period.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-070 SUSPENSION AND REINSTATEMENT OF DEFERRALS. SUSPENSION. A participant may at any time direct that deferrals under the participant's participation agreement cease by completing the proper form and filing it with the committee no later than the last day of the payroll period prior to the payroll period during which the deferrals are to cease; however, ~~((accrued benefits))~~ accumulated deferrals shall only be paid as provided in WAC 154-12-080 through 154-12-110.

REINSTATEMENT. A participant who has directed the cessation of deferrals may resume deferrals for any calendar month commencing no sooner than six months after such deferrals ceased by executing a new participation agreement to defer compensation. The six-month waiting period shall not apply to participants who are on leave without pay as discussed in WAC 154-28-010.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-080 DESIGNATION OF BENEFICIARIES. Each participant shall have the right to designate a beneficiary or beneficiaries to receive ~~((any benefit to which said participant may be entitled))~~ accumulated deferrals in the event of the participant's death ~~((prior to the complete distribution of benefits))~~. If no such designation is in effect on a participant's death, the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may change his/her beneficiary designation at any time by filing a change of beneficiary form with the committee. A participant may also change his/her beneficiary designation by completing the beneficiary designation portion of a participation agreement form.

The participant may name:

(1) A designated organization or person (including without limitation his/her unborn or later adopted children). If unborn or later adopted children are to be included, the designation must so indicate. The date of birth must be furnished for any living person who is named and who is under the age of eighteen.

(2) His or her estate;

(3) A trust which is in existence, or which is to be established under the participant's last will. For an existing trust, the participant must provide the name of the trust and the date it was established.

The participant may name contingent beneficiaries in addition to primary beneficiaries.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-085 DISTRIBUTION TO PARTICIPANT AFTER SEPARATION FROM SERVICE. After separation from service, ~~((an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107))~~ accumulated deferrals shall be paid to the participant in one or more installments as elected by the participant pursuant to WAC 154-12-090.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-086 DISTRIBUTION IN THE EVENT OF DEATH OF PARTICIPANT. Should the participant die at any time, whether before or after separation from service, ~~((an amount))~~ accumulated deferrals shall be paid to the beneficiary or beneficiaries designated by the participant pursuant to WAC 154-12-080 ~~((which is equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107))~~. The ~~((amount))~~ accumulated deferrals shall be paid out as provided in

WAC 154-12-080 through 154-12-110. If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then a lump sum or series of payments shall be paid, in accordance with WAC 154-12-080 through 154-12-110, to the surviving spouse, or if none, a lump sum shall be paid to the estate of the participant.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-087 DISTRIBUTION IN EVENT OF DEATH OF BENEFICIARY. In the event a beneficiary survives the participant by thirty days and becomes entitled to receive ~~((benefits, the remaining amount deferred))~~ accumulated deferrals, accumulated deferrals shall become payable to the beneficiary's estate on the twenty-fifth day of the second month following the beneficiary's death, unless benefits are being paid in the form of an annuity, in which case the disposition of the remaining amount shall be determined by the annuity contract. Such annuity contracts shall be issued pursuant to the rules set forth in WAC 154-12-110.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-090 ELECTIONS REGARDING DISTRIBUTION. Each participant (or in the event of death, each beneficiary other than an organization, an estate, or a trust) shall elect when his/her payout will begin and the payout period.

(1) Election regarding time of payment. The election regarding the time when payment will begin shall be made when a participant separates from service (or dies having separated from service and having previously elected when payment will begin).

Once made, the election regarding when payout will begin is irrevocable as to the participant or beneficiary making the election. The election regarding when payment will begin:

(a) By a participant who separates from service other than by reason of death, ~~((and who has not used catch-up))~~ must be made not later than ~~((the earlier of:~~

(i) sixty days after separation from service(~~;-or~~

(ii) ~~January 31st following the year of separation;))~~. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110;

(b) ~~((By a participant who separates from service other than by reason of death and who has used the catch-up provision in WAC 154-12-030, will be deemed to have been made by use of catch-up; payment will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which he/she separates from service having reached normal retirement age.~~

(c)) By a beneficiary, other than an organization, estate or trust, where the participant was not already receiving payments, must be made not later than ~~((the earlier of:~~

(i) sixty days after the participant's death(~~;-or~~

(ii) ~~The January 31st following the year in which the participant died;))~~. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110.

(2) Election regarding method of payment. The participant (beneficiary) who makes an election regarding the date payment will begin, may also elect the period over which payments will be made. The payout period election may be made either at the time he/she elects a beginning date for payout or at any time not later than sixty days prior to the date payout is to begin. Once having made this election, the participant (or beneficiary, other than an organization, estate, or trust) may change the payout period election not later than sixty days prior to the date payout is to begin. Such a beneficiary may also make this election where the participant was already receiving payments but, as provided in WAC 154-12-110 (3)(a), must receive distribution at least as rapidly as it was being distributed to the participant. Such a beneficiary must make the payout period election not later than sixty days after the death of the participant and payout will be suspended following the participant's death until the beneficiary either makes a payout period election or begins receiving payment as provided in subsection (4) of this section. Provided, if the participant was receiving payout in the form of an annuity contract, then the successor's right shall be limited by the terms of that contract.

(3) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing applicable payment request forms with the committee. As described in subsection (1)(b) of this section, a participant who uses the catch-up provision is deemed to have made an irrevocable election regarding the time payment will begin.

(4) Consequences in absence of a timely election regarding time of payment. Absent a timely election regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the ~~((amounts deferred))~~ accumulated deferrals as of the end of the election period are less than twenty-five thousand dollars or, if the ~~((amounts deferred))~~ accumulated deferrals are twenty-five thousand dollars or more, in equal monthly installments over a period of one hundred twenty months or such lesser period:

(a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(b) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(5) Effects of certain employment changes. Transfers from the plan are allowed in the circumstances described in WAC 154-12-015(2).

(6) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (4) of this section.

~~((6))~~ (7) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 154-12-110(3).

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. (1) General rule. Assuming a timely election is allowed and has been made pursuant to WAC 154-12-090, payment will be made in at least annual, substantially nonincreasing amounts. Payments are also subject to the limitations in subsections (2) through (5) of this section.

(2) Distribution to participant. A participant must either:

(a) Receive his/her entire interest prior to the latest of:

(i) The ~~((March))~~ April 1st immediately following the close of the plan year in which the participant attains age seventy and one-half; or

(ii) The ~~((March))~~ April 1st immediately following the close of the plan year in which the participant separates from service with the employer; or

(b) Begin receiving his/her interest not later than the time specified in (a) of this subsection and receive it over a period not longer than either:

(i) The life of the participant;

(ii) The life of the participant and a beneficiary designated by the participant;

(iii) The life expectancy of the participant; or

(iv) The life expectancy of the participant and a designated beneficiary.

~~((However, if the participant has used the catch-up provision in WAC 154-12-030, the date before which the participant must receive, or begin to receive payment is the March 1st immediately following the year established by use of catch-up as his/her normal retirement age as defined in WAC 154-12-030.))~~

Payment must be sufficiently rapid to satisfy the requirements of Section 457 (d)(2)(B)(i)(I) and Section 401 (a)(9)(G) of the Internal Revenue Code. Provided, that until tables are issued by the Secretary of the Treasury, if provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution).

Once payments to a participant begin, the participant may accelerate the payment schedule only in the event of an unforeseeable emergency (and subject to the provisions of WAC 154-24-010 regarding such emergencies).

(3) Distribution to beneficiaries.

(a) When distribution begins prior to the participant's death, then payout must be made at least as rapidly as it was being made to the participant. When the beneficiary is an organization, estate or trust,

then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death.

(b) When distribution does not begin prior to the participant's death, and is to be made:

(i) To an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death;

(ii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, not to begin within one year of the participant's death, then payment must be made within five years of the participant's death;

(iii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, beginning within one year of the participant's death, then payment must be made within fifteen years of the participant's death;

(iv) To the participant's surviving spouse, whether as designated beneficiary, or by default, then payment must begin prior to the ~~((March))~~ April 1st immediately following the later of the close of the plan year in which the participant would have attained age seventy and one-half or, if later, the year in which the participant separated from service, and payment may be made over the lifetime of the surviving spouse or over a period not longer than the life expectancy of the surviving spouse. ~~((Provided, if the participant used the catch-up provision in WAC 154-12-030, then payment must begin prior to the March 1st immediately following the year in which the participant attained (or would have attained) normal retirement age as defined in WAC 154-12-030.))~~

(4) For purposes of this section, life expectancies will be computed by use of the expected return multiples in Treasury Department Regulation 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. Where payment is being made over the joint lives of the participant and the participant's surviving spouse, the life expectancy of the participant and the participant's surviving spouse may be recalculated annually.

(5) Notwithstanding anything in this plan to the contrary, distributions from the plan will be made in compliance with the minimum distribution rules of Section 457 (d)(2) of the Internal Revenue Code, and in compliance with Treasury Department Regulations issued under Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 154-12-107 AMOUNTS DEFERRED REDUCED BY COSTS.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-24-010 UNFORESEEABLE EMERGENCY. Notwithstanding any other provisions in plan chapters 154-01 through 154-68 WAC, in the event of an unforeseeable emergency, a participant (or a beneficiary entitled to accumulated deferrals) may request the committee to pay ((benefits)) out all or a portion of accumulated deferrals. If the application for payment is approved by the committee, payment will be made within sixty days following such an approval. ~~((Benefits to be))~~ The amount paid shall be limited strictly to that amount reasonably necessary to satisfy the emergency need.

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from:

(1) A sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant,

(2) Loss of the participant's property due to casualty, or

(3) Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved (a) through reimbursement or compensation by insurance or otherwise; (b) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or (c) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-32-010 TERMINATION OF PLAN. The employer or the committee may at any time terminate this plan. Upon such termination, ~~((benefits)) accumulated deferrals will be paid ((to each participant)) pursuant to chapter 154-12 WAC of the plan. ((Each participant's full compensation on a nondeferred basis will thereupon be restored))~~ The participants' deferrals will cease.

AMENDATORY SECTION (Amending Order 89-03, filed 5/8/89)

WAC 154-32-020 AMENDMENT OF PLAN. The committee may also amend the provisions of this plan at any time: PROVIDED, HOWEVER, That no amendment shall affect the rights of participants or their beneficiaries ~~((to the receipt of payment of benefits, to the extent of any compensation deferred before the time of the amendment and investment income or loss thereon accrued to the date of the amendment, calculated in accordance with WAC 154-12-107 and 154-12-075))~~ regarding accumulated deferrals at the time of the amendment.

Chapter 154-40 WAC
TRANSFER IN LIEU OF ~~((BENEFITS))~~ CASH

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-40-010 ASSETS IN LIEU OF CASH. Upon the occurrence of any event requiring the payment of ~~((benefits)) accumulated deferrals~~ under this plan, the committee may, in its sole discretion, elect to honor a request from the participant to substitute the transfer in kind and assignment of any asset which the employer has acquired, at fair market value.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-44-010 ~~((BENEFITS))~~ ACCUMULATED DEFERRALS NOT ASSIGNABLE. It is agreed that neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, shall have any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments hereunder, which payments and right thereto are expressly declared to be nonassignable and nontransferable; and in the event of attempt to assign or transfer, the employer shall have no further liability hereunder, nor shall any unpaid ~~((benefits)) accumulated deferrals~~ be subject to attachment, garnishment or execution, or be transferable by operation of law in event of bankruptcy, insolvency, except to the extent otherwise required by law.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-64-050 COMMITTEE MAY REQUIRE COURT ORDER. The committee or the employer, if in doubt concerning the correctness of their action in making a payment of ~~((a benefit)) accumulated deferrals~~ may suspend ~~((that benefit)) payment~~ until satisfied as to the correctness of the payment or the person to receive the payment or to allow the filing in any state court of competent jurisdiction of a civil action seeking a determination of the ~~((benefits)) amounts~~ to be paid and the persons to receive them. The committee and the employer shall comply with the final orders of the court in any such suit and the participant, for the participant and the participant's beneficiary or beneficiaries, consents to be bound thereby. Whenever payment of accumulated deferrals is suspended pursuant to this section, the time for a participant or beneficiary making any election under WAC 154-12-090 shall not begin until amount(s) and person(s) entitled are determined either by a written agreement of all parties concerned or by a court judgment that has become final.

WSR 90-02-087
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Filed January 3, 1990, 12:53 p.m.]

Original Notice.

Title of Rule: Exempt transactions.

Purpose: To better coordinate our state's regulation of exempt transactions with the regulation of such transactions by the Securities and Exchange Commission under their Regulation D.

Statutory Authority for Adoption: RCW 21.20.450 and [21.20].320.

Statute Being Implemented: RCW 21.20.320.

Summary: The revised rules integrate our state's limited offering exemption into the regulatory format adopted by the Securities and Exchange Commission under Regulation D.

Reasons Supporting Proposal: The revised rules are intended to eliminate confusion about the relationship between the Washington rules creating safe harbors for exempt transactions and the corresponding federal rules.

Name of Agency Personnel Responsible for Drafting: Michael E. Stevenson, Securities Examiner, Olympia, (206) 753-6928; Implementation: Ken Mark, Assistant Director, Olympia, (206) 753-1749; and Enforcement: Jack L. Beyers, Securities Administrator, Olympia, (206) 753-6928.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule integrates the limited offering exemption now found in WAC 460-44A-060 into the exempt transaction rules modeled on the Securities and Exchange Commission's Regulation D. The rule also changes the name of the exemption found in chapter 460-16A WAC to the small corporate stock limited offering exemption. These changes are intended to better coordinate regulation of exempt transactions at the state level with such regulation at the federal level.

Proposal Changes the Following Existing Rules: The changes integrate an existing limited offering exemption into the existing Regulation D counterpart exemptions. The name of another limited offering exemption is changed to the small corporate stock limited offering exemption to better reflect the exemption's purpose.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Licensing, Securities Division, 7420 Martin Way, Olympia, WA 98506, on February 9, 1990, at 10:00 a.m.

Submit Written Comments to: Jack L. Beyers, Securities Administrator, P.O. Box 648, Olympia, WA 98504, by February 8, 1990.

Date of Intended Adoption: February 28, 1990.

January 2, 1990
Mary Faulk
Director

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-500 PRELIMINARY NOTES. (1) The rules of WAC 460-44A-501 through 460-44A-508 relate to transactions exempted from the registration requirements of the Federal Securities Act of 1933 and RCW 21.20.140. WAC 460-44A-504 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 504 or Rule 147. WAC 460-44A-505 is an exemption from registration for offerings exempted under Securities

and Exchange Commission Rule 505. WAC 460-44A-506 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 506. Such transactions are not exempt from the anti-fraud, civil liability, or other provisions of the federal and state securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.

(2) Attempted compliance with the exemption of WAC 460-44A-505 or 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.

(3) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(4) In any proceeding involving the rules in WAC 460-44A-501 through 460-44A-508, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(5) The effective date of the adoption of rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 will be repealed on the adoption and effectiveness of the permanent rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after repeal. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to the date of repeal and which continue past the date of repeal, no registration is required if the offering terminates before June 30, 1983.

(6) For offerings commenced but not completed prior to the amendment of WAC 460-44A-501 through 460-44A-508, issuers may opt to follow the rules in effect at the date of filing notice of the offering.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-501 DEFINITIONS AND TERMS. As used in rules WAC 460-44A-501 through 460-44A-508, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration to be received by an issuer for issuance of its securities. Where securities are being offered for both cash and noncash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at the currency exchange rate in effect at a reasonable time prior to or on the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Such valuations of noncash consideration must be reasonable at the time made;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers." For purposes of calculating the number of purchasers under WAC 460-44A-504, 460-44A-505, and 460-44A-506 the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under WAC 460-44A-501 (1)(h), then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions of WAC 460-44A-501 through 460-44A-508, except to the extent provided in (a) of this subsection.

(c) A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974 shall be counted as one purchaser where the trustee makes all investment decisions for the plan.

Note: The issuer must satisfy all the other provisions of WAC 460-44A-501 through 460-44A-506 for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under WAC 460-44A-501 through 460-44A-506 regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries

may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in Section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative and any person related to him as specified in WAC 460-44A-501 (8)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in WAC 460-44A-501 (8)(a)(i) or (ii) collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, or together with the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing a reasonable time prior to the sale of securities to that purchaser any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and antifraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer or its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-502 GENERAL CONDITIONS TO BE MET. The following conditions shall be applicable to offers and sales made under WAC 460-44A-504, 460-44A-505, or 460-44A-506:

(1) "Integration." All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in WAC 460-44A-502(1) is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

- (a) Whether the sales are part of a single plan of financing;
- (b) Whether the sales involve issuance of the same class of securities;
- (c) Whether the sales have been made at or about the same time;
- (d) Whether the same type of consideration is received; and
- (e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

If the issuer sells securities under WAC 460-44A-505 or 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in WAC 460-44A-502 (2)(b) to such purchaser a reasonable time prior to sale. The issuer is not required to furnish the specified information when it sells securities under WAC 460-44A-504, or to any accredited investor.

Note: When an issuer provides information to investors pursuant to WAC 460-44A-502 (2)(a), it should consider providing such information to accredited investors as well, in view of the anti-fraud provisions of the federal and state securities laws.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the following information, to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Offerings up to \$2,000,000. The same kind of information as would be required in Part II of Form 1-A, 17 CFR Sec. 239.90, except that the issuer's balance sheet, which shall be dated within one hundred twenty days of the start of the offering, must be audited.

(B) Offerings up to \$7,500,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If Form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(C) Offerings over \$7,500,000. The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(D) If the issuer is a foreign private issuer eligible to use Form 20-F, the issuer shall disclose the same kind of information required to be included in a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. The financial statements need be certified only to the extent required by (2)(b)(i)(B) or (C) of this subsection, as appropriate.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the information required by Securities and Exchange Commission Regulation D, Rule 502 (b)(2)(ii) as appropriate.

(iii) Exhibits required to be filed with the administrator of securities or the securities and exchange commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K report, need not be furnished to each purchaser that is not an accredited investor if the contents of material exhibits are identified and such exhibits are made available to a purchaser, upon his written request, a reasonable time prior to his purchase.

(iv) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall furnish to the purchaser a brief description in writing of any material written information concerning the offering that has been provided by the issuer to any accredited investor but not previously delivered to such unaccredited purchaser. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request a reasonable time prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-505 or 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy of information furnished under WAC 460-44A-502 (2)(b)(i) or (ii).

(vi) For business combinations or exchange offers, in addition to information required by Form S-4, 17 CFR Sec. 239.25, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transactions that are materially different from those for all other security holders. For purposes of this subsection, an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 may satisfy the requirements of Part I.B. or C. of Form S-4 by compliance with (b)(i) of this subsection.

(vii) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall advise the purchaser of the limitations on resale in the manner contained in subsection (4)(b) of this section. Such disclosure may be contained in other materials required to be provided by this paragraph.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under WAC 460-44A-501 through 460-44A-508 shall have the status of restricted securities acquired in a nonpublic offering transaction under section 4(2) of the Securities Act of 1933 and RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of Section 2(11) of the Securities Act of 1933, which reasonable care may be demonstrated by the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the securities have not been registered under the Securities Act of 1933, and the Washington administrator of securities has not reviewed or recommended the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

(d) A written disclosure or legend will be deemed to comply with the provisions of WAC 460-44A-502 (4)(b) or (c) if it complies with the North American Securities Administrators Association Uniform Disclosure Guidelines on Legends, NASAA Reports CCH Para. 1352 (1989).

While taking these actions will establish the requisite reasonable care, it is not the exclusive method to demonstrate such care. Other actions by the issuer may satisfy this provision. In addition, WAC 460-44A-502 (2)(b)(vii) requires the delivery of written disclosure of the limitations on resale to investors in certain instances.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-503 FILING OF NOTICE AND PAYMENT OF FEE PRIOR TO SALE. (1) An issuer offering or selling securities in reliance on WAC 460-44A-505 or 460-44A-506 shall file with the administrator of securities of the department of licensing a notice and pay a filing fee as follows:

(a)(i) ~~((The issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or 506, as applicable, and pay a filing fee of three hundred dollars no later than ten business days (or such lesser period as the administrator may allow) prior to the receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506))~~ (A) For an offering in reliance on Securities and Exchange Commission Rule 505 or Rule 506, under WAC 460-44A-505 or 460-44A-506, respectively, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or box 506, as applicable, and pay a filing fee of three hundred dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506;

(B) For an offering in reliance on Securities and Exchange Commission Rule 504, under WAC 460-44A-504, the issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 504 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(C) For an offering in reliance on Securities and Exchange Commission Rule 147, under WAC 460-44A-504, the issuer shall file the initial notice on Washington Securities Division Form WAC 460-44A-504/Rule 147 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(ii) The issuer shall also file with or on the initial notice a representation that the issuer has reviewed all the conditions of WAC 460-44A-504, 460-44A-505, or 460-44A-506 and such conditions shall be met; and

(iii) Unless previously filed, the issuer shall include with the initial notice an executed uniform consent to service of process on Form U-2.

(b) The issuer shall file with the administrator such other notices on Form D as are required to be filed with the Securities and Exchange Commission.

(c) The issuer shall file a report of sales in the state of Washington on a form prescribed by the administrator no later than thirty days after the last sale of securities in the offering.

(d) The initial notice or report of sales shall be manually signed by a person duly authorized by the issuer.

(2) By filing for the exemption of WAC 460-44A-505 or 460-44A-506, the issuer undertakes to furnish to the administrator, upon request, the information to be furnished or furnished by the issuer under WAC 460-44A-502 (2)(b) to any purchaser that is not an accredited investor. Failure to submit the information in a timely manner will be a ground for denial or revocation of the exemption of WAC 460-44A-505 or 460-44A-506.

NEW SECTION

WAC 460-44A-504 EXEMPTION FOR LIMITED OFFERS AND SALES OF SECURITIES NOT EXCEEDING \$250,000 TO NOT MORE THAN TEN PURCHASERS. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.504 and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, and 33-6825 or in compliance with the Securities Act of 1933, Rule 230.147 as made effective in Release No. 33-5450 that satisfy the conditions in subsections (2) and (3) of this section shall be exempt under RCW 21.20.320(9).

(2) General conditions to be met. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503 and 460-44A-508.

(3) Specific conditions to be met.

(a) Limitation on aggregate offering price. The aggregate offering price for an offering of securities under this section, as defined in WAC 460-44A-501(3), shall not exceed \$250,000, within or without this state, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under RCW 21.20.320(9) or sections 3(a) (11) or 3(b) of the Securities Act of 1933 or in violation of RCW 21.20.140 or section 5(a) of the Securities Act of 1933.

(b) No commissions. No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in the state of Washington.

(c) Limitation on number of purchasers. There are no more than or the issuer reasonably believes that there are no more than ten purchasers of securities in this state from the issuer in reliance on this section in any consecutive twelve-month period.

(d) Disqualifications. No exemption under this section shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule 230.252, sections (c), (d), (e), or (f) is disqualified for any of the reasons listed in WAC 460-44A-505 (2)(d) unless inapplicable or waived as set forth in WAC 460-44A-505 (2)(d)(vi) and (vii).

(e) Notice filing. The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(f) Advice about the limitations on resale.

The issuer, at a reasonable time prior to the sale of securities, shall advise each purchaser of the limitations on resale in the manner contained in WAC 460-44A-502 (4)(b).

(4) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

Note 1: WAC 460-44A-504 is not the exclusive method by which issuers may make offerings under Securities and Exchange Commission Rules 504 and 147. For example, offers and sales of an issuer in compliance with Securities and Exchange Commission Rule 504 or Rule 147 may also be registered by qualification under chapter 21.20 RCW. An issuer that qualifies may elect to register an offering pursuant to the Uniform Limited Offering Registration as set out in chapter 460-17A WAC. An issuer may also elect to claim the small corporate offering exemption as set out in chapter 460-46A WAC.

Note 2: Issuers are reminded that nothing in these rules alters their duty to provide full disclosure of all material facts to investors and to otherwise comply with the antifraud provisions of the federal and state securities laws. No format for disclosure is prescribed. However, in order to provide full disclosure, issuers, at their election, may use the question and answer disclosure formats of Form ULOR-C of chapter 460-17A WAC, or the small corporate stock limited offering exemption of chapter 460-46A WAC, indicating that the disclosure form is being used for an exempt offering under this section rather than in an offering under the chapters that the form was adopted.

AMENDATORY SECTION (Amending Order SDO-122-89, filed 8/17/89, effective 9/17/89)

WAC 460-44A-508 INSIGNIFICANT DEVIATIONS FROM A TERM, CONDITION, OR REQUIREMENT OF WAC 460-44A-501 THROUGH 460-44A-506. (1) A failure to comply with a term, condition, or requirement of WAC ((460-44A-501 through)) 460-44A-504, 460-44A-505, or 460-44A-506 will not result in the

loss of the exemption ((of WAC 460-44A-505 or 460-44A-506)) from the registration requirements of RCW 21.20.140 for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:

(a) The failure to comply did not pertain to a term, condition, or requirement directly intended to protect that particular individual or entity; and

(b) The failure to comply was insignificant with respect to the offering as a whole: PROVIDED, That any failure to comply with WAC 460-44A-502(3), 460-44A-503, 460-44A-504 (3)(a), (c), and (e), 460-44A-505 (2)(d) and (e) and (3), 460-44A-506 (3) and (4), paragraph (c) of Securities and Exchange Commission Rule 502, paragraphs (b)(2)(i) and (ii) of Securities and Exchange Commission Rule 505 and paragraph (b)(2)(i) of Securities and Exchange Commission Rule 506 shall be deemed to be significant to the offering as a whole; and

(c) A good faith and reasonable attempt was made to comply with all applicable terms, conditions, and requirements of WAC 460-44A-504, 460-44A-505, or 460-44A-506.

(2) A transaction made in reliance on WAC 460-44A-504, 460-44A-505, or 460-44A-506 shall comply with all applicable terms, conditions, and requirements of WAC 460-44A-501 through 460-44A-506. Where an exemption is established only through reliance upon subsection (1) of this section, the failure to comply shall nonetheless be actionable by the securities administrator under chapter 21.20 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-44A-060 LIMITED OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(9).

WAC 460-44A-065 NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-060.

WAC 460-44A-070 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-060.

Chapter 460-46A WAC
(WASHINGTON STATE) SMALL CORPORATE STOCK LIMITED OFFERING EXEMPTION

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-010 SMALL CORPORATE STOCK LIMITED OFFERING EXEMPTION—CONDITIONS TO BE MET. Transactions involving the offer and sale of securities made in accordance with all the conditions set forth in this chapter shall be exempted from registration under RCW 21.20.320(9). For offerings commenced but not completed prior to the amendment of this chapter, issuers may opt to follow the rules in effect at the date of commencement of the offering.

AMENDATORY SECTION (Amending Order SDO-114-86, filed 8/22/86)

WAC 460-46A-020 AVAILABILITY OF EXEMPTION. Only corporations may use the small corporate stock limited offering exemption. The small corporate stock limited offering exemption may be used by an issuer more than once provided that the aggregate amount raised by all offerings by the issuer and its affiliates under the small corporate stock limited offering exemption shall not exceed \$500,000. (The foregoing notwithstanding, offerings by affiliates of the issuer under the small corporate stock limited offering exemption with respect to business ventures unrelated to that of the issuer occurring twenty-four months prior to or twenty-four months after the offering of the issuer under consideration shall not be included in calculating the \$500,000 limitation as to the issuer.) The small corporate stock limited offering exemption is available only if one class of stock is outstanding after the offering provided however, that upon written request, this requirement may be waived by the administrator as not being necessary under the circumstances for the protection of investors. The small corporate stock limited offering exemption may not be used for the offer and sale of debt securities. The small corporate stock limited offering exemption is not available if the issuer or its affiliates have previously sold securities of such issuer or affiliate under the provisions of RCW

21.20.210 (registration by qualification) or RCW 21.20.180 (registration by coordination) or of similar provisions of the securities or blue sky laws of any other state. If an issuer has previously filed an application for registration of its securities in this or any state but no sales were made pursuant to that registration, the small corporate stock limited offering exemption remains available, but the issuer must advise the securities division of its prior applications for registration. The securities division may require disclosure of the reasons why no sales were made pursuant to the prior registration applications. The total amount of funds raised by the issuer and its affiliates under all exemptions, including the small corporate stock limited offering exemption, but excepting the statutory nonpublic offering exemption of RCW 21.20.320(1), may not exceed \$500,000 in any 12-month period during which the small corporate stock limited offering exemption is used.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-025 NO SALES COMMISSION. No commission or other remuneration may be paid directly or indirectly for offering or making sales of shares under the small corporate stock limited offering exemption.

AMENDATORY SECTION (Amending Order SDO-80-87, filed 7/20/87)

WAC 460-46A-040 MAXIMUM NUMBER OF PURCHASERS UNDER EXEMPTION. The maximum number of purchasers under the small corporate stock limited offering exemption in any consecutive twelve months shall be forty. Husband and wife shall be counted as one purchaser, as shall an estate. Each shareholder of a corporation and each beneficiary of a trust shall be counted separately as a purchaser in addition to the corporation or trust unless the shareholder or beneficiary has been such for at least six months prior to the purchase. This section shall be given retroactive effect to August 15, 1983.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-090 DISCLOSURE DOCUMENT. Each offeree under the small corporate stock limited offering exemption must be furnished a disclosure document on a form provided by the securities administrator (~~(called "Form LOE-82")~~). A copy of such disclosure document with all attachments must be furnished to prospective purchasers twenty-four hours before either agreeing to purchase the shares or making any payment of consideration, whichever is earlier. A manually signed copy of the disclosure document and an additional copy must be filed with the securities administrator at least fifteen business days prior to commencement of the offering. If the financial statements attached to the disclosure document are audited, reviewed or compiled by an accountant, the written consent of the accountant to inclusion in the disclosure document of the accountant's report shall be filed with the securities administrator. If during the course of an offering made under the small corporate stock limited offering exemption there shall occur an event which would materially affect the issuer, its prospects or properties, or otherwise materially affect the accuracy or completeness of the information contained in the disclosure document, the disclosure document shall be promptly revised to reflect such event, filed with the securities administrator as so revised, and used for all sales of shares in the offering thereafter.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-095 PRICE OF SHARES. All shares sold pursuant to the small corporate stock limited offering exemption must be sold for cash, must be of the same class, and must be offered and sold at the same price. Where good cause is shown the administrator may, in writing, waive the provisions of this section.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-100 TIME PURCHASE OF SHARES UNDER SMALL CORPORATE STOCK LIMITED OFFERING EXEMPTION. The terms of the subscription of purchase for all shares sold

under the small corporate stock limited offering exemption must provide that such shares shall be fully paid for within ninety days of the date of subscription.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-105 MAXIMUM AND MINIMUM OFFERING AMOUNTS. The issuer must specify the minimum amount of funds necessary to achieve the results anticipated in the disclosure document required under WAC 460-46A-090, and, unless the administrator finds a higher minimum amount is necessary, this shall be the minimum amount of funds to be raised under an offering under the small corporate stock limited offering exemption. The issuer must also establish a maximum amount of funds to be so raised.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-110 MONIES TO BE DEPOSITED IN ESCROW ACCOUNT—PERIOD OF ESCROW AND OF OFFERING. The issuer must establish a separate escrow account with a bank acting as escrow agent for all funds received for sales of securities under the small corporate stock limited offering exemption until at least the minimum amount has been raised. If the minimum amount is not raised within twelve months of the date of effectiveness of the offering, then all funds, including any interest thereon, shall be promptly returned to the investors. In any event, the offering period may not exceed twelve months from the date of effectiveness of the offering.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-145 RESTRICTIONS ON TRANSFERABILITY. The issuer must place a legend on the stock certificate evidencing the shares sold under the small corporate stock limited offering exemption in substantially the following form:

"These shares are not registered under the Securities Act of Washington and may not be offered, or sold, pledged (except a pledge pursuant to the terms of which any offer or sale upon foreclosure would be made in a manner that would not violate the registration provisions of the Securities Act of Washington) or otherwise distributed for value, unless registered under the act or unless an exemption from registration is available."

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-150 SUITABILITY OF INVESTORS. In all sales to investors in this state under the small corporate stock limited offering exemption the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable.

AMENDATORY SECTION (Amending Order SDO-035-89, filed 3/13/89)

WAC 460-46A-155 ATTORNEY'S OPINION. In order for the small corporate stock limited offering exemption to be available, an attorney, who is a member in good standing of a state bar association, must submit an opinion to the administrator that the shares to be sold in the offering have been duly authorized and when issued upon payment of the offering price will be legally and validly issued, fully paid and nonassessable.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-160 SIGNING AND VERIFICATION OF INFORMATION IN DISCLOSURE DOCUMENT. All directors and the chief executive and accounting officers of the issuer shall sign the disclosure form under WAC 460-46A-090 and by such action shall

certify that they each have made reasonable efforts to verify the material accuracy and completeness of the information therein contained. In order for this small corporate stock limited offering exemption to be available, the chief executive and accounting officers of the issuer shall make themselves and the issuer's books and records available to each investor to respond to questions and otherwise verify the information contained in the disclosure document prior to the investment by such investor.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-165 ANNUAL REPORTS TO STOCKHOLDERS. Issuers using the small corporate stock limited offering exemption shall thereby undertake to investors in the small corporate stock limited offering to annually provide for 5 years thereafter written financial reports containing a balance sheet as of the end of the issuer's fiscal year and a statement of profits and losses for said fiscal year, all prepared in accordance with generally accepted accounting principles.

WSR 90-02-088
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed January 3, 1990, 1:00 p.m.]

Supplemental Notice to WSR [89-19-069].

Title of Rule: A new rule, chapter 173-306 WAC, Special incinerator ash management standards.

Purpose: We are adopting this rule to comply with the 1987 Special Incinerator Ash Disposal Act, SSB 5570.

Other Identifying Information: We are proposing changes to notice WSR 89-19-069 as filed on September 20, 1989.

Statutory Authority for Adoption: Chapter 70.138 RCW.

Statute Being Implemented: SSB 5570.

Summary: SSB 5570 requires the Department of Ecology to encourage the higher waste management priorities by developing management and permitting standards for the generation and disposal of municipal solid waste incineration residue.

Reasons Supporting Proposal: To protect human health, the environment and employees during the management and disposal of special incinerator ash.

Name of Agency Personnel Responsible for Drafting: Ali Raad, Unit Supervisor, Rowsix, Building 4, (206) 438-7234; Implementation and Enforcement: Tom Eaton, Program Manager, Rowsix, Building 4, (206) 459-6316.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will enhance and encourage the higher waste management priorities (waste reduction, recycling, treatment, energy recovery or incineration, solidification/stabilization and landfill) by easing the permitting and reporting requirements for ash from municipal solid waste incineration that otherwise would be regulated as hazardous waste under chapter 70.105 RCW. This rule will protect human health, employees and the environment through generator management

plan requirements, disposal facility permitting procedures and disposal facility location and operation requirements.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Pierce County Health Auditorium, Tacoma, on February 6, at 7:00 - 9:00; and at the Spokane City Co. Chamber, Spokane, on February 8, at 7:00 - 9:00; and at the City Hall, Commissioner Chamber, Bellingham, on February 13, at 7:00 - 9:00.

Submit Written Comments to: Ali Raad, Unit Supervisor, by February 17, 1990.

Date of Intended Adoption: March 26, 1990.

January 2, 1990

Fred Olson

Deputy Director

Chapter 173-306 WAC
SPECIAL INCINERATOR ASH MANAGEMENT STANDARDS
WAC

173-306-010	Authority and purpose.
173-306-050	Applicability.
173-306-100	Definitions.
173-306-150	Prohibition of surface impoundments, land treatment and municipal solid waste codisposal of ash.
173-306-200	Generator management plans.
173-306-300	Permit requirements for disposal facilities.
173-306-310	Permit procedures.
173-306-320	Demonstration and class-use permits.
173-306-330	Application contents for permits.
173-306-340	Engineering reports, plans and specifications required in permits.
173-306-345	Construction quality assurance plan.
173-306-350	Incinerator ash siting standards for disposal facilities.
173-306-400	Ash disposal facility standards.
173-306-405	General facility operational standards.
173-306-410	General closure and post-closure requirements.
173-306-440	Ash monofill facility standards.
173-306-450	Liner and final cap design and construction standards.
173-306-470	Financial assurance.
173-306-480	Treatment (including solidification and stabilization) standards.
173-306-490	Ash utilization standards.
173-306-495	Other methods of ash disposal.
173-306-500	Monitoring and sampling methods.
173-306-900	Variances.
173-306-9901	Maximum contaminant levels for ground water.

NEW SECTION

WAC 173-306-010 **AUTHORITY AND PURPOSE.** This chapter is promulgated under the authority of chapter 70.138 RCW, to protect human health, the environment, and employees during the management and disposal of special incinerator ash. It is also the purpose of this chapter to enhance and encourage the higher waste management priorities as spelled out in chapter 70.138 RCW. This chapter is intended to establish consistent, enforceable management requirements for special incinerator ash that otherwise would be regulated as hazardous waste under chapter 70.105 RCW, the Hazardous Waste Management Act. This chapter is not intended to address ash residues that are classed as hazardous waste under federal regulations, 40 CFR Part 261, unless the Environmental Protection Agency decides such wastes are not subject to Subtitle C of the Resource Conservation and Recovery Act.

NEW SECTION

WAC 173-306-050 **APPLICABILITY.** This chapter applies to municipal solid wastes intended for incineration or energy recovery and special incinerator ash as those terms are defined in WAC 173-306-

100. (Incinerator ash whose designation status is unknown shall be considered special incinerator ash until data developed under WAC 173-306-500(4) is submitted to the department.) This chapter shall not apply to the following wastes:

(1) Solid wastes as defined in WAC 173-306-100 that are not regulated as hazardous wastes under chapter 70.105 RCW and that are not intended for incineration or energy recovery;

(2) Hazardous wastes regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. sec. 6901 et seq.;

(3) Incinerator ash from the operation of incineration or energy recovery facilities burning only tires, woodwaste, infectious waste, sewage sludge, or any other single type of refuse other than municipal solid waste; and

(4) Incinerator ash from the operation of incineration or energy recovery facilities burning municipal solid waste at a rate of twelve tons of municipal solid waste per day or less.

NEW SECTION

WAC 173-306-100 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Active area" means that portion of a facility where ash disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

(2) "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.

(3) "Ash" means special incinerator ash.

(4) "Ash cell" or "cell" means an active disposal phase of the site. (Note: Site shall be divided into a series of phases to minimize the active ash disposal area.)

(5) "Beneficial use" means the water uses as defined by the water resources management program established by the Water Resources Act of 1971 and chapter 173-500 WAC.

(6) "Bottom ash" means ash residues remaining on the incineration or energy recovery facility grates or in the combustion chambers after combustion. Bottom ash may or may not be a special incinerator ash.

(7) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(8) "Closure" means those actions taken by the owner or operator of an ash facility to cease disposal operations. A closure notice will be provided to ecology with the exact date to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period and using best engineering practices.

(9) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without significant change from the department approved plans and specifications.

(10) "Contaminate" means to discharge a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-306-9901;

(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-306-9901; or

(c) A statistically significant increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-306-9901; and

(ii) Is present in the ash; and

(iii) Has been determined to present a substantial risk to human health or the environment in the concentration found at the point of compliance by the department in consultation with the department of social and health services.

(11) "Critical habitat" means habitat defined as critical by the Endangered Species Act of 1973 (P.L. 93-205).

(12) "Department" means the department of ecology.

(13) "Department's approval" means an approval letter by the director after the review of all engineering reports, plans and specifications, and any other engineering documents by a registered engineer.

(14) "Director" means the director of the department of ecology or the director's designee.

(15) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(16) "Dispose" or "disposal" means the treatment, utilization, processing, or final deposit of special incinerator ash.

(17) "Disposal facility" means all structures, other appurtenances, improvements and land used for recycling, storing, treating, or disposing of special incinerator ash.

(18) "Domestic water" means any water used for human consumption, other domestic activities, livestock watering or for any use for which a water right has been granted.

(19) "Energy recovery" means the recovery of energy in a usable form from mass burning, fluidized bed or refuse - derived fuel incineration, pyrolysis, or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(20) "Existing disposal facility" means a disposal facility which is owned or leased and in operation, or for which construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations, and ordinances.

(21) "Existing residential development" means any existing development of residential dwelling units with a density of at least one unit per acre and a total of more than ten dwellings at time of permit application.

(22) "Expanded disposal facility" means a disposal facility adjacent to an existing facility for which the land is purchased and approved by the department after the effective date of this chapter. A vertical expansion approved and permitted after the effective date of this chapter shall be considered an expanded disposal facility.

(23) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.

(24) "Facility" means disposal facility.

(25) "Flyash" or "flyash/scrubber residue" means ash swept from the incineration or energy recovery facility combustion chamber and collected from the boilers, economizers, and air pollution control devices such as scrubbers, baghouses, and electro-static precipitators. Flyash or flyash scrubber residues may or may not be special incinerator ash.

(26) "Generate" means any act or process which produces special incinerator ash or which first causes special incinerator ash to become subject to regulation.

(27) "Generator" means any incineration facility owner/operator who generates a special incinerator ash. An existing generator is any generator whose facility is in operation on the effective date of this chapter.

(28) "Holocene" means the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

(29) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(30) "Independent third party" means, for the purpose of liner construction, a person, approved by the department, with demonstrated experience in successful liner installation or inspection, who is financially and organizationally independent of the generator or facility owner/operator, the raw material producer (such as the resin manufacturer or the bentonite producer), the liner manufacturer, the liner installer, or any other person who might have a financial or organizational connection to the facility.

(31) "Land treatment" means the practice of applying ash waste onto or incorporating into the soil surface. If the waste will remain after the facility is closed, this practice is disposal.

(32) "Management" means the handling, storage, collection, transportation, and disposal of special incinerator ash.

(33) "Monofill" means a disposal facility or part of a facility, which is not a land treatment facility, at which only special incinerator ash is finally deposited in or on.

(34) "New disposal facility" means a facility which begins operation or construction after the effective date of this chapter.

(35) "One hundred year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(36) "Perennial surface water bodies" are normally continuous bodies of water with natural flows throughout the year including lakes, rivers, ponds, irrigation canals, streams, reservoirs, inland waters, salt waters, and all other waters of the state (not to include man-made lagoons or impoundments for waste treatment or storage) within the jurisdiction of the state of Washington as defined by chapter 90.48 RCW, the Water Pollution Control Act.

(37) "Permeability" means the ability with which a porous material allows liquid or gaseous fluids to flow through it.

(38) "Permit" means a special incinerator ash disposal permit.

(39) "Person" means any person, firm, association, county, public, municipal, or private corporation, agency, or other entity whatsoever.

(40) "Pile" means any noncontainerized accumulation of ash that is used for treatment or utilization.

(41) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of ash disposal facilities.

(42) "Point of compliance" means that part of ground water that lies beneath the perimeter of a disposal facility's active area as that active area would exist at the closure of the facility.

(43) "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for a thirty-year period or until the site becomes stabilized (i.e., cap integrity maintained, little or no settlement or leachate generation).

(44) "Processing" means an operation to convert ash into a useful product or to prepare it for disposal.

(45) "Reclamation" means to process an ash waste in order to recover usable products.

(46) "Utilization" means consuming, expending, exhausting or using an ash waste.

(47) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to section 1424e of the Safe Drinking Water Act (P.L. 93-523).

(48) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable commodities. This includes all liquid, solid, and semisolid materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants, septage from septic tanks, woodwaste, dangerous waste, and problem wastes.

(49) "Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial, and industrial establishments, if the ash residues (a) would otherwise be regulated as hazardous wastes under chapter 70.105 RCW; and (b) are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act, 42 U.S.C. Sec 6901 et seq.

(50) "Spill" means any accidental discharges or overflow of fluids or processed water from contained areas or holding tanks to floor drains or municipal sewer system.

(51) "Stabilization" or "solidification" means a technique that limits the solubility and mobility of waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes a waste by bonding or chemically reacting with the stabilizing material.

(52) "Storage" means the temporary holding (no longer than forty-five days from date of production) of a limited amount (not to exceed thirty days worth of daily production) of special incinerator ash.

(53) "Subsidence" means a sinking of the land surface due to the removal of solid mineral matter or fluids from.

(54) "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 materials (although it may be lined with man-made materials) designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling and aeration pits, ponds or lagoons, but does not include injection wells.

(55) "Treatment" means those engineered physical or chemical processes to make special incinerator ash safer for transport, amenable for energy or material resource recovery, amenable for storage or disposal, or reduced in volume.

(56) "Unstable slopes" means any area where the mass movement of earthen materials i.e., landslides, rockfalls, mudslides, slumps, earth flows, or debris flow is likely to occur.

(57) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

NEW SECTION

WAC 173-306-150 PROHIBITION OF SURFACE IMPOUNDMENTS, LAND TREATMENT AND MUNICIPAL SOLID WASTE CODISPOSAL OF ASH. No person shall manage any

special incinerator ash in a surface impoundment, land treatment facility as defined in WAC 173-306-100, and codispose with municipal solid waste.

NEW SECTION

WAC 173-306-200 GENERATOR MANAGEMENT PLANS.

(1) Applicability. These standards apply to special incinerator ash generators, incinerating more than twelve tons of municipal solid waste per day. Existing generators shall meet the requirements of this section within six months after the effective date of this chapter.

(2) Management plans procedures.

(a) Prior to generating or managing any special incinerator ash, any generator subject to this section shall submit a generator management plan to the department for review and approval. The department may publish guidelines on the form and content of management plans consistent with this chapter. Within thirty days of receipt, the department shall determine if the plan is factually complete and so notify the generator.

(b) Upon receipt of a complete generator management plan, the department shall give notice of its receipt of a proposed management plan to the public and to interested persons for public comment for thirty days after the date of publication.

(c) The department shall also perform the following additional public notification requirements:

(i) Mailing the notice to persons who have expressed an interest in being notified;

(ii) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;

(iii) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication;

(iv) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision;

(v) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

(d) The department shall review each generator management plan to determine whether the generator management plan complies with this chapter and chapter 70.138 RCW, including whether the necessary ash disposal permit has been or is likely to be issued.

(e) Within sixty days of receipt of a complete generator management plan, the department shall approve, approve with conditions, or reject the submitted generator management plan. Approval may be conditioned upon additional requirements necessary to protect employees, human health, and the environment, including special management requirements such as waste and ash segregation, or treatment techniques such as neutralization, detoxification, and solidification/stabilization.

(f) All generators shall comply with their approved management plan. No generator may construct and operate an incineration or energy recovery facility without an approved management plan.

(g) Any generator operating under an approved generator management plan shall notify the department and the department may require resubmission of the generator management plan when there is a proposed material change in the ash management of the special incinerator ash collection and/or handling system.

Upon receipt of the revised generator management plan, the department shall proceed according to subsection (3) of this section.

(3) Generator management plan requirements. Prior to managing special incinerator ash, all applicable generators shall develop generator management plans. Generator management plans shall show how the following requirements are met:

(a) Planning requirements:

(i) All generators shall demonstrate how the management of ash, including disposal, has complied with the city and county comprehensive solid waste management plan of RCW 70.95.080, as applicable.

(ii) All generators shall demonstrate how ash management areas comply with or are a part of the spill prevention plans.

(b) Requirements for managing solid waste to reduce ash toxicity and ash quantity. All generators shall:

(i) Conduct annual municipal solid waste compositional studies to identify kinds and amounts of toxic metals, including cadmium and lead, other hazardous materials, halogenated plastics, and other substances that contribute to the toxicity of special incinerator ash;

(ii) Establish policies, procedures, incentives, and treatment methods to remove toxic metals in municipal solid waste prior to incineration or energy recovery;

(iii) Establish procedures to insure that dangerous wastes are not knowingly accepted at the incineration or energy recovery facility including developing lists of consumer or commercial items that may or may not be acceptable for incineration;

(iv) Establish a timetable for implementing (b)(i), (ii), and (iii) of this subsection, and a method for evaluating the effectiveness of the program in reducing the toxicity and volume of special incinerator ash.

(c) Collection and handling requirements.

(i) All incineration or energy recovery facilities shall be designed and operated to prevent fugitive dust emissions and direct exposure of the ash to the weather. Special incinerator ash shall be collected, stored, and handled in enclosed buildings or the equivalent (e.g., covered conveyors and transfer points). This requirement is not applicable to ferrous metal separated from bottom ash.

(ii) Floor or surface drains serving ash collection, storage, and handling areas shall not be connected to uncontaminated storm water run-off drains. Spills and process waters shall be one or more of the following methods:

(A) Reused in the process;

(B) Discharged to surface waters under a National Pollution Discharge Elimination System Permit issued pursuant to chapter 173-220 WAC;

(C) Discharged to surface water, ground water, or a municipal sewer system under a state discharge permit issued pursuant to chapter 173-216 WAC;

(D) Injected through wells under an underground injection control permit issued pursuant to chapter 173-218 WAC; or

(E) Managed in another method approved by the department.

(iii) All incineration and energy recovery facilities shall be designed and operated to comply with chapter 296-62 WAC, the general occupational health standards.

(iv) Total volatile and fixed carbon residue at 550 degree centigrade in bottom ash shall not exceed six percent by weight as determined by Section 4.10.1.2.2 of the ASME Power Test Code -33. Representative samples shall be taken according to the guidelines established by the department.

(d) Storage requirements.

(i) Storage of ash shall be in totally enclosed buildings, in leak-proof containers, or in tanks;

(ii) Storage shall not exceed forty-five days from the date of generation of the ash, and/or the storage amount shall not exceed thirty days of daily production;

(iii) Storage shall be in an area served by the floor and surface drain requirements in (c)(ii) of this subsection.

(e) Transport of ash from an incineration or energy recovery facility to an off-site or on-site disposal facility shall be in covered and sealed vehicles or containers to avoid wind dispersal or fluid leakage. Owners and operators shall prevent ash trackout onto the site and the public right-of-way by employing tire washing or any equivalent means. Contaminated washwaters shall be disposed of according to (c)(ii) of this subsection.

(f) Waste management accountability. All owners or operators of incineration or energy recovery facilities shall:

(i) Establish procedures acceptable to the department for tracking movements of special incinerator ash from the point of generation and/or handling to the site of final deposit or disposal. Such tracking method may include inventory control and tracking systems, scale/ticket/receipt tracking, gate logs, operating logs, or material balances;

(ii) File a report with the department if the owner or operator has not confirmed that an ash waste has been received at the intended destination within forty-five days of the date the waste was accepted by the transporter. The report must include:

(A) A legible copy of the shipping paper or manifest for which the owner or operator does not have confirmation of delivery; and

(B) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of these efforts.

(g) Other state and local requirements. All generators shall comply with all federal, state, and local environmental and industrial hygiene right-to-know laws and regulations, including chapter 197-11 WAC, the State Environmental Policy Act rules; chapter 173-304 WAC, the Minimum Functional Standards for Solid Waste Handling; and chapter 173-434 WAC, the air emission rules for incinerators.

(4) Annual report requirements. All generators shall submit annual reports to the department by March 1 of the following calendar year on forms specified by the department specifying:

(a) Annual amounts, in tons, of:

(i) Municipal solid waste incinerated;

(ii) Bottom ash generated; and

(iii) Flyash/scrubber residue generated.

(b) Disposal sites for all special incinerator ash, for multiple disposal sites, the amounts of disposal occurring in tons per year;

(c) Permittee's name, address, telephone number, date of permit issuance and expiration date for the disposal sites listed in (b) of this subsection;

(d) Designation test results. The results of testing bottom ash and flyash/scrubber residues separately and combined flyash and bottom ash on representative samples taken each quarter of the year and subjected to the criteria of WAC 173-303-100, and results of testing bottom ash quarterly for total volatile and fixed carbon residue according to subsection (3)(c)(iv) of this section unless otherwise approved by the department. Representative sampling methods shall follow guidelines specified by the department;

(e) Toxics separation test results. The results of testing bottom ash and flyash separately for toxic metals from samples taken in (d) of this subsection, in order to judge the progress made in toxic metals separation and reduction;

(f) Special test results. The results of testing bottom ash and flyash separately for dioxins and dibenzo-furans on a composite sample made from the eight quarterly samples taken in (d) of this subsection; and

(g) Ambient lead and cadmium samples taken in the air and soil respectively at the property boundary to demonstrate compliance with the performance standard of WAC 173-306-440 (2)(b) and (c). The samples shall be taken annually for cadmium and quarterly for lead, unless otherwise approved by the department.

NEW SECTION

WAC 173-306-300 PERMIT REQUIREMENTS FOR DISPOSAL FACILITIES. (1) Applicability. The permit standards of WAC 173-306-300 through 173-306-330 apply to disposal facilities as defined in WAC 173-306-100. These standards do not apply to generators of special incinerator ash who only handle, store and collect ash on-site and transport ash off-site, nor to facilities specifically excluded under WAC 173-306-400 through 173-306-490.

(2) No disposal facility shall be established, constructed, altered, expanded, or closed, until the owner or operator has obtained a permit issued pursuant to this chapter or a modified permit issued pursuant to WAC 173-306-310(3).

(3) Effective dates for permit requirements. The permit requirements of this section apply to all applicable existing, new or expanding disposal facilities within six months after the effective date of this chapter.

NEW SECTION

WAC 173-306-310 PERMIT PROCEDURES. (1) Application procedures.

(a) Persons owning or operating new or expanded ash disposal facilities shall apply to the department for a permit, prior to accepting any special incinerator ash for disposal. These procedures apply for permit renewal. Monofill owners who have successfully complied with the requirements for Type B design in WAC 173-306-450 (4)(a)(i) during the eighteen-month demonstration period shall apply for a permit prior to using the Design B liner. Applicants shall file two copies of the application with the department that have:

(i) Been signed and notarized as correct by the owner and operator; and

(ii) Attached evidence of compliance with the requirements of chapter 197-11 WAC, the State Environmental Policy Act rules.

(b) Permit applications must contain the information set forth in WAC 173-306-330 in order to be considered complete. Upon receipt of a permit application, the department shall review the application for completeness and notify the permit applicant accordingly.

(c) Within thirty days of receipt of a complete application, the department shall give notice of its receipt of a proposed complete permit application to the public and to interested persons for public comment for thirty days after the date of publication.

(d) The department will perform the following additional public notification requirements:

(i) Mailing the notice to persons who have expressed an interest in being notified;

(ii) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;

(iii) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication;

(iv) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision;

(v) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

(2) Issuance procedures.

(a) The department shall review each completed application to determine:

(i) Whether the disposal facility meets the requirements of this chapter;

(ii) Whether the disposal facility has been adequately addressed in the city and county comprehensive solid waste management plan as applicable; and

(iii) Whether the disposal facility complies with other environmental laws and regulations.

(b) The department shall approve, deny, or conditionally approve a completed permit application within sixty days of receipt of department notice.

(c) The department shall issue up to five-year term permits for ash disposal; applications for reissuance of permits shall be made at least six months prior to permit expiration. The applicant and the department shall follow the procedures of WAC 173-306-300 (1) and (2) in applying for and reissuing permits.

(3) Modification and revocation procedures. When the department obtains any information justifying, or the applicant applies for modification of an existing permit, the department may modify or revoke and reissue the permit according to the procedures of this section. An updated application may be requested 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.

NEW SECTION

WAC 173-306-320 DEMONSTRATION AND CLASS-USE PERMITS. (1) Demonstration permits. Demonstration permits must be required for persons utilizing ash (see WAC 173-306-490 (2)(b)), in addition, persons applying for a utilization permit must demonstrate that the proposed utilization will successfully meet the requirements of WAC 173-306-490 (2)(b)(ii) before full scale reuse or utilization is practiced.

(a) The demonstration permit will be issued in accordance with the procedures of WAC 173-306-310;

(b) The demonstration permit shall address those requirements necessary to meet the standards of WAC 173-306-490 (2)(b)(ii) and (iii), and show that a disposal facility meeting the requirements of this chapter is available in case the demonstration fails or this permit is revoked;

(c) The demonstration permit shall provide a specific time period and a limit on the quantity of ash which will be used for the demonstration; the department may extend the demonstration period as a modification of the demonstration permit;

(d) Unless otherwise approved by the department, the permittee shall submit a report to the department within ninety days of the end of the demonstration. The report shall contain the results of all field tests and laboratory analyses and all data developed during the demonstration period. The department shall then use the information to determine whether or not there is adequate information to issue a class-use permit which will incorporate conditions sufficient to provide compliance with all requirements of WAC 173-306-490 (2)(b)(ii) and (iii). If the information is adequate, the department will proceed to issue a class-use permit under the provisions of this section. If the information is inadequate, the department may, as the situation warrants, either issue a modification to the demonstration permit in accordance with the procedures of WAC 173-306-310(3) and this subsection, or deny the class-use permit application.

(2) Class-use permits. Class-use permits are required for persons who distribute utilized ash on the land in a manner constituting disposal; the permit is issued to the seller or distributor of utilized ash or ash products to a class of users.

(a) The class-use permit will be issued in accordance with the procedures of WAC 173-306-310;

(b) The class-use permit shall contain those requirements necessary to meet the standards of WAC 173-306-490 (2)(b), including reporting requirements; and

(c) The department will place limitations on the class of users of utilized ash or ash products if it is shown that such limits are necessary to protect human health and the environment.

NEW SECTION

WAC 173-306-330 APPLICATION CONTENTS FOR PERMITS. (1) Application contents for permits for new or expanded facilities.

(a) All permit applications shall contain the following:

(i) A general description of the facility;

(ii) The types of ash to be handled at the facility;

(iii) The plan of operation required by WAC 173-306-405(3) (except for demonstration and class-use permits, WAC 173-306-320);

(iv) The operating log required by WAC 173-306-405(4) (except for demonstration and class-use permits, WAC 173-306-320);

(v) The inspection schedule and inspection log required by WAC 173-306-405.

(b) Application contents for monofill facilities. In addition to the requirements of (a) of this subsection, each monofill application for a permit must contain:

(i) A hydrogeological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including holocene within two hundred feet of the active area and three thousand feet of all other faults, unstable slopes, and subsidence areas on site; or a department approved geologic hazard assessment study;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of the uppermost aquifer;

(E) Direction of regional ground water;

(F) Quantity, location, and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background and surface water quality assessment, and for expanded facilities, identification of impacts to date of applicant's existing facilities upon ground and surface waters from monofill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and, where applicable, a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and surrounding areas.

(N) Drainage pattern of the site and surrounding areas.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the siting standards of WAC 173-306-350;

(B) Relationship of facility to city and county solid waste comprehensive plan as applicable and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of materials for daily cover and borrow sources for final cover and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Leachate detection where applicable;

(G) Fugitive dust controls;

(H) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements;

(I) The run-on and run-off system;

(J) The design to avoid washout;

(K) Filling phases, interim cover and final cap elevation; interim cover should be minimized depending on site specific topography and projected filling phases;

(L) Closure/post-closure design, construction, maintenance, and land use;

(M) Signs, fencing, and road paving; and

(N) Scales, employee amenities, communication, and unloading areas.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection, treatment, and disposal systems;

(B) Operation and maintenance of fugitive dust controls;

(C) Monitoring plans for ground water, surface water, soils and ambient air to include sampling technique, frequency, handling, and analysis requirements;

(D) Safety and emergency accident/fire plans;

(E) Routine filling, grading, cover, and housekeeping; and

(F) Record system to address records on weights (or volumes), number of vehicles, and the types of waste received.

(iv) A closure plan that addresses:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Maintenance of active fill versus completed, final covered acreage;

(D) Estimated closure construction timing and notification procedures;

(E) Inspection by regulatory agencies;

(F) Items required in WAC 173-306-410(3); and

(G) Identification of final closure cost including cost calculations and funding mechanisms.

(v) A post-closure plan that addresses:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of ash monofill, soil, air, ground water, and surface water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems;

(E) Items required in WAC 173-306-410(6);

(F) Identification of post-closure costs including cost calculations and funding mechanisms; and

(vi) Other information as required by the department.

(c) Application contents for treatment (including solidification and stabilization) standards. In addition to the requirements of (a) of this subsection, each application for a treatment permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) The chemical and physical principle(s) upon which the treatment is based, including laboratory, pilot plant, prototype, or full-scale data with sufficient detail to assure the department that the treatment process is feasible and to allow the department to specify capacity and operating conditions;

(B) Tank, reaction vessel, furnace, total-enclosed treatment facility and container designs and the basis for selecting the materials of construction and the thickness of the treatment device (such as corrosion data) or protective lining;

(C) Fugitive dust controls, including conveyor, transport, unloading, and building design;

(D) Instrumentation and process control design to assure operating within conditions specified in the permit;

(E) Warning signs and occupational health and safety engineering controls;

(F) Monitoring equipment; and

(G) Other factors as required by the department.

(ii) An operation plan that addresses:

(A) Operation and maintenance of the treatment device;

(B) Operation and maintenance of fugitive dust controls;

(C) Monitoring as required in WAC 173-306-500 and the department on a case-by-case basis; and

(D) Safety, occupational health, and emergency accident/fire plans.

(iii) A closure plan that addresses:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes and cleaning or decontaminating reaction devices and final disposal of both;

(C) Closure timing and notification procedures;

(D) Final inspection by regulatory agencies;

(E) Items required in WAC 173-306-410(3); and

(iv) Other information as required by the department.

(d) Application contents for utilization facilities. In addition to the requirements of (a) of this subsection, each application for utilization must contain:

(i) For accumulation prior to utilization facilities:

(A) The method of calculating the percent of ash being reused within a calendar year; and

(B) Compliance with the generator management plan storage requirements of WAC 173-306-200 (3)(d)(i) and (ii) if accumulation is by the generator; or

(C) Compliance with the monofill facility standards of WAC 173-306-440 if accumulation is by a disposal facility.

(ii) For reuse constituting disposal facilities:

(A) Information supplied by the applicant pertaining to the factors of WAC 173-306-490 (2)(b)(iii); and

(B) Other information as required by the department.

(2) Application contents for permits for existing facilities. Existing facilities applying for a permit to comply with the requirements of WAC 173-306-310 shall:

(a) Include the information required in subsection (1)(a) of this section; and

(b) Other information as required by the department.

NEW SECTION

WAC 173-306-340 ENGINEERING REPORTS, PLANS AND SPECIFICATIONS REQUIRED IN PERMITS. (1) Prior to construction or modification of disposal facilities, final engineering reports, plans and specifications shall be submitted to and approved by the department according to a compliance schedule specified in the permit. The engineering report for a disposal facility shall be sufficiently final so that plans and specifications can be developed from it without substantial changes.

(2) All final engineering reports, plans and specifications should be submitted by the owner or operator consistent with the compliance schedule in the permit and at least thirty days prior to the time approval is needed. The department will review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner or operator will be notified and informed of the reason for the delay.

(3) The final engineering report may be submitted prior to or concurrently with the final plans and specifications.

(4) The department will review the documents to ascertain that the proposed facility will be:

(a) Designed, constructed, operated, maintained, and closed to meet the requirements of the permit issued pursuant to this chapter; and

(b) Consistent with good engineering practices.

(5) Within thirty days following acceptance by the owner or operator of or modification to an ash disposal facility, a professional engineer in responsible charge of inspection of the project shall submit to the department one complete set of record drawings or as-builts, and a declaration stating the facilities were constructed in accordance with the provision of the construction quality assurance plan and without significant change from the department approved plans and specifications.

NEW SECTION

WAC 173-306-345 CONSTRUCTION QUALITY ASSURANCE PLAN. (1) Prior to construction or modification, a detailed plan must be submitted to and approved by the department, showing how adequate and competent construction inspection will be provided to insure compliance with the requirements of this chapter and the approved engineering documents. Submission of the plan shall be according to a schedule specified in the permit.

(2) The construction quality assurance plan shall include:

(a) A construction schedule summarizing planned construction activities, noting sequence interrelationships, durations, and terminations;

(b) Description of construction management, organization management procedures, lines of communication, and responsibility;

(c) Description of anticipated quality control testing, including type of test, frequency, and who will perform the tests;

(d) Description of construction inspection program including inspection responsibilities, anticipated inspection frequency, deficiency resolution, and inspector qualifications; and

(e) For monofills, how WAC 173-306-440 (4)(d) is to be met.

NEW SECTION

WAC 173-306-350 INCINERATOR ASH SITING STANDARDS FOR DISPOSAL FACILITIES. (1) Applicability. These standards apply to all new or expanded monofills. These standards do not apply to:

(a) Existing monofills or monofills that have closed before the effective date of this chapter; or

(b) Treatment, utilization, or processing facilities.

(2) Siting standards.

All applicable disposal facilities shall at the time of permit application meet the following locational standards:

(a) Geology. No facility shall be located within two hundred feet, measured horizontally, from a fault that has had displacement in holocene times, and all faults within three thousand feet of a facility must be identified and evaluated in WAC 173-306-330(1), where such existing geologic information is available or can be obtained with reasonable effort. For sites for which fault information cannot reasonably be obtained, a geologic hazard assessment performed by an experienced, qualified geologist may be substituted for this siting criteria, if the study methods are reviewed and approved by the department prior to the investigation.

(b) Ground water.

(i) No facility shall be located where the depth from the lowest point of the bottom liner to the seasonal high water level of the upper most aquifer of beneficial use is less than ten feet or 120 days travel time hydraulically, whichever is greater.

(ii) No facility shall be located over a sole source aquifer.

(iii) No facility's active area shall be located closer than one thousand feet to the nearest downgradient ground water intake for domestic water in use and existing at the time of permit application unless the owner or operator can show that the active area is no less than one hundred twenty days travel time hydraulically to the nearest downgradient ground water intake for domestic water.

(c) Natural soils. No facility shall be located:

(i) Where known subsidence exists within the facility boundary;

(ii) In an area where unstable slopes may impact the active area of the facility;

(iii) Where weak or unstable soils exist within the proposed facility boundary, unless the structural stability of the soils is mitigated through engineering practices. (The following soils or conditions are defined as weak or unstable: Organic soils, expansive soils, liquefaction sands, soft clays, sensitive clays, loess and quick conditions.)

(d) Flooding. No facility's active area shall be located within the one hundred-year flood elevation as indicated in the most current Federal Emergency Management Agency maps.

(e) Surface water. No facility's active area shall be located within five hundred feet, measured horizontally, of the ordinary high water mark of any perennial surface water body.

(f) Sensitive areas. No facility shall be located:

(i) In an area that would result in the taking of species or the direct elimination of critical habitat for federal or state listed threatened or endangered species;

(ii) In a wetland as defined by the United State Fish and Wildlife Service (Cowardin et al. 1979); unless the department determines on a case-by-case basis there are possible beneficial uses for the existing dense soil in the wetland area and the vertical separation distance to ground water as specified in (b)(i) of this subsection is attained;

(iii) In a shoreline of the state under the jurisdiction of the Shoreline Management Act;

(iv) In an area classified as a wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577);

(v) In a state or federally designated wildlife refuge or a game farm;

(vi) In an area with city, county, state, or federal designation as a park or recreation area or any area provided for under chapter 79.70 RCW, natural area preserves;

(vii) In an area with city, county, state, or federal designation as an archaeological or historic area or a national monument.

(g) Land use. No facility shall be located so that its active area is closer than two hundred feet to the facility property line. The active area may be no closer than one thousand feet to the nearest housing unit in an existing residential development. The one thousand-foot rule may be evaluated on a case-by-case basis in rural areas and unincorporated towns.

(h) Climatic factors. No facility shall be located in an area that has a history of severe climatic factors without engineered protection to mitigate those factors. Severe climatic factors, include but are not limited to, high annual rainfall, extreme temperatures (high or low), and high winds.

NEW SECTION

WAC 173-306-400 ASH DISPOSAL FACILITY STANDARDS. (1) Applicability. The standards of WAC 173-306-405 through 173-306-470 are the ash disposal standards and apply to all disposal facilities except ash disposal facilities that have engaged in closure or have closed before the effective date of this chapter.

(2) Standards for permits. The standards of WAC 173-306-405 through 173-306-470 shall be used as the basis for permitting as required in WAC 173-306-300.

(3) Effective dates.

(a) All existing ash disposal facilities not in conformance with these standards shall be placed upon compliance schedules as part of the permit issued in WAC 173-306-300. Full compliance shall be within three years of the effective date of this chapter; however, the following facility standards shall be met within eighteen months of the effective date of this chapter:

(i) The general facility standards of WAC 173-306-405;

(ii) The operating and maintenance standards of WAC 173-306-440(5); and

(iii) The monitoring requirements of WAC 173-306-500.

(b) All new and expanded facilities shall meet the ash disposal facility standards of WAC 173-306-405 to 173-306-470 after the effective date of this chapter.

NEW SECTION

WAC 173-306-405 GENERAL FACILITY OPERATIONAL STANDARDS. (1) Applicability. All special incinerator ash disposal facilities shall meet the requirements of this section.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of an ash disposal facility present an imminent and substantial hazard to the health of employees, the public health or the environment.

(3) Plan of operation. Each owner or operator shall develop and use the plan of operation required during the permitting process in WAC 173-306-300. The plan shall describe the facility's operation and shall convey to the operating personnel the concept of operation intended by the designer. The facility shall be operated in accordance with the plan; modifications to the plan must be approved by the department. The plan of operation shall be available for inspection at the request of the department. Each plan of operation shall include:

(a) Ash management during the facility's active life;

(b) Frequency and methods of inspections and monitoring;

(c) Employee safety and training, addressing protection from exposure and contact with ash, employee training, and medical monitoring; also a safety plan or procedure;

(d) Actions to take for sudden release of ash to surface water or dispersal by wind;

(e) Modifications to the plan permit and/or plan of operation in the event of ground water contamination;

(f) Equipment maintenance, particularly for leachate collection and treatment; and

(g) Other such details as required by the department.

(4) Recordkeeping. The facility owner or operator shall keep a written operating record at his facility that must be furnished upon request and made available at all reasonable times, to any employee of the department.

(a) The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(i) The type and quantity of each ash shipment received or managed on-site and the method(s) and date(s) of management at the facility;

(ii) Records and inspection results as required by subsection (5) of this section;

(iii) Monitoring, testing, or analytical data where required by WAC 173-306-500;

(iv) All closure and, for final deposit, post-closure cost estimates required for the disposal facility; and

(v) Deviations from the plan of operation specified in subsection (3) of this section.

(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 department.

(5) Reporting. Each owner or operator shall prepare and submit a copy of the annual report to the department by March 1 of the following year. The annual report shall cover facility activities during the previous year and must include the following information:

(a) The name and address of the disposal facility;

(b) The calendar year covered by the report;

(c) Annual quantity in tons and the type of ash accepted by the disposal facility and the method of management;

(d) Results of soil, air quality, and ground water monitoring required in WAC 173-306-440;

(e) The most recent closure cost estimate and, for final deposit monofills, post-closure cost estimates under WAC 173-306-410; and

(f) Other information required by the department.

(6) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of ash to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including, at a minimum, the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be made available to the department upon request.

(7) Other state and local requirements. All ash disposal facilities shall comply with all state and local laws and regulations such as zoning, land use, fire protection, industrial safety and hygiene, water pollution, air pollution, nuisance and aesthetics.

NEW SECTION

WAC 173-306-410 GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS. (1) Applicability. The closure requirements of subsections (2), (3), and (4) of this section apply to all disposal facilities. The post-closure requirements of subsections (5), (6), and (7) apply to monofills subject to WAC 173-306-440.

(2) Closure performance requirements. Each owner and operator shall close their facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of ash constituents, leachate, monofill gases, contaminated rainfall or ash decomposition products to the ground or soil, ground water, surface water, and the atmosphere; and

(c) Prepares the facility for the post-closure period.

(3) Closure plan and amendment. Closure as defined in WAC 173-306-100 includes, but is not limited to, grading, seeding, landscaping, contouring and screening.

(a) Each owner or operator shall develop and use a plan of closure approved by the department as part of the permitting process of WAC 173-306-310.

(b) The closure plan shall project time intervals at which closure activities are to be implemented, identify estimated closure costs and project fund withdrawal intervals from the approved financial assurance instrument, where applicable.

(c) No owner or operator shall commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the department, and until a financial assurance instrument has been provided, as required by WAC 173-306-470.

(d) The department may determine at its discretion and for cause that a facility closure plan is invalid and require an owner or operator to:

(i) Amend the facility closure plan and obtain the department's written approval; and/or

(ii) Cease facility operation or closure activities in whole or in part until an approved closure plan is obtained.

(e) Each owner or operator shall close the facility in accordance with the approved closure plan and all approved amendments.

(4) Closure procedures.

(a) Each owner or operator shall notify the department and, where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in whole or in part, no later than one hundred eighty days prior to the projected final receipt of waste at part of or at the entire facility.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of a final volume of ash and/or attaining the final monofill elevation at part of or at the entire facility as identified in the approved facility closure plan.

(c) Ash shall not be accepted for use in closure except as identified in the closure plan approved by the department, as required in subsection (3)(a) of this section.

(d) When facility closure is completed in part or whole, each owner or operator shall submit to the department:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington. The plan shall reflect all as-built changes to final closure construction as approved in the closure plan; and

(ii) An affidavit signed by the owner or operator and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) Maps and a statement of fact concerning the location of the final ash disposal shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying ash amounts, locations and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(f) When the department finds the facility has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section, the department shall:

(i) Issue a certificate of closure for the site to the owner or operator and the department; and

(ii) Notify the owner or operator and the department that the facility post-closure period has begun in whole or in part on a specified date.

(5) Post-closure performance standard. Monofill owners or operators shall provide post-closure activities as needed to protect human health and the environment.

(6) Post-closure plan and amendment. Post-closure includes monitoring of ground water, surface water, and air quality; maintenance of the facility, facility structures, and monitoring systems; and other activities deemed appropriate by the department.

(a) The owner or operator shall develop and use a post-closure plan approved as a part of the permitting process in WAC 173-306-310. The post-closure plan shall address facility maintenance and monitoring activities for a thirty-year period.

(b) The post-closure plan shall project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(c) No owner or operator shall commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the department, and until a financial assurance instrument has been provided, where applicable, as required by WAC 173-306-470. Facility post-closure activities must be completed in accordance with the approved post-closure plan or the plan must be so amended with the approval of the department.

(d) The department may determine at its discretion and for cause that a facility post-closure plan is invalid and require an owner or operator to:

(i) Amend the facility post-closure plan and obtain the department's written approval; and/or

(ii) Cease facility operation or closure activities in part or wholly until an approved post-closure plan is obtained.

(7) Post-closure procedures.

(a) Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection (4)(d)(i) and (ii) of this section. The department may direct that post-closure activities cease until the owner or operator has received the department's certification of closure and a notice to proceed with post-closure activities.

(b) When post-closure activities are complete, the owner or operator shall submit an affidavit to the department, signed by the owner or operator and a professional engineer registered in the state of Washington, stating why post-closure activities are no longer necessary.

(c) If the department finds that post-closure activities have stabilized the facility, the department may, at its discretion, authorize the owner or operator gradually reduce or discontinue post-closure maintenance and monitoring activities. The department shall certify the end of the post-closure care period by issuance of a certificate of post-closure completion to the facility owner or operator.

NEW SECTION

WAC 173-306-440 ASH MONOFILL FACILITY STANDARDS. (1) Applicability. This section applies to owners and operators of facilities that monofill special incinerator ash, except as WAC 173-306-400 provides otherwise.

(2) Minimum standards for performance.

(a) Ground water. Monofill owners or operators shall not contaminate underlying ground water beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-306-100.

(b) Soil. Soils at the property boundary shall not exceed the following limits for cadmium due to the facility based upon annual samples:

(i) The annual increase in cadmium loading in the upper six inches of soil with a pH equal to or greater than 6.5 shall not exceed 0.5 kilograms per hectare annually or a total accumulation of 20 kilograms per hectare; and

(ii) The annual increase in cadmium loading in the upper six inches of soil with a pH less than 6.5 shall not exceed a total accumulation of 5.0 kilograms per hectare.

(c) Air quality. Monofill owners or operators shall not cause a violation of an emission standard from any emission of particulates, dusts or gases associated with the operation and/or closure/post-closure of the landfill nor any ambient air quality standard at the property boundary including the following ambient lead standard:

The level of lead and its compounds measured as elemental lead in suspended particulate matter measured during a twenty-four hour sample taken at the downwind facility boundary shall not exceed 1.5 micrograms per cubic meter of air due to the facility's operation or the latest national ambient air quality standards. The sampling frequency will be monthly unless otherwise approved by the department.

(d) Surface waters. Monofill owners or operators shall not cause a violation of any receiving water quality standard or violate chapter 90.48 RCW from discharges of surface run-off, leachate, or any other liquid associated with a monofill.

(3) Siting standards. Monofill owners or operators receiving special incinerator ash shall comply with incinerator ash siting standards of WAC 173-306-350(2).

(4) Minimum design standards.

(a) Minimizing liquids. Monofill owners or operators shall minimize liquids admitted to active areas by:

(i) Covering according to subsection (5)(e) of this section.

(ii) Disposing of no ash containing free liquids unless approved by the department;

(iii) Designing, constructing, and maintaining run-off controls to restrict the chance of a run-off event from releasing contaminated run-off waters to an annual probability of one percent or less (one hundred-year event or greater). In meeting this requirement the following items are to be considered:

(A) The design of the containment structure(s) should be selected based on the ability of the facility to store, test, and/or treat the run-off during a twenty-four hour or longer storm event.

(B) The design storm event occurs during the final year of the active life of the monofill or at a time when the facility is most vulnerable to a storm which could produce the release of contaminated waters. The method of placement of the ash should be considered when determining the volume available for storage of run-off.

(C) A minimum of one foot of freeboard (measured from the invert of the emergency spillway) should be maintained following the occurrence of the design storm.

(D) An emergency spillway is to be constructed for the containment structure to provide controlled release of excess run-off waters in the case where the design storm is exceeded.

(iv) Design, construct, and maintain diversion channels, channel containment berms, culverts, pipes, and other drainage control features to pass and/or store run-on to restrict the chance of failure of the drainage control features to an annual probability of one percent or less (one hundred-year event or greater). In meeting this requirement the following items are to be considered:

(A) For those cases where the run-on waters are to be stored and/or treated, selection of the design storm should be based on the appropriate procedures governing run-off controls.

(B) For those cases where the run-on waters are to be diverted around the facility, the drainage control features should be sized to pass the run-on peak discharge (design flood) of a magnitude having an annual exceedance probability of one percent or less (one hundred-year flood peak discharge or greater).

(C) Sufficient erosion protection and freeboard (one foot minimum) are to be provided for all drainage control features to preclude failure of those features during passage of the design flood.

(v) Submit engineering plans and specifications for any containment barrier equalling or exceeding as storage capacity of ten acre-feet to the department's dam safety section for review under RCW 90.03.350.

(b) Leachate systems. Monofill owners or operators shall:

(i) Install a department-approved leachate collection system sized according to water balance calculations or using other accepted engineering methods;

(ii) Install a leachate collection system so as to prevent no more than one foot of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment to meet requirements of WAC 173-306-200 (3)(c)(ii)(B) through (E).

(c) Liner and final cap design. Ash monofill owners or operators shall comply with the requirements of WAC 173-306-450.

(d) Liner construction and inspection. Ash monofill owners or operators shall:

(i) Comply with the requirements of WAC 173-306-450.

(ii) Employ an independent third party as defined in WAC 173-306-100 to inspect the liners during construction and installation for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, foreign materials) and quality of construction; immediately after construction and installations inspect:

(A) Synthetic liners and covers for tight seams and joints and the absence of tears, punctures or blisters; and

(B) Soil-based and admixed liners and covers for imperfections (e.g., lenses, cracks, channels, root holes) or structural nonuniformities that may affect liner permeability.

(e) Filling requirements for ash cells. Monofill owners or operators shall design and fill ash monofills in phases or cells, as defined in WAC 173-306-100. Only one cell shall be open and in use at one time; each cell shall be graded and covered with a flexible high density polyethylene liner or other material of equivalent mechanical strength and chemical resistance during the interim period before reaching final elevation. The liner shall be 60 mils and have the ability to withstand weather conditions. The owner or operator shall provide, as part of the interim cover, a method of detecting and/or monitoring/inspecting the integrity and any possible failure of the interim cover.

(f) Fugitive dust controls. Monofill owners and operators shall:

(i) Employ tire washing for all ash-carrying vehicles as they leave the site or any equivalent method to prevent the trackout of ash onto the site and the public right of way. Contaminated wash-waters shall be disposed of according to WAC 173-306-200 (3)(c);

(ii) Orient the major axis of the active area of the monofill with respect to the prevailing wind directions so as to minimize the effect of wind upon dispersion of special incinerator ash unless engineering designs can provide equivalent protection; and

(iii) Provide for paved approach and exit roads outside the active area with traffic separation and traffic control on-site and at the site entrance.

(g) Other design requirements. Monofill owners and operators shall:

(i) Post signs 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, and must be legible from a distance of twenty-five feet;

(ii) Have either:

(A) A twenty-four-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility;

(B) An artificial or natural barrier; or

(C) A combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(iii) Provide for monitoring according to WAC 173-306-500 using a design approved by the department;

(iv) Weigh all incoming ash on scales or provide an equivalent method of measuring ash tonnage;

(v) Provide for employee facilities including shelter, toilets, hand-washing facilities, and potable drinking water;

(vi) Provide for unloading area(s) to be as small as possible, consistent with traffic patterns and safe operation;

(vii) Provide communication (such as telephones) between employees working at the monofill and on-site or off-site management offices to handle emergencies.

(5) Standards for operation and maintenance. All owners and operators shall:

(a) Prohibit the co-disposal of any other solid or hazardous waste in a special incinerator ash landfill;

(b) Comply with the requirements of the general operation standards, WAC 173-306-405;

(c) Control fugitive dust by wetting, by the use of dust suppressing substances, covering, compacting, or otherwise managing the active area of the monofill to control wind dispersal and prevent visible emissions of windblown dust. Road dust on unpaved roads shall also be similarly controlled.

(d) Clearly mark the active area boundaries authorized in the permit, with permanent posts or using an equivalent method clearly visible for inspection purposes.

(e) Compact and cover ash daily prior to adding successive layers according to the requirements of WAC 173-306-450.

(f) Maintain the monitoring systems required in subsection (4)(g)(iii) of this section;

(g) Inspect the monofill weekly while it is in operation and after major storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems and interim cover;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (4)(b) of this section. The department shall be notified of any leaks into the leak detection system within seven days after detecting the leak and immediately remove any accumulated liquid. Notification shall include a schedule for determining the cause of the leak and any remedial measures or increased ground water monitoring to assure that the performance standards of subsection (2)(a) of this section are met;

(iii) The presence of leachate in, and proper functioning of, leachate collection and removal systems; and

(iv) Proper functioning of engineered wind dispersal control systems.

(h) Record the inspections in the log as required in WAC 173-306-405(6).

(6) Closure and post-closure requirements.

(a) At final closure of the monofill or upon closure of any cell, the owner or operator must cover the monofill or cell with a final cover designed and constructed according to subsection (4)(b) of this section and comply with all closure requirements of WAC 173-306-410;

(b) After final closure, the owner or operator must comply with all post-closure requirements of WAC 173-306-410, and must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Prevent run-on and run-off from eroding or otherwise damaging the final cover;

(iii) Maintain and monitor the leak detection system in accordance with subsection (4)(b) of this section, where such a system is present; the owner or operator shall immediately remove any accumulated liquid and notify the department of any leaks into the leak detection system within seven days after detecting the leak. Notification shall include a schedule for determining the cause of the leak and any remedial measures or increased ground water monitoring to assure that the performance standards of subsection (2)(a) of this section are met;

(iv) Operate the leachate collection and removal system; and

(v) Maintain and operate the monitoring systems of WAC 173-306-500.

NEW SECTION

WAC 173-306-450 LINER AND FINAL CAP DESIGN AND CONSTRUCTION STANDARDS. (1) Applicability. This section applies to owners or operators of facilities that monofill combined or separated special incinerator ash, except as WAC 173-306-400 provides otherwise.

(2) Liner design.

(a) Owners or operators that monofill combined or separated fly ash and bottom ash shall comply with the requirements of Design A, subsection (3) of this section.

(b) Owners or operators that demonstrate ability to maintain the permeability requirements of Design B during an eighteen-month demonstration period may seek approval to use Design B following the demonstration period.

(3) Design A.

(a) General requirements. Owners or operators shall comply with the liner inspection requirements of WAC 173-306-440 (4)(d) and siting and design requirements of WAC 173-306-440 (3) and (4). In addition, owners or operators shall:

(i) Thoroughly compact ash residues. Owners or operators shall compact ash residues thoroughly by using high performance compaction equipment.

(ii) Provide daily cover to prevent fugitive dust emissions and run-on and run-off discharges. Cover material may include high density polyethylene or any department approved equivalent material.

(b) Liner design. The liner shall be an engineered liner of the following design from bottom to top:

(i) A foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; foundation slope shall be a minimum of two percent;

(ii) Next, a single composite liner consisting of an engineered soil liner at least two feet thick having permeability of 1×10^{-6} cm/sec or the equivalent upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance is placed; liner slopes shall be a minimum of four percent;

(iii) Next, a leachate detection system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to 1×10^{-2} cm/sec with drain pipes;

(iv) Next, a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance;

(v) Next, a leachate collection and removal system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to 1×10^{-2} cm/sec with drain pipes; and

(vi) A fabric filter placed between the drainage layer and the first lift of special incinerator ash.

(4) Design B. Owners or operators that monofill combined or separated fly and bottom ash shall comply with these design criteria.

(a) General requirements. Owners or operators shall comply with the liner inspection requirements of WAC 173-306-440 (4)(d) and siting and design requirements of WAC 173-306-440 (3) and (4). In addition, owners or operators shall:

(i) Compact ash residues to a permeability of 1×10^{-5} cm/sec. All ferrous material will be removed using magnetic separation or an equivalent method approved by the department so that the pozzolanic effect of compacted ash will not be impeded.

(ii) Lifts will be tested for ash permeability using guidance established by the department. Lift thickness prior to compaction shall not exceed one foot.

(A) Design B liner design may be used as long as lift permeability tests at 1×10^{-5} cm/sec or less.

(B) If the ash permeability requirement cannot be maintained, the owner or operator shall immediately close the Design B cell according to the closure requirements of WAC 173-306-410 and subsection (5) of this section and recommence disposal activities using the Design A liner.

(iii) Provide daily cover to prevent fugitive dust emissions and run-on and run-off discharges. Cover material may include high density polyethylene or any department approved equivalent material.

(b) Liner design. The liner shall be an engineered liner of the following design:

(i) A foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; foundation slope shall be a minimum of two percent;

(ii) Next, a single composite liner consisting of an engineered soil liner at least two feet thick having a permeability of 1×10^{-6} cm/sec or the equivalent upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; liner slopes shall be a minimum of four percent;

(iii) Next, a leachate collection system consisting of a minimum of twelve inches of sand or equivalent material with a permeability greater than or equal to 1×10^{-2} cm/sec with drain pipes; and

(iv) A fabric filter placed between the drainage layer and the first layer of special incinerator ash.

(5) Final cap design. All owners or operators of special incinerator ash monofills shall comply with the following design requirements.

(a) Final cap's shall maintain a surface slope between two and five percent and side slope of no more than thirty-three percent and consist, from bottom to top, of:

(i) Two feet of ash, well graded (with ferrous material removed and having proportional size distribution of ash particles) and thoroughly compacted;

(ii) Next, a layer, system or mechanism capable of detecting cap failure;

(iii) Next, a fabric filter overlaid by at least two feet of clay having a permeability of 1×10^{-6} cm/sec upon which a synthetic liner of sixty mils high density polyethylene or other material of equivalent mechanical strength and chemical resistance rests; and

(iv) Eighteen inches of native soil covered by six inches of topsoil.

(b) Final cap inspections shall be done in accordance with the liner inspection requirements of WAC 173-306-440 (4)(d).

(c) In case of cap failure, immediately notify the department with a plan for remedial action.

NEW SECTION**WAC 173-306-470 FINANCIAL ASSURANCE. (1) Applicability.**

These standards apply to all new and expanded monofill facilities, and to existing monofill facilities that have not closed before or within twelve months after the effective date of this chapter.

(2) Cost estimate for closure.

(a) Each owner or operator shall prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate must be in current dollars and represent the cost of closing the facility in accordance with the closure requirements in WAC 173-306-410.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure plan as required under WAC 173-306-410;

(ii) The closure plan shall project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iii) The closure cost estimate shall not be reduced by allowance for salvage value of equipment, ash or the resale value of property or land.

(b) Each owner or operator must prepare a new closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan;

(ii) There is a change in the expected year of closure that affects the closure plan; or

(iii) The department directs the owner or operator to revise the closure plan or closure cost estimate.

(c) Each owner or operator shall review the closure cost estimate thirty days prior to the anniversary date of the date on which the first closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure cost. Any cost changes shall be factored into a revised closure cost estimate and the revised cost estimate submitted to the department.

(d) During the operating life of the facility, the owner or operator shall make available for review the closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection.

(e) The department shall evaluate each cost estimate and may accept, or at its discretion require revision of, the cost estimate in accordance with its evaluation.

(f) The department may require the facility owner or operator to adjust the cost estimate in accordance with the department's review and direction.

(3) Financial assurance account for closure. Each owner or operator of special incinerator ash monofill facility shall establish a financial assurance account in an amount that, over the life of the facility, will accumulate funds at a rate that will enable premature closure during the monofill life. The total amount shall be equal to the closure cost estimate prepared in accordance with subsection (2) of this section.

(a) Applicable monofill facilities that accept special incinerator ash must choose from the following financial assurance account options or combination of options:

(i) For monofill disposal facilities owned or operated by municipal corporations, the closure and post-closure reserve account shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for closure with an equivalent amount of fund balance reserved in the fund accounting for special incinerator ash activity; or published Budget Accounting Reporting System Manual; or

(B) The cash and investments held in a nonexpendable trust fund.

(ii) Closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department. The purpose of the closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for closure activities as identified in the approved closure plan.

(b) For private disposal facilities that accept public work, established closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) Any income in excess of the closure cost estimate accruing to the established closure financial assurance account will be at the owner's discretion as to the use of said funds.

(d) Excess moneys remaining in the closure financial assurance account after the department has certified the completion of closure as

identified in WAC 173-306-410 (4)(f)(i) shall be returned to the owner or operator.

(4) Cost estimate for post-closure.

(a) Each owner or operator shall prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate must be in current dollars and represent the total cost of completing post-closure activities for the facility for a thirty-year post-closure period in accordance with the post-closure requirements in WAC 173-306-410.

(i) The post-closure cost estimate shall be based on a reasonable cost estimate for completing post-closure monitoring, maintenance, and other activities identified in the approved facility post-closure plan as required under WAC 173-306-410;

(ii) The post-closure plan shall project intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan;

(iii) The post-closure cost estimate shall not be reduced by allowance for salvage, value of equipment, ash, or the resale value of property or land.

(b) Each owner or operator shall prepare a new post-closure cost estimate for the remainder of the post-closure care thirty-year period in accordance with (a) and (c) of this subsection, whenever:

(i) Change in the post-closure plan increases the cost of post-closure care; or

(ii) The department directs the owner or operator to revise the post-closure plan or post-closure cost estimate.

(c) Each owner or operator shall review the post-closure cost estimate thirty days prior to the annual date on which the first post-closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the post-closure cost. Any cost changes shall be factored into a revised post-closure cost estimate and the revised cost estimate submitted to the department.

(d) During the operating life of the facility, the owner or operator shall keep the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection available for review.

(5) Financial assurance account for post-closure. Each owner or operator of an applicable monofill facility shall establish a financial assurance account in an amount equal to the post-closure cost estimate prepared in accordance with subsection (4) of this section.

(a) Applicable monofill facilities that accept special incinerator ash shall choose from the following options or combinations of options for accounting for the financial assurance account:

(i) For monofill disposal facilities owned or operated by municipal corporations, the post-closure reserve shall be handled in one of the following ways:

(A) Cash and investments accumulated and restricted for post-closure with an equivalent amount of fund balance reserved in the fund accounting for special incinerator ash activity; or

(B) Cash and investments held in a nonexpendable trust fund.

(ii) Post-closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the post-closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for post-closure activities as identified in the approved post-closure plan.

(b) For private disposal facilities that accept public waste, established post-closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) Any income accruing to the established post-closure financial assurance account will be at the owner's discretion as to the use of said excess funds.

(d) Excess moneys remaining in the post-closure financial assurance account after the department has certified the completion of post-closure as identified in WAC 173-306-410 (7)(c) shall be returned to the owner or operator.

(6) Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds shall be generated at each facility by transferring a percentage of the facility user fees to the selected financial assurance instrument at the agreed upon rate to be specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) Each applicable facility owner or operator shall establish a procedure with the financial assurance instrument trustee for notification

of nonpayment of funds to be sent to the Department of Ecology, Solid and Hazardous Waste Program, Mailstop PV-11, Olympia, WA 98504-8711.

(c) Each owner or operator shall file with the department an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, diverted to the financial assurance instruments.

(i) For monofill disposal facilities owned and operated by municipal corporations, the closure reserve account shall be audited according to the audit schedule of the office of state auditor and shall be filed with the department of ecology, including each of the post-closure care years.

(ii) For monofill disposal facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department no later than March 31 of each year for the previous calendar year, including each of the post-closure care years.

(B) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(d) Existing monofill disposal facilities may submit a written request with their annual audit to the department of ecology requesting a waiver from utilizing user fees to generate the moneys necessary for the closure and/or post-closure financial assurance account.

(i) The waiver request should provide documentation to demonstrate the facility user fees are prohibitively high, and include alternate method(s) for funding the facility's closure and/or post-closure financial assurance account;

(ii) The waiver request review procedure will be according to WAC 173-306-900.

(7) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan, the closure and/or post-closure plan shall be amended.

NEW SECTION

WAC 173-306-480 TREATMENT (INCLUDING SOLIDIFICATION AND STABILIZATION) STANDARDS. (1) Applicability. The standards of this section apply to treatment, as defined in WAC 173-306-100, of any special incinerator ash subject to this chapter. These standards do not apply to the manual or mechanical removal of ferrous metal from ash residues.

(2) Requirements. All owners and operators shall design, construct, operate, maintain, and close treatment facilities so as to:

(a) Meet the general facility standards of WAC 173-306-405;

(b) Only treat special incinerator ash in tanks, reaction vessels, furnaces (such as glass furnaces), containers, or totally enclosed treatment facilities (such as pipelines). No treatment process shall be designed to occur in ash piles, surface impoundments, or land treatment facilities;

(i) The department shall review and approve tank and reaction vessel design. All tanks and reaction vessels will be closed or otherwise designed to avoid emissions of dusts or vapors to the atmosphere. Tanks and reaction vessels shall be of sufficient thickness and corrosion resistance to prevent rupture;

(ii) Totally enclosed treatment facilities in good condition and of a design and construction to avoid rupture under maximum operating conditions and capable of being inspected periodically; and

(iii) Furnaces in good condition structurally, designed and operated to accept only special incinerator ash and capable of being inspected periodically. The department may review and approve furnace design.

(c) Meet the performance standards of WAC 173-306-440(2). The department shall specify the type and frequency of all sampling and monitoring necessary to assure compliance.

(d) Assure that treatment of special incinerator ash occurs under conditions spelled out in prototype, pilot plant or full scale operation. The department shall approve the design and specify operating conditions.

(e) Control fugitive dust emissions in the handling of special incinerator ash by:

(i) Collecting and handling in enclosed buildings or the equivalent (e.g., covered conveyors and transfer points); and

(ii) Adding moisture, dust suppressants, or other methods as necessary.

(f) Comply with chapter 296-62 WAC, the general occupational health standards.

(g) Assure that treated special incinerator ash is disposed of according to this chapter or chapter 173-304 WAC, the minimum functional standards for solid waste, if the residues are designated as solid waste.

(h) Close the treatment facility according to the requirements of WAC 173-306-410.

NEW SECTION

WAC 173-306-490 ASH UTILIZATION STANDARDS. (1) Applicability.

(a) These standards apply to persons who utilize special incinerator ash including:

(i) Generators of special incinerator ash;

(ii) Owners and operators of disposal facilities; and

(iii) Persons who neither generate nor dispose of special incinerator ash but are involved in the reuse or utilization of special incinerator ash.

(b) These standards do not apply to the following wastes and waste processes:

(i) Ferrous metal separation from ash;

(ii) Special incinerator ash that is reinjected into the incinerator or energy-recovery facility from which it was produced;

(iii) Reclamation of nonferrous metals.

(2) Standards.

(a) Accumulation prior to reuse or utilization.

(i) All ash for utilization shall be stored in totally enclosed buildings.

(ii) Floor or surface drains serving storage areas shall not be connected to uncontaminated storm water run-off drains. Contaminated water shall be processed according to WAC 173-306-200 (3)(c)(ii).

(iii) All ash not utilized within one calendar year of generation shall be subject to:

(A) The management plan requirements of WAC 173-306-200 if a generator is accumulating the ash; or

(B) The permitting and facility standard requirements of WAC 173-306-300 and 173-306-400, if a disposal facility is accumulating the ash.

(b) Use constituting disposal. Use constituting disposal is applying ash to the land or placing ash on the land in a manner constituting disposal, or applying ash contained in a product to the land or placing ash products on the land in a manner constituting disposal. Placement on the land includes placement in water (such as in reef construction).

(i) Persons wishing to reuse or utilize ash in a manner constituting disposal shall apply for a permit under WAC 173-306-310.

(ii) Persons reusing or utilizing ash in a manner constituting disposal are subject to the following sections of the general facility standards:

(A) WAC 173-306-405(2);

(B) WAC 173-306-405 (3)(b);

(C) WAC 173-306-405 (5)(a), (b), (c), and (f); and

(D) WAC 173-306-405(7).

(iii) The department will base its decision on whether to issue a permit upon the following factors:

(A) The effectiveness of the utilized ash or ash product for the claimed use;

(B) The degree to which the utilized ash is like an analogous product;

(C) The extent to which the utilized ash or ash product minimizes loss or escape to the environment;

(D) The extent to which the utilized ash or ash product impacts public health, the environment and employee health given a reasonable worst case exposure, risk assessment analyses and compliance with the performance standards of WAC 173-306-440(2);

(E) The extent to which an end market for the utilized ash and ash product is guaranteed;

(F) The time period between generating the ash and utilization;

(G) The degree to which the end uses (and users) can be tracked and recorded; and

(H) Other factors as appropriate.

(iv) The department may require that applicants apply for a demonstration permit or class use permit under WAC 173-306-320, if available information exists to satisfy the informational requirements of (b)(ii) and (iii) of this subsection.

(c) Utilization as ingredients in industrial products, or as effective substitutes. The utilization of ash in industrial products or as effective substitutes for commercial products are activities that ordinarily are not considered to be waste management because they are like normal production processes and/or the products are used like commercial products. (E.g., ash as a substitute in cement construction blocks is an example.)

(i) The department may grant requests for classifying such reuse or utilization for solely commercial purposes, if:

(A) The applicant shows that the ash or ash products are recycled in a manner such that they closely resemble products or raw materials rather than waste; and

(B) The applicant addresses the factors of (b)(iii) of this subsection (except for (2)(b)(iii)(G)).

(ii) Public review of the decision to grant or deny such request shall be according to WAC 173-306-900 (4), (5), and (6).

NEW SECTION

WAC 173-306-495 OTHER METHODS OF ASH DISPOSAL.

(1) Applicability. This section applies to other methods of ash disposal not specifically identified elsewhere in this chapter, nor excluded from this chapter.

(2) Requirements. Owners and operators of other methods of ash disposal shall:

(a) Comply with the requirements in WAC 173-306-405;

(b) Obtain a permit under WAC 173-306-300 from the department, by submitting an application containing information required in WAC 173-306-330, and such other information as may be required by the department including:

(i) Preliminary engineering reports and plans and specifications; and

(ii) A closure plan.

NEW SECTION

WAC 173-306-500 MONITORING AND SAMPLING METHODS.

(1) Applicability. These requirements apply to owners and operators of incinerators, energy recovery facilities, disposal facilities, and management facilities that are required to perform ash sampling, analyses and testing, ground water and air quality monitoring under this chapter.

(2) Ground water monitoring requirements.

(a) The ground water monitoring system:

(i) Must consist of at least one background or up-gradient well and three down-gradient wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer and all hydraulically connected aquifers below the active portion of the facility.

(ii) Must represent the quality of background water that has not been affected by leakage from the active area; and

(iii) Must represent the quality of ground water passing the point of compliance. Additional wells may be required by the department in complicated hydrogeological settings or to define the extent of contamination detected.

(b) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, other substrata aquifers and waterbearing strata. Construction shall be in accordance with chapter 173-160 WAC, minimum standards for construction and maintenance of water wells.

(c) The ground water monitoring program shall include, at a minimum, procedures and techniques for:

(i) Decontamination of drilling and sampling equipment;

(ii) Sample collection;

(iii) Sample preservation and shipment;

(iv) Analytical procedures and quality assurance;

(v) Chain of custody control; and

(vi) Procedures to ensure employee health and safety during well installation and monitoring.

(d) Sample constituents.

(i) All facilities shall test for the following parameters:

(A) Temperature;

(B) Conductivity;

(C) pH;

(D) Chloride;

(E) Nitrate, nitrite, and ammonia as nitrogen;

(F) Sulfate;

(G) Dissolved iron, cadmium, lead, and mercury;

(H) Dissolved zinc and manganese;

(I) Chemical oxygen demand;

(J) Total organic carbon;

(K) Calcium and sodium; and

(L) Gamma radiation.

(ii) The department may specify additional or fewer constituents depending upon the leachate analyses, the composition of the ash, and other information.

(iii) Test methods used to detect the parameters of (d)(i) of this subsection shall be EPA Publication Number SW-846, "Test Methods for Evaluating Solid Waste Physical/Chemical Methods."

(e) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(f) The owner or operator shall use a department-approved statistical procedure for determining whether a significant change over background has occurred.

(g) The owner or operator must determine ground water quality at each monitoring well at the compliance point at least quarterly from start-up through the post-closure care period. The owner or operator must express the ground water quality at each monitoring well in a form necessary for the determination of statistically significant increases.

(h) The owner or operator must determine and report the ground water flow rate and direction in the uppermost aquifer at least annually.

(i) If the owner or operator determines that there is a statistically significant increase for parameters or constituents at any monitoring well at the compliance point, the owner or operator must:

(i) Notify the department of this finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters or constituents have shown statistically significant increases;

(ii) Immediately resample the ground water in all monitoring wells and determine the concentration of all constituents listed in the definition of contamination in WAC 173-306-100 including additional constituents identified in the permit and whether there is a statistically significant increase such that the ground water performance standard has been exceeded. The department shall be notified within fourteen days of receipt of the sampling data.

(j) The department may require modifications to the disposal facility, the plan of operation or the permit including facility closure if the performance standard of WAC 173-306-440 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-306-310.

(3) Modifications. An owner or operator required to modify the facility or plan of operation under this section must first obtain approval from the department and must at a minimum:

(a) Implement modifications that reduce contamination and, if possible, prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place or other remedial measures; and

(b) Begin modifications according to a written schedule after the ground water performance standard is exceeded.

(4) Ash and soil sampling, and analysis.

(a) Ash residue samples taken for the purpose of determining their designation status as a special incinerator ash waste shall follow guidance and/or guidelines established by the department. Ash samples taken for the purpose of determining total volatile and fixed carbon residue and for determining dioxins and dibenzofuran content, if different from samples taken for designation status under chapter 173-303 WAC, shall also follow guidance and/or guidelines established by the department. Representative sampling as developed by guidelines of the department shall be employed.

(b) Ash samples shall be analyzed as follows:

(i) For designation purposes, as a special incinerator ash waste, the samples shall be analyzed according to:

(A) "Chemical testing methods for complying with the state of Washington dangerous waste regulation," WDOE 83-13;

(B) "Biological testing methods," WDOE 80-12;

(C) "Test methods for evaluating solid waste, physical/chemical methods," SW 846.

(ii) For chlorinated-p-dioxins and dibenzofurans, 40 CFR Part 261 Appendix X is adopted by reference.

(iii) For cadmium in soil, method 7130 or 7131 cited in test methods for evaluating solid waste, physical/chemical methods, SW 846.

(5) Ambient air quality sampling for lead. Ambient lead concentrations shall be according to 40 CFR Part 50 Appendix G, which is adopted by reference, except that the sampling frequency will be determined by the department.

NEW SECTION

WAC 173-306-900 VARIANCES. (1) Any person applying for an ash disposal permit or who owns or operates an ash generation or disposal facility may apply to the department for a variance from any section of this chapter. The application shall be accompanied by such information as the department may require.

(2) The applicant shall provide usual and reasonable public notification within the area that will be impacted, including publication in the area's major general circulation newspaper and mailing notices to surrounding property owners. Proof of compliance shall be submitted with the variance application.

(3) The department shall give public notice of an application and allow a thirty-day public comment period. Notice shall be mailed to persons who have written to the department asking to be notified of all variance requests and indicate that a public hearing may be requested.

(4) In considering a variance request, the department shall consider:

(a) The relative interests of the applicant, other property owners likely to be affected by the applicant's activity and the general public;

(b) If the ash handling practices or facility location protect public health, worker health, safety or the environment to a degree equal to or greater than the standard from which a variance is requested;

(c) Whether compliance with the regulation from which the variance is sought would produce hardship without equal or greater benefits to the public;

(d) Whether compliance with the regulation will require spreading of costs over a considerable time period; and

(e) If the timetable is for a period that is needed to comply with this chapter.

(5) The department shall approve or disapprove a variance request within ninety days of receipt unless the applicant and the department agree to a continuance.

(6) Any variance granted pursuant to this section may be renewed. Application for a variance renewal shall be made at least sixty days prior to the expiration of the variance and follow the application process of subsections (1) through (5) of this section.

NEW SECTION

WAC 173-306-9901 MAXIMUM CONTAMINANT LEVELS FOR GROUND WATER. Maximum contaminant levels for ground water shall be those specified in chapter 248-54 WAC, as the primary drinking water standards. Analytical methods for these contaminants may be found in the Code of Federal Regulations, 40 CFR Part 141. (These contaminant levels are to be considered interim levels for the purpose of regulating disposal facilities and shall be used until such time as the department establishes ground water quality standards for all types of activities impacting ground water.)

WSR 90-02-089

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 3, 1990, 1:50 p.m.]

Original Notice.

Title of Rule: Public records, chapter 296-06 WAC.

Purpose: To update descriptive and procedural information in compliance with the state's public records law, chapter 42.17 RCW.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: The rule is amended to eliminate obsolete descriptive material, to eliminate gender-specific references, to more fully describe department operations and structure, and to improve the public records process.

Reasons Supporting Proposal: The rule has not been revised since 1976 and is out of date in several particulars; and the process described is cumbersome and somewhat inflexible.

Name of Agency Personnel Responsible for Drafting: Michael Wood, 3rd Floor, General Administration Building, 586-4839; Implementation: Jim Richards, 3rd Floor, General Administration Building, 753-1553; and Enforcement: Joe Dear, 3rd Floor, General Administration Building, 753-6307.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule describes the structure and operations of the Department of Labor and Industries; it establishes a process for the submission of public record requests by the public and for the subsequent handling of such requests by the department; it establishes a process for the review of the denial of such requests upon petition by the requestor; and it provides for the protection of confidential material.

Proposal Changes the Following Existing Rules: The proposal eliminates gender-specific references throughout the rule; it updates and expands the descriptive information related to the structure and procedures of the department; it adds language reflecting the special confidentiality status of information related to sexually transmitted diseases; it eliminates the distinction between "formal" and "informal" requests for public records and provides that any written request including the necessary information shall be treated as a formal request under the public records statute; it adds language related to the commercial use prohibition related to lists; it adds language allowing the public records officer's designee to deny requests; and it replaces the \$.10 copying fee with one set by the public records officer.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: First Floor Auditorium, General Administration Building, 11th and Columbia, Olympia, Washington, on February 7, 1990, at 10 a.m.

Submit Written Comments to: Michael Wood, Manager, Office of Policy and Planning, HC 281-2, Olympia, Washington 98504, by February 7, 1990.

Date of Intended Adoption: March 9, 1990.

January 3, 1990

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-010 PURPOSE. The department of labor and industries is a department of state government created by RCW 43.17-.010. It shall hereafter in this chapter be referred to as the "department." Where appropriate, "department" also refers to its staff and employees. The department promulgates this chapter to ensure compliance with the provisions of chapter 42.17 RCW, and in particular with sections of that act dealing with public records.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-020 DESCRIPTION OF ORGANIZATION OF THE DEPARTMENT. (1) Central organization. The chief executive

officer of the department is the director of labor and industries, hereinafter called "director." He or she is appointed by the governor with the consent of the senate to hold office at the pleasure of the governor. The department is organized in five divisions: Industrial insurance, industrial safety and health, industrial relations, apprenticeship, and building and construction safety inspection services. Each division is ~~((headed by an))~~ responsible to a deputy director or assistant director appointed by the director, ~~((but in the case of the division of apprenticeship, the director's selection))~~ although the industrial relations and apprenticeship divisions both report to one assistant director, whose appointment as the head of apprenticeship must be confirmed by the Washington state apprenticeship and training council, ~~((whose))~~ the members of which are also appointed by the director. ~~((The department also has))~~ This combined industrial relations and apprenticeship division, which includes a section to administer the Crime Victims Act, chapter 7.68 RCW ~~((This section is also headed by an assistant director appointed by the director)),~~ is known as the employment standards, apprenticeship and crime victims compensation division. Major policy decisions, rule-making, and the primary administrative functions of the department are carried out by the department's central organizations in Olympia. ~~((The director also serves as chairman of the five-member state board of pilotage commissioners but that board is not a part of the department.))~~

(2) Field organization.

(a) The department maintains service locations, or major field offices, in ~~((fifteen))~~ seventeen cities ~~((Each of these offices is headed by a district manager))~~ other than Olympia. These service locations are grouped into six regions throughout the state, each of which is headed by a regional field service manager. In addition, certain programs operate field offices in other cities, but these are not complete service locations and are not required to keep complete policy manuals and other records available for public inspection.

(b) The ~~((department-owned))~~ department's rehabilitation center in Seattle is headed by a superintendent.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-030 LOCATION OF ESTABLISHED PLACES WHERE INFORMATION ABOUT THE DEPARTMENT MAY BE OBTAINED AND DEPARTMENT'S PUBLIC RECORDS INSPECTED AND COPIED. (1) Olympia office.

(a) The office of the director, the administrative office of the department, the main offices of the division of industrial insurance, and the office of the public records officer are in the General Administration Building, Olympia, Washington. The main offices of the other divisions are located at the following places: Industrial Safety and Health at ~~((308-318 East Fourth Avenue))~~ 805 Plum Street S.E., Olympia, Washington; Apprenticeship ~~((at 318 East Fourth Avenue))~~, Employment Standards, and Crime Victims Compensation at 925 Plum Street S.E., Olympia, Washington; and Building and Construction Safety Inspection Services at ~~((319 East Fourth Avenue))~~ 805 Plum Street S.E., Olympia, Washington ~~((and Industrial Relations and Crime Victims Compensation at 208 Eleventh Avenue, Olympia, Washington))~~. General information about the department and its divisions may be obtained at these places.

(2) Field offices.

(a) General information about the department may also be obtained at its service locations, or major field offices, at the following places:

~~((Aberdeen, P.O. Box 66,
2700 Simpson Avenue, 98520
Bellingham, P.O. Box 608,
2500 Elm Street, Suite F, 98225
Bremerton, P.O. Box 307,
245 Fourth Street Building, Suite 501, 98310
Ephrata, P.O. Box 906,
21 "C" Street, Southwest, 98823
Everett, P.O. Box 67,
Eastmont Plaza, 98206
Kennewick, P.O. Box 6126,
130 Vista Way, 99336
Longview, P.O. Box 578,
1342 12th Avenue, 98632
Mount Vernon, P.O. Box 189,
2021 College Way, 98273
Port Angeles, 405 East 8th, 98362
Seattle, 300 West Harrison, 98119
Spokane, 1322 North Post Street, 99201~~

~~Tacoma, 122 Public Service Building,
1305 Tacoma Avenue South, 98402
Vancouver, P.O. Box 331,
601 West Evergreen Boulevard, 98660
Walla Walla, 1750 Portland Avenue,
Eastgate Professional Building, 99362
Wenatchee, P.O. Box 597,
1139 Princeton, 98801
Yakima, P.O. Box 527,
1011 South Third Street, 98907))~~

~~Aberdeen, P.O. Box 66,
2700 Simpson Avenue, 98520-0013~~

~~Bellingham, P.O. Box 608,
2500 Elm Street, Suite F, 98227~~

~~Bremerton, 4841 Auto Center Way,
Suite 201, 98312-3440~~

~~Ephrata,
21 "C" Street, Southwest, 98823-1895~~

~~Everett, P.O. Box 67,
8625 Evergreen Way, Suite 250, 98206~~

~~Kelso,
711 Vine Street, 98626-2621~~

~~Kennewick, 500 North Morain,
Suite 1110, 99336~~

~~Mount Vernon,
1220 Memorial Highway, 98273-3262~~

~~Okanogan, P.O. Box 632,
1234 2nd Avenue South, 98840~~

~~Port Angeles,
1026 East First Street, Suite 1, 98362~~

~~Seattle,
300 West Harrison, 98119~~

~~Spokane,
TAF-C33, E. 3901 Main, 99220~~

~~Tacoma, Room 305, Public Service Building,
1305 Tacoma Avenue South, 98402-1988~~

~~Vancouver,
10401 N.E., 4th Plain, 98662~~

~~Walla Walla,
1815 Portland Avenue, Suite 2, 99362~~

~~Wenatchee,
123 Ohme Garden Road, 98801~~

~~Yakima,
1716 South 16th Avenue, 98902-5713~~

(b) Information about the extended care services offered injured workers, including physical therapy, special instruction, or vocational counseling, may be obtained from the department's Rehabilitation Center at ~~((4730 32nd Avenue South and Alaska Street, P.O. Box 18289, Columbia Station, Seattle, Washington 98118))~~ 12806 Gateway Drive, Tukwila, Washington 98168.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-040 OPERATIONS AND PROCEDURES. The general course and method of channeling and determining the operations of the five divisions of the department and the nature of requirements of all formal and informal procedures connected therewith are summarized in the following subsections:

(1) Industrial insurance. This division administers medical care and payment of disability compensation for workers (or their dependents or survivors) sustaining job injuries or occupational diseases. Virtually all employers in the state must provide this industrial insurance coverage. The medical program of the state fund is funded through payments by employers and employees. The disability payments by the state fund are funded by premiums collected from employers. Descriptions of procedures to be followed by employers and employees are outlined in department publications entitled ~~((A Guide for Employers and Guide to Workers' Compensation Benefits.~~

This division)) Employers' Guide to Industrial Insurance and Workers' Guide to Industrial Insurance Benefits.

In order to ensure that premium costs are equitably distributed, the division sets rates, determines classifications, rates individual firms based on claims experience, and periodically audits businesses to ensure accurate reporting and premium payment. Information about the records required during an industrial insurance audit can be found in the department publication Preparing for Your Audit.

The division also provides guidance to individual employers and groups of employers in controlling industrial insurance premiums through better claims management, return-to-work efforts, and effective safety programs, as well as through a financial incentive program known as retrospective rating. Further information is available in Guide to Loss Control and Retrospective Rating.

The department also certifies certain employers to become "self-insured," which means that they are permitted to pay the legally defined industrial insurance benefits from their own funds. After ((this division)) the department certifies an employer as a self-insurer, it monitors all claims for injury benefits to make certain employees receive all rightful benefits. Descriptions of procedures to be followed by self-insured employers and their employees are outlined in Employers' Guide to Self-insurance and Employees of Self-insured Businesses: Guide to Industrial Insurance Benefits.

(2) Industrial safety and health. This division endeavors to prevent job injuries and illnesses by adopting and enforcing safety and health standards and by training employers and employees in safe working procedures. It administers the Washington Industrial Safety and Health Act (WISHA), operating under a state plan agreement with the federal Occupational Safety and Health Administration (OSHA). Employer and employee procedures and responsibilities are outlined in the department's publications, A Guide to WISHA and Workplace Safety and Health Standards. Information about voluntary consultations to improve workplace safety can be found in Free, No Fault, No Hassle., and reporting workplace accidents to OSHA is outlined in Injury and Illness Recordkeeping Requirements.

(3) ((Industrial relations)) Employment standards, apprenticeship and crime victims compensation. The industrial relations, or employment standards, portion of this division administers the laws regulating wages, hours, and working conditions. ((The division)) It also enforces the minimum wage and family care laws and may assist in the collection of claims for unpaid wages. The industrial statistician determines the "prevailing rate of wage" on public works contracts and gathers information on wages and conditions of labor in the state, the consumer price index, standard family budgets, and manpower data on the labor force, employment, unemployment, and earnings. The section headed by the supervisor of employment standards administers the state employment standard designed to protect the health, safety, and welfare of ((virtually all nonagricultural)) the vast majority of employees. This section also issues minor work permits designed to protect young workers from exploitation and hazardous environments. More information on this subject can be found in Youth in the Job Force: A Guide for Employers and Minor Workers. Industrial relations agents investigate complaints of violations of employment standards, the minimum wage law and other wage laws; hold conferences between employees and employers; inspect records; make investigations to determine whether or not there have been violations of statutes, rules, or regulations; and suggest remedial actions.

((4) Apprenticeship)) The apprenticeship portion of this division, with the Washington state apprenticeship and training council, administers the apprenticeship training law for those persons desiring to become skilled in any one of various trades, crafts, and services. Local joint apprenticeship committees and program sponsors throughout the state are responsible for the actual training. This division acts as a liaison between these committees and the council to make certain that the policies of the council are followed uniformly. The division also administers on-the-job training programs for those persons training in occupations other than ((apprenticeable)) occupations in which apprenticeship is an option.

The crime victims compensation section of this division pays medical and disability benefits to innocent victims (or to their dependents or survivors) who sustain injuries as a result of criminal acts. Benefit payments and procedures are outlined in the department's publication Help for Crime Victims. This section also certifies local prosecutor-based victim-witness units.

((5)) (4) Building and construction safety inspection services. This division administers programs designed to protect the life, health, and

property of the general public. The various sections of this division issue licenses; promulgate rules and regulations; certify standards; and ensure compliance. The division conducts electrical inspections; registers electrical contractors; inspects and regulates the use of boilers and pressure vessels; inspects elevators; ensures compliance with the standards for the manufacture, lease, and sale of mobile homes and recreational vehicles; enforces the statutes, rules, and regulations governing factory-built structures; reviews electrical plans for health care facilities, plans for elevators and other conveyances, and plans for factory-assembled structures; tests and licenses plumbers and electricians; ((and tests)) and registers general and specialty contractors.

((6) Crime victims compensation. This section pays medical and disability benefits to innocent victims of criminal acts (or to their dependents or survivors) who sustain injuries as a result thereof. Funds for this program are appropriated by the legislature from the state general fund. Benefit payments and procedures are outlined in the department's publication When Crime Strikes.

(7) State board of pilotage commissioners. This board is not a part of the department but is included here because by statute the director of the department of labor and industries is its chairman and because RCW 88-16-020 names the department of labor and industries as its office and record-keeper. Other members include: Two pilots' representatives and two shipping company representatives. This board regulates pilotage services for ships moving in Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay. To carry out its responsibilities, the board establishes qualifications for, examines, and licenses pilots. It also fixes pilotage rates and enforces provisions of the law relating to safe pilotage.)

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-080 AUTHORIZATION FOR RELEASE OF INFORMATION. Any person having a right of privacy in any public records of the department may authorize the inspection and copying of any such records by persons not otherwise so authorized by providing the department with a signed and dated written authorization describing the records covered by the authorization, and naming the person or persons authorized to inspect and copy. In the event that a department file contains information related to a disease or condition usually transmitted through sexual contact, or to testing for the presence of such a disease, the authorization to release information must be specific to sexually transmitted disease. A general authorization to release information is not adequate for the release of information related to sexually transmitted disease. The department shall make a record of all authorizations to release information. The authorizations shall be immediately attached to such files and records and shall become a part thereof. No such authorization shall be valid until submitted to the department.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-090 PUBLIC RECORDS OFFICER. The department's public records officer shall have charge of its public records. He or she shall have ((his)) an office in the administrative office of the department at Olympia, Washington. He or she shall be responsible for the enforcement of the department's rules and regulations regarding the release of public records, and shall ensure compliance and cooperation of the department's staff with the public records disclosure requirements of chapter 42.17 RCW. He or she may choose such designees as may be necessary.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-100 OFFICE HOURS. The customary office hours of the department's Olympia offices and complete service locations, for the purpose of inspection and copying of any of the department's public records as provided by this chapter, shall be from 8:00 a.m. to ((noon and from 1:00 p.m. to)) 5:00 p.m., Monday through Friday, excluding legal holidays. The only exceptions to this are the Okanogan and Walla Walla service locations, where the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-110 REQUESTS FOR PUBLIC RECORDS. Persons requesting opportunity to copy or inspect the department's public records shall follow these procedures:

(1) Informal oral requests may be made (~~orally or in written form~~) to any of the department's full service locations or its office in Olympia.

(2) The department may require a person who has made an informal request to submit a formal written request.

(3) (~~All formal requests shall be in writing on the form entitled: "Request for public record."~~ Copies of said form shall be maintained in the department's offices in Olympia and at each service location.

(~~4~~) All formal requests shall be submitted by mail or personally to the assistant director who heads the division or the section from which records are being requested. If such a request is misdirected, department staff shall forward it to the proper person.

(~~5~~) (4) Each formal request shall include the following information:

(a) The name of the person or persons making the request;

(b) The time of day and calendar date on which the request is made;

(c) The nature of the request, including description of the requested records by title, subject matter, date, and other means of enabling the staff of the department to identify the requested records and make them available.

(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material being requested.

(~~6~~) (5) The staff of the department shall assist any person making a request, whether formal or informal, in identifying the requested record or records but in the event the records cannot be identified, the department shall so advise the person making the request, and, in the case of formal requests, return the formal request for resubmission with additional description of the requested records.

(~~7~~) (6) When any request is made to inspect and copy material in files and public records where a right of privacy is involved, or when such files and records are exempt by any other provision of law, inspection and copying shall not be permitted until the authorization described in WAC 296-06-080, together with a formal request, is presented to the (~~assistant director for the division involved. The assistant director shall make a record of all such authorizations. The authorization shall be immediately attached to such files and records and shall become a part thereof~~) department.

AMENDATORY SECTION (Amending Order 82-26, filed 8/25/82)

WAC 296-06-120 COPYING AND FEES. Where copies of public records are requested, the department may charge a fee (~~of ten cents for each letter-size or legal-size copy~~), to be set by the public records officer, for reimbursement of its actual costs incident to such (~~copying. For each paper copy of a microfilmed record, the department may charge 20 cents per copy. These copying fees do not apply to the contractor registration section of the department~~) a request. The fees (~~that~~) the contractor registration section charges for copies of material from a contractor's file are set out in WAC 296-200-900. Whenever copies of public records are mailed to the person making the request, the department may require reimbursement for postage costs. All copies made at the request of persons desiring copies on copy equipment of the department will be made by department staff at times when the making of such copies will not unreasonably disrupt the operations of the department. If the records to be copied contain information that would violate any right of personal privacy, the department staff member shall prevent such information from appearing on any copy. Where the use of such equipment does not harm the public records or impede the normal work of the department, those requesting copies of public records may use their own copying equipment and paper without charge(~~if~~), but in such event the department staff will supervise the copying at all times.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-130 DENIALS OF REQUESTS FOR PUBLIC RECORDS. Only the public records officer or his or her designee shall have the power to (~~make a denial of~~) deny a request for public records. Action on all such requests shall be prompt. In cases of informal requests, any member of the department's staff to whom an informal request is made may require the person making the request to submit a formal request or such staff member may bring the matter to the attention of the assistant director or his designee of the division from which records are being requested.

A decision on a formal request may be deferred for a reasonable time but immediate written notice of such deferral shall be given. All

denials of requests for public records shall be in written form. All denials shall include a statement specifying the reason for the denial, a statement of any exemption authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld, and (~~shall be signed by~~) the signature of the public records officer or his or her designee.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-140 REVIEW OF DENIALS OF REQUESTS FOR INSPECTION OR COPYING OF PUBLIC RECORDS. After any request for inspection or copying is denied, any person may petition the department to review its denial. Any such petition for review must be made in writing to the public records officer prior to the end of the second business day following the denial. Such petition shall specifically refer to the denial and shall contain a brief statement or any reasons for reconsideration of the denial. Any such petition shall be immediately referred to the director or such persons as he or she may designate to review such petitions. The person reviewing such petitions shall (~~promptly~~) review and reconsider the matter and either affirm or reverse the denial and communicate the decision (~~promptly~~) to the person submitting the petition prior to the end of the second business day following the petition for review.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-150 PROTECTION OF PUBLIC RECORDS. The department shall protect public records from damage or disorganization and prevent excessive interference with other essential functions of the department. All inspections of public records shall be supervised by a department staff member. Any staff member supervising public records inspection may decline to act upon the requests of person who are intoxicated, violent, abusive, threatening, or disruptive, and may terminate the inspection or copying of public records by such persons. Any staff member supervising public records inspection will at all times (~~insure~~) ensure that those inspecting the department's public records do not tear, mutilate, mark, or otherwise harm such records and shall terminate the inspection or copying of public records by any person who has harmed such records. The staff member may limit inspection and copying to any extent necessary to prevent such activity from unreasonably disrupting the department's operations. Any staff member supervising public records inspection shall at all times provide full, prompt, courteous assistance to persons requesting the inspection and copying of the department's public records.

AMENDATORY SECTION (Amending Order 76-27, filed 9/28/76)

WAC 296-06-170 RECORDS INDEX. The department of labor and industries will not maintain a current index as provided for in RCW 42.17.260(2). As provided in RCW 42.17.260(3), this formal order is issued and published specifying the reasons why and the extent to which maintenance of such a current index would unduly burden or interfere with the operations of the department.

(1) It would both unduly burden and interfere with department operations to maintain a current index with the items specified in RCW 42.17.260 (2)(a), "final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases," as the department through its several divisions, sections, and other subdivisions routinely and regularly issues a great number of determinative orders. The division of industrial insurance alone is estimated to issue daily an average of about 1,200 to 2,000 or more determinative orders. (~~It is estimated that the division of industrial safety and health averages over 60 orders daily. While other divisions, sections, and subdivisions have a lesser volume of orders, it would be unduly burdensome for the department to index all of the materials which would come within the scope of RCW 42.17.260 (2)(a).~~) To index all such orders would either require more personnel and consequent expense or reduce the level of handling the essential functions and result in constantly greater periods of delay. Furthermore, all indexes maintained for departmental use by the various divisions, sections, and subdivisions of the department for internal use will remain available for public inspection and copying where permitted by law. A listing of such indexes and other available material shall be available for public inspection and copying.

Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.

(2) It would both unduly burden and interfere with the department's operations to maintain a current index with all "instructions to staff

that affect a member of the public" within the scope of RCW 42.17.260 (2)(c). The inclusion of every such instruction to the staff would require either more personnel to index such instructions or a reduction in the department's capacity to carry out its other functions. The department will, however, ~~((as it has in the past,))~~ continue to make available to the public for inspection or copying all instructions of a general nature to its staff that affects members of the public. A listing of all manuals containing such instructions shall be available for public inspection and copying.

Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.

~~(3) It would both unduly burden and interfere with department operations to maintain a current index of ((all "factual staff reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others" within the scope of RCW 42.17.260 (2)(3). Further, many of the items covered by that description may be protected by rights of privacy, involve specific intelligence information and specific investigative files compiled by the department in its investigative capacities, involve the rights of privacy of a taxpayer, reveal the identity of persons who file complaints with the department in its investigative capacities, reveal valuable formulae, designs, drawings, or research data, disclosure of which would produce private gain and public loss, or involve records relevant to a controversy to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior court. The department regularly and routinely has physical examinations conducted of injured workers and maintains the reports of such examinations in its confidential claim files. The indexing of such reports would be highly burdensome. Such reports are available to persons authorized to inspect them by the injured workers, to the employer, and to public officers in the course of their duties. To make such information available to the public at large would, quite apart from any question of violations of rights of privacy, subject the department to great inconvenience. For the foregoing reasons the department will continue to make available for inspection and copying only the material described in RCW 42.17.260 (2)(3) which is of a general nature and does not involve any rights of privacy or the other points mentioned above.~~

Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.

~~((4) It would both unduly burden and interfere with department operations to maintain a current index of)) the materials within the scope of RCW 42.17.260 (2)(f), that is, all "correspondence, and materials, referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party." The department daily, routinely, and regularly receives and sends a vast amount of material fitting this description. It would require either a greatly increased staff to index everything of that nature or a drastic reduction of the department's ability to carry out its other essential functions. ~~((Also, much of the material is incorporated in confidential claim files or is otherwise subject to rights of privacy or is exempt from public inspection and copying by the provisions of RCW 42.17.310. Materials relating to the claims of injured workers are available to the employer, to public employees in the performance of their official duties and persons authorized by the injured worker. The various divisions, sections, and parts of the department maintain internal indexes which are available for public inspection:))~~~~

Accordingly, and for the above reasons, it is ordered that the public records officer not establish an index relative to such subject matter.

~~((5))~~ (4) The department did maintain a current index of the matters not covered by subsections (1) through ~~((4))~~ (3) for nearly three years following the promulgation of its initial set of public records rules which was filed with the office of the code reviser on July 31, 1973. That index was virtually never asked for, nor was it used to any extent at all by the public. The department devoted many manhours that could have been put to accomplishment of its statutory duties to prepare and maintain that current index. The department finds it has been unduly burdensome to make the extensive effort necessary to maintain such a current index ~~((in the face of almost complete public apathy))~~. Therefore, pursuant to RCW 42.17.260(3), the

department issues and publishes this formal order specifying the reasons why and the extent to which compliance with any of the provisions of RCW 42.17.260(2) requiring the maintenance of a current index would unduly burden or interfere with its operations. The department herewith states that it will not hereafter maintain such a current index. The department further states that it will, however, make available for public inspection and copying all indexes and lists, not otherwise exempt, maintained for normal agency use. Guidance to public records available through the department and a general listing of such records and how they may be obtained will be provided by the public records officer upon request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-06-990 APPENDIX A—FORM—DEPARTMENT OF LABOR AND INDUSTRIES AUTHORIZATION TO INSPECT OR COPY PUBLIC RECORDS IN WHICH AN INDIVIDUAL HAS A RIGHT OF PRIVACY.

WAC 296-06-99001 APPENDIX B—FORM—REQUEST FOR PUBLIC RECORDS UNDER THE PROVISIONS OF CHAPTER 1, LAWS OF 1973 (INITIATIVE 276).

WSR 90-02-090

NOTICE OF PUBLIC MEETINGS BOARD OF TAX APPEALS

[Memorandum—January 2, 1990]

The Board of Tax Appeals has scheduled its regular 1990 meetings at 10 a.m. on the second Friday of each month. The location of the meetings are in the Board's Offices, 910 5th Avenue S.E., Olympia, WA 98504.

WSR 90-02-091

RULES COORDINATOR BOARD OF TAX APPEALS

[Filed January 3, 1990, 1:55 p.m.]

Pursuant to RCW 34.05.310(3), the Board of Tax Appeals designates David Akana as its rules coordinator, whose address is: Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504-2712.

David Akana
Executive Director

WSR 90-02-092

NOTICE OF PUBLIC MEETINGS HIGHER EDUCATION PERSONNEL BOARD

[Memorandum—January 3, 1990]

HIGHER EDUCATION PERSONNEL BOARD MEETINGS

1990

Thursday	February 1	South Puget Sound Community College 2011 Mottman Road S.W. Olympia, WA
Thursday	April 5	Tacoma Community College 5900 South 12th Street Tacoma, WA
Thursday	June 7	Bellevue Community College 3000 Landerholm Circle S.E. Bellevue, WA

Thursday August 2 Shoreline Community College
16101 Greenwood Avenue North
Seattle, WA

Thursday October 4 Green River Community College
12401 S.E. 320th Street
Auburn, WA

Thursday December 6 Pierce Community College
9401 Farwest Drive S.W.
Tacoma, WA

WSR 90-02-093**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Order 023—Filed January 3, 1990, 2:10 p.m.]

I, Kristine M. Gebbie, Secretary of the Department of Health, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 248-19-220 Definitions, certificate of need program.

This action is taken pursuant to Notice No. WSR 89-14-077 filed with the code reviser on June 30, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.38 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 2, 1990.

By Pamela Campbell Mead
for Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 2639, filed 7/11/88)

WAC 248-19-220 DEFINITIONS. For the purposes of chapter 248-19 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

~~(2) ("Advisory review agencies" means the appropriate regional health council and, in the case of hospital projects, the hospital commission.~~

~~(3))~~ "Affected persons" means:

(a) The applicant;

~~(b) ((The regional health council for the health service area where the proposed project is to be located;~~

~~(c) Regional health councils serving contiguous health service areas;~~

~~(d))~~ Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;

~~((e))~~ (c) Third-party payers reimbursing health care facilities in the health service area;

~~((f))~~ (d) Any agency establishing rates for health care facilities and health maintenance organizations in

the health service area where the proposed project is to be located;

~~((g))~~ (e) Health care facilities and health maintenance organizations which ~~((have))~~, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services;

~~((h))~~ (f) Any person residing within the geographic area to be served by the applicant; and

~~((i))~~ (g) Any person regularly using health care facilities within the geographic area to be served by the applicant.

(3) "Alterations," see "construction, renovation, or alteration."

(4) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(5) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

(6) "Applicant," except as used in WAC 248-19-390, means any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Applicant," as used in WAC 248-19-390, means any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

(7) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a ~~((health care))~~ nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of

the equipment or facilities at fair market value would be subject to such review.

(8) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

(9) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

(10) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of major medical equipment, installation. In the case of other projects, initiating a ~~((new institutional))~~ health service.

(11) "Construction, renovation, or alteration" means the erection, building, ~~((alteration,))~~ remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

(12) ~~((("Council" means the state health coordinating council established under the provisions of chapter 70.38 RCW and federal law.))~~ "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(13) "Continuing care retirement community" means an entity providing shelter and services under a continuing care contract with the entity's members and sponsoring or including a health care facility or a health service.

(14) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period ~~((shall))~~ runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Working days" exclude ~~((all))~~ Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

~~((14))~~ (15) "Department" means the Washington state department of ~~((social and))~~ health ~~((services))~~.

~~((15))~~ (16) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an

interest regarding issuance or withdrawal of a certificate of need.

~~((16))~~ (17) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of chapter 248-156 WAC.

~~((17))~~ (18) "Health care facility" means hospitals, psychiatric hospitals, ~~((tuberculosis hospitals,))~~ nursing homes, ~~((both skilled nursing facilities and intermediate care facilities,))~~ kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, ~~((rehabilitation facilities))~~ continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by ~~((the state or))~~ a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term "health care facility" does not include any non-profit hospital:

(a) Operated exclusively to provide health care services for children;

(b) Which does not charge fees for such services; and

(c) ~~((Whose rate reviews are waived by the state hospital commission; and~~

~~((d))~~) If not contrary to federal law as necessary to the receipt of federal funds by the state.

(d) In addition, the term "health care facility" does not include a continuing care retirement community which:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

(iii) Contractually assumes responsibility for costs of services exceeding the member's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its members, no third party, including the Medicaid program, is liable for costs of care even if the member depletes personal resources;

(iv) Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the department of social and health services assuring financial liability for services to members, including nursing home services, shall not fall upon the department of social and health services;

(vi) Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to members.

~~((18))~~ (19) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in ~~((subsection 21))~~ (b)(i) of this ~~((section))~~ subsection to enrolled participants by a payment ~~((which is paid))~~ made on a periodic basis without regard to the date the health care services are provided and ~~((which is))~~ fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily:

(A) Directly through physicians who are either employees or partners of such organization, or

(B) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

~~((19))~~ (20) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services ~~((and a population of at least four hundred fifty thousand persons and is the basic subdivision for regional health councils))~~.

~~((20))~~ (21) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

~~((21))~~ (22) "Home health agency" means an entity which is, or is to be, certified as a provider of home health services in the Medicaid or Medicare program. The department shall not require a home health agency ~~((;))~~ previously issued a certificate of need as a new health care facility ~~((, is not required))~~ to obtain additional certificate of need approval if the agency has not received Medicare or Medicaid certification ~~((has not been received))~~ by ~~((XXXXX))~~ the effective date of these rules.

~~((22))~~ (23) "Hospice" means an entity which is, or is to be, certified as a provider of hospice services in the Medicaid or Medicare program. The department shall not require a hospice ~~((;))~~ previously issued a certificate of need as a new health care facility ~~((, is not required))~~ to obtain additional certificate of need approval if the hospice has not received Medicare or Medicaid certification ~~((has not been received))~~ by ~~((XXXXX))~~ the effective date of these rules.

~~((23))~~ (24) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or ~~((any state-owned and operated institution primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services of injured, disabled, or sick persons. Such~~

~~term includes tuberculosis hospitals but does not include))~~ as a psychiatric hospital ~~((s~~

~~(24) "Hospital commission" means the Washington state hospital commission established pursuant to chapter 70.39))~~ licensed under chapter 71.12 RCW.

(25) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

(26) ~~(("Institutional health services" means health services provided in or through health care facilities and entailing "annual operating costs" of at least five hundred thousand dollars for the twelve-month period beginning with July 24, 1983, and adjusted annually by the department according to the provisions of chapter 248-156 WAC; the "annual operating costs" are to include all additional costs that will be incurred as a result of the initiation of the service. This would include all direct costs and any incremental increases in ancillary and support services.~~

~~(27))~~ "Intermediate care facility" means any institution or distinct part thereof certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.

~~((28))~~ (27) "Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including dialysis and/or kidney transplantation, to persons who have end-stage renal disease.

~~((29) "Major medical equipment" means a single unit of medical equipment or a single system of components used for the provision of medical and other health services and which costs in excess of one million dollars, adjusted by the department according to the provisions of chapter 248-156 WAC. Such term does not include dental equipment or medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital, and the clinical laboratory has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.~~

~~(30))~~ (28) "May" means an act is permitted, but not required.

~~((31))~~ (29) "Nursing home" means any home, place, institution, building or agency or distinct part thereof including a nursing unit or a long-term care area of a hospital operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nursing home includes any such entity ~~((owned and operated by the state or))~~ licensed or required to be

licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section. (~~Nursing home does not include: General hospitals or other places providing care and treatment for the acutely ill and maintaining and operating facilities for major surgery or obstetrics or both; psychiatric hospitals as defined in this section; private establishments, other than private psychiatric hospitals, licensed or required to be licensed under the provisions of chapter 71.12 RCW; boarding homes licensed under the provisions of chapter 18.20 RCW, or any place or institution operated to provide only board, room, and laundry to persons not in need of medical or nursing treatment or supervision.~~)

~~((32))~~ (30) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

~~((33))~~ (31) "Offer," when used in connection with health services, means the health facility provides ~~((or holds itself out as capable of providing or as having the means for the provision of))~~ one or more specific health services.

~~((34))~~ (32) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

~~((35))~~ (33) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may ~~((be considered))~~ consider the "commencement of the project" as this term is defined in this section.

~~((36))~~ (34) "Professional review of continuing care retirement community pricing and long-term solvency" means a statement, supported by professional analysis and documentation, attesting to the feasibility of the continuing care retirement community, over a period of ten years or more into the future, and personally prepared by a qualified actuary, defined under WAC 284-05-060, or an independent certified public accountant, using sound financial and actuarial standards and practices. The person preparing the statement shall provide an affidavit stating the person's qualifications to assess the current and future financial and actuarial positions of the continuing care retirement community, including

familiarity with current accounting and actuarial professional standards for work concerning continuing care retirement communities.

(35) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

~~((37))~~ "Psychiatric hospital" means any institution or distinct part thereof primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons and licensed or required to be licensed under the provisions of chapter 71.12 RCW, or is owned and operated by the state or by a political subdivision or instrumentality of the state.

(38) "Regional health council" means a public or private nonprofit corporation organized in a manner consistent with the laws of the state and capable of performing each of the functions described in RCW 70.38.085. This term includes health systems agencies.

(39) "Regional health plan" means a document providing at least a statement of health goals and priorities for the health service area. In addition, the plan sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan. The regional health plan is produced by the regional health council.

(40) "Rehabilitation facility" means an inpatient facility operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other health services provided under competent professional supervision.

~~((41))~~ (36) "Secretary" means the secretary of the Washington state department of ~~((social and))~~ health ~~((services))~~ or ~~((his or her))~~ the secretary's designee.

~~((42))~~ (37) "Shall" means compliance is mandatory.

~~((43))~~ (38) "Skilled nursing facility" means any institution or distinct part thereof certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

~~((44))~~ (39) "State health plan" means a document developed ~~((by the department and the council))~~ in accordance with RCW 70.38.065 and in effect until June 30, 1990, unless superseded by department-adopted rules.

~~((45))~~ (40) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

~~((46))~~ (41) "Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(42) "Undertaking" means any action subject to the provisions of chapter 248-19 WAC.

WSR 90-02-094

PERMANENT RULES

BOARD OF HEALTH

[Order 024—Filed January 3, 1990, 2:14 p.m.]

Date of Adoption: December 21, 1989.

Purpose: To establish Board of Health standards for prenatal tests predicting congenital and heritable disorders; and insurers use in establishing medical necessity.

Statutory Authority for Adoption: RCW 48.21.244, 48.44.344 and 48.46.375.

Pursuant to notice filed as WSR 89-21-015 on October 9, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 21, 1989

Graham Tollefson

Chair

Chapter 248-106 WAC
**PRENATAL TESTS FOR CONGENITAL AND
 HERITABLE DISORDERS**

NEW SECTION

WAC 248-106-001 PURPOSE. The purpose of this chapter is to:

(1) Establish department and state board of health description, definition, and enumeration of prenatal tests under RCW 70.83B.020 (3)(a) and (b);

(2) Establish standards of the Washington state board of health for screening and diagnostic procedures for prenatal diagnosis of congenital disorders of the fetus under RCW 48.21.244, 48.44.344, and 48.46.375;

(3) Require health care provider to provide information on certain prenatal tests under RCW 70.83B.030 to both their pregnant patients and the department;

(4) Establish requirements for laboratories to provide information on certain prenatal tests under RCW 70.83B.030 to the department; and

(5) Establish criteria and time lines for distribution of educational materials by health care providers related to prenatal tests under RCW 70.54.220.

NEW SECTION

WAC 248-106-010 DEFINITIONS. For the purpose of RCW 70.83B.020, 70.83B.030, 70.83B.040, 70.54.220, 48.42.090, 48.21.244, 48.44.344, and 48.46.375 and chapter 248-106 WAC:

(1) "Approved written information" means the department form DOH 344-002 "prenatal genetic information," or an equivalent form.

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

(3) "Health care providers" means persons licensed or certified by the state of Washington under Title 18 RCW to provide prenatal care or to practice medicine.

(4) "Laboratory" means a private or public person, agency, or organization performing prenatal tests for congenital and heritable disorders.

(5) "Parental chromosomal testing" means a procedure to remove blood or other tissue from one or both parents in order to perform laboratory analysis to establish chromosome constitution of the parents.

(6) "Prenatal test" means any test to predict congenital or heritable disorders which:

(a) When improperly utilized, may clearly harm or endanger the health, safety, or welfare of the public;

(b) Potential harm is easily recognizable and not remote or dependent upon tenuous argument; and

(c) As determined by the state board of health under RCW 70.83B.020(3) and enumerated by the department, includes procedures and laboratory tests as follows:

(i) Maternal serum alpha-fetoprotein (MSAFP) screening is a procedure involving obtaining blood from a pregnant woman during the fifteenth to twentieth completed menstrual weeks of gestation, in order to measure through laboratory tests the level of alpha-fetoprotein in the blood.

(ii) Amniocentesis is a procedure performed to remove a small amount of amniotic fluid from the uterus of a pregnant woman, in order to perform one or more of the following laboratory tests:

(A) Measure the level of alpha-fetoprotein;

(B) Measure the level of acetylcholinesterase;

(C) Cytogenetic studies on fetal cells;

(D) Biochemical studies on fetal cells or amniotic fluid; and

(E) Deoxyribonucleic Acid (DNA) studies on fetal cells.

(iii) Chorionic villus sampling is a procedure to remove a small amount of cells from the developing placenta, in order to perform one or more of the following laboratory tests:

(A) Cytogenetic studies on fetal cells;

(B) Biochemical studies on fetal cells; and

(C) DNA studies on fetal cells.

(iv) Percutaneous umbilical cord blood sampling is a procedure to obtain blood from the fetus, in order to perform one or more of the following laboratory tests:

(A) Cytogenetic studies;

(B) Viral titer studies;

(C) Fetal blood typing for isoimmunization studies;

(D) Prenatal diagnostic tests for hematological disorders;

(E) DNA studies on fetal cells.

(v) Prenatal ultrasonography is a procedure resulting in visualization of the uterus, the placenta, the fetus, and internal structures through use of sound waves.

(d) Includes pre-procedure and post-procedure genetic counseling when required under WAC 248-106-020.

(7) "Pre-procedure genetic counseling" means individual counseling, which may be part of another substantive procedure or service, involving a health care provider or a qualified genetic counselor under direction of a physician and a pregnant woman with or without other family members, to discuss the purposes, risks, accuracy, and limitations of a prenatal testing procedure, and to aid in decision making.

(8) "Post-procedure genetic counseling" means, when test results are available, individual counseling, which may be part of another substantive procedure or service, involving a health care provider or a qualified genetic counselor under direction of a physician and a pregnant woman with or without other family members, to discuss:

(a) The meaning of the results of the prenatal tests done; and

(b) Subsequent testing or procedures available.

(9) "Qualified genetic counselor" means an individual eligible for certification or certified as defined in Bulletin of Information, 1984, American Board of Medical Genetics, Inc., as a:

- (a) Genetic counselor;
- (b) Clinical geneticist;
- (c) Ph.D. medical geneticist;
- (d) Clinical cytogeneticist; or
- (e) Clinical biochemical geneticist.

NEW SECTION

WAC 248-106-020 BOARD OF HEALTH STANDARDS FOR SCREENING AND DIAGNOSTIC TESTS DURING PREGNANCY. (1) For the purpose of RCW 48.21.244, RCW 48.44.344, and RCW 48.46.375, the following are standards of medical necessity for insurers, health care service contractors, and health maintenance organizations to use in determining medical necessity on a case-by-case basis:

(a) Maternal serum alpha-fetoprotein screening for all pregnant women beginning prenatal care before the twentieth completed menstrual week of gestation:

(i) Without the requirement for case-by-case determination; and

(ii) Including post-procedure genetic counseling if test result is abnormal.

(b) Prenatal ultrasonography if one or more of the following criteria are met:

(i) A woman undergoing amniocentesis, chorionic villus sampling, or percutaneous umbilical cord blood sampling;

(ii) The results on a maternal serum alpha-fetoprotein screening test are abnormal;

(iii) A woman or her partner:

(A) Has a prior child or fetus with a congenital abnormality detectable by prenatal ultrasonography; or

(B) Has a family history of congenital abnormality detectable by prenatal ultrasonography; or

(C) Is affected with a congenital abnormality detectable by prenatal ultrasonography.

(iv) A woman is suspected to be carrying a fetus with a congenital abnormality; or

(v) A medical evaluation indicates the possibility of hydramnios or oligohydramnios.

(c) Amniocentesis with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A woman thirty-five years of age or older at the time of delivery;

(ii) A woman or her partner having had a previous child or fetus with a chromosomal abnormality;

(iii) A woman or her partner is a carrier of a chromosomal rearrangement or anomaly;

(iv) A woman or her partner:

(A) With a neural tube defect; or

(B) Having had a child or fetus with a neural tube defect.

(v) A woman or her partner with a history of:

(A) A sibling with a neural tube defect;

(B) A parent with a neural tube defect;

(C) A niece or nephew with a neural tube defect; or

(D) Other risk factors related to a neural tube defect.

(vi) A woman and/or her partner are carriers of, or affected with, a prenatal diagnosable inherited disorder;

(vii) The results on a maternal serum alpha-fetoprotein screening test are abnormal;

(viii) A woman with a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing;

(ix) Ultrasound diagnosis of fetal anomaly.

(2) The board recommends the following additional procedures for use of insurers, health service contractors, and health maintenance organizations in determining medical necessity on a case-by-case basis:

(a) Chorionic villus sampling with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A woman thirty-five years of age or older at the time of delivery;

(ii) A woman or her partner having had a previous child or fetus with a chromosomal abnormality;

(iii) A woman or her partner is a carrier of a chromosomal rearrangement or anomaly;

(iv) A woman or her partner are carriers of, or affected with, a prenatal diagnosable inherited disorder; or

(v) A woman with a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing.

(b) Percutaneous umbilical cord blood sampling with pre-procedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A medical evaluation indicates rapid or detailed chromosomal diagnosis is required to:

(A) Protect the health of the mother; or

(B) Predict prognosis for the fetus.

(ii) A medical evaluation indicates the possibility of a prenatal diagnosable fetal infection;

(iii) Fetal blood studies are medically indicated for isoimmunization studies or therapy;

(iv) Prenatal diagnosis of hematological disorders is medically indicated.

WSR 90-02-095

PROPOSED RULES

BOARD OF HEALTH

[Filed January 3, 1990, 2:16 p.m.]

Supplemental Notice to WSR 89-21-016.

Title of Rule: WAC 248-100-016 Confidentiality.

Purpose: The 1989 legislature amended RCW 70.24.105(6), related to customary methods of exchange of medical information. This rule amends sections of WAC 248-100-016 to set forth Board of Health standards for exchange of medical information and access to confidential information in health care facilities.

Statutory Authority for Adoption: RCW 70.24.105.

Statute Being Implemented: RCW 70.24.105.

Summary: Board of Health standards on customary methods for exchange of medical information and access to confidential information in health care facilities, Alternatives A and B.

Reasons Supporting Proposal: To implement statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Stout, 1112 Quince S.E., Olympia, WA, 753-0377.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Alternatives A and B to revise rules implementing RCW 70.24.105(6).

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: St. Placid Priory, Multi-Purpose Room 1, Olympia, Washington, on February 14, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince S.E., Olympia, WA, by February 13, 1990.

Date of Intended Adoption: February 15, 1990.

January 3, 1990
Graham Tollefson
Chair

ALTERNATIVE A

AMENDATORY SECTION (Amending Order 322, filed 10/19/88)

WAC 248-100-016 CONFIDENTIALITY. Identifying information about any individual with a reportable disease or condition pursuant to chapter 248-100 WAC shall be protected by persons with knowledge of such identity.

(1) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with sexually transmitted disease:

(a) May disclose identity of a person or release identifying information only as specified in RCW 70.24.105; and

(b) Shall take steps to ensure maintenance of confidentiality related to a patient's medical information.

(2) For the purpose of RCW 70.24.105(6), customary methods for exchange of medical information shall be limited as follows:

(a) Health care providers may exchange confidential medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to a patient. As a basic principle of respect for a patient's human dignity, this means:

(i) The information shared impacts the care or treatment decisions concerning the patient; and

(ii) The health care provider requires the information only for the patient's benefit.

(b) "Health care services to a patient" means personal interaction, treatment, consultation, or intervention for patient care.

(c) Health care facility administrators are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those permitted access under this subsection of the need to maintain confidentiality of such information as defined under this section and chapter 70.24 RCW. Professional duties means the following or functionally similar activities:

(i) Medical record or chart audits;

(ii) Peer reviews;

(iii) Quality assurance;

(iv) Utilization review purposes;

(v) Research review board reviews under chapter 42.48 RCW;

(vi) Risk management; and

(vii) Reviews required under federal or state law or rule.

(d) Health care facility administrators and health care providers responsible for office management are authorized to permit access to a patient's medical information and medical record by health care facility and medical staff or office staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(3) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person

with a reportable disease or condition, other than those specified in subsections (1) and (2) of this section, shall release identifying information only to other individuals responsible for protecting the health and well being of the public through control of communicable and certain other diseases.

((3)) (4) Local and state health department personnel shall maintain individual case reports as confidential records consistent with WAC 248-100-091.

((4)) (5) The Washington state public health laboratory, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient identifying information shall maintain the identifying information accompanying submitted laboratory specimens as confidential records.

((5)) (6) Statistical summaries and epidemiologic studies based on individual case reports may be public information provided no individual is identified.

ALTERNATIVE B

AMENDATORY SECTION (Amending Order 322, filed 10/19/88)

WAC 248-100-016 CONFIDENTIALITY. Identifying information about any individual with a reportable disease or condition pursuant to chapter 248-100 WAC shall be protected by persons with knowledge of such identity.

(1) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with sexually transmitted disease may disclose identity of a person or release identifying information only as specified in RCW 70.24.105.

(2) For the purpose of RCW 70.24.105(6), customary methods for the exchange of medical information shall mean:

(a) Health care providers may exchange confidential medical information related to HIV testing, HIV test results, and confirmed HIV or confirmed STD diagnosis and treatment in order to provide health care services to a patient.

(b) "Health care services to a patient" means personal interaction, treatment, consultation, or intervention.

(c) Health care facility administrators are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those permitted access under this subsection of the need to maintain confidentiality of such information as defined under this section and chapter 70.24 RCW. Professional duties means the following or functionally similar activities:

(i) Medical record or chart audits;

(ii) Peer reviews;

(iii) Quality assurance;

(iv) Utilization review purposes;

(v) Research review board reviews under chapter 42.48 RCW;

(vi) Risk management; and

(vii) Reviews required under federal or state law or rules.

(d) Health care facility administrators and health care providers responsible for office management are authorized to permit access to a patient's medical information and medical record by health care facility and medical staff or office staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

(3) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with a reportable disease or condition, other than those specified in subsections (1) and (2) of this section, shall release identifying information only to other individuals responsible for protecting the health and well being of the public through control of communicable and certain other diseases.

((3)) (4) Local and state health department personnel shall maintain individual case reports as confidential records consistent with WAC 248-100-091.

((4)) (5) The Washington state public health laboratory, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient identifying information shall maintain the identifying information accompanying submitted laboratory specimens as confidential records.

((5)) (6) Statistical summaries and epidemiologic studies based on individual case reports may be public information provided no individual is identified.

WSR 90-02-096

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-01—Filed January 3, 1990, 2:27 p.m.]

Original Notice.

Title of Rule: Chapter 173-166 WAC, Emergency drought relief.

Purpose: Chapter 173-166 WAC is being amended to incorporate new provisions for providing emergency drought relief.

Statutory Authority for Adoption: Chapter 171, Laws of 1989.

Statute Being Implemented: Chapter 43.83B RCW as amended by chapter 171, Laws of 1989.

Summary: Chapter 171, Laws of 1989 requires the Department of Ecology to develop rules implementing the provisions of that statute. Ecology is authorized to declare drought emergencies, in accordance with specified procedures, and take specific actions to provide drought relief.

Reasons Supporting Proposal: To provide ecology with procedures for declaring drought emergencies, and implementing drought relief measures, namely issuing emergency drought permits; approving water right transfers; and providing funding assistance for eligible projects and measures.

Name of Agency Personnel Responsible for Drafting: Doug McChesney, Water Resources Program, Olympia, Washington, (206) 459-6117; Implementation and Enforcement: Hedia Adelsman, Program Manager, Water Resources Program, Olympia, Washington, (206) 459-6056.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the procedures through which ecology can issue orders declaring a geographic area to be suffering from drought conditions. Once an area has been declared to be suffering from drought conditions, the proposed rules codify the procedures for implementing the following actions: Authorize emergency withdrawals of public surface and ground waters, including dead storage within reservoirs, and the construction of either temporary or permanent diversion works; authorize temporary changes in purpose, place of use, or point of diversion between willing parties; and provide grants, loans, or combinations of loans and grants for emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions.

Proposal Changes the Following Existing Rules: The existing rule simply sets procedures for disbursement of emergency funds during periods of drought. The new rule redefines those procedures plus establishes new procedures for the implementation of the additional powers conferred to ecology by the legislation, chapter 171, Laws of 1989.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than twenty percent of all industries or more than ten percent on any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small business in comparison with the cost of compliance for large business. The act defines a small business as an employer with fifty or fewer employees. With respect to the proposed amendment of chapter 173-166 WAC, the findings of the agency are as follows: The Department of Ecology has determined the proposed rules do not place a disproportionate burden on small business.

Hearing Location: February 13, 1990, 7:00 p.m., Yakima County Courthouse, Room 420, 128 North 2nd Street, Yakima; and on February 14, 1990, 7:00 p.m., Cascade Natural Gas Auditorium, 614 North Mission, Wenatchee; and on February 15, 1990, 7:00 p.m., EFSEC Hearing Room, 4224 6th Avenue S.E., Building #1, Lacey.

Submit Written Comments to: Doug McChesney, Water Resources Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by February 22, 1990.

Date of Intended Adoption: April 3, 1990.

January 3, 1990
Fred Olson
Deputy Director

Chapter 173-166 WAC
EMERGENCY ((WATER WITHDRAWAL FACILITIES))
DROUGHT RELIEF

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-010 PURPOSE. ((The purpose of this chapter is to implement that specific appropriation general fund—state emergency water projects revolving account as provided in section 75, chapter 339, Laws of 1977 ex. sess., relating to implementation of chapter 1, Laws of 1977 ex. sess.)) The legislature in 1989 gave permanent drought relief authority to the department of ecology and enabled ecology to issue orders declaring drought emergencies. Chapter 171, Laws of 1989 amends chapter 43.83B RCW (Water supply facilities).

(1) Chapter 171, Laws of 1989 authorizes the Washington state department of ecology (ecology) to assist in alleviating future drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1989 drought relief legislation.

(2) Ecology has authority under chapter 171, Laws of 1989 to:
(a) Issue emergency permits to withdraw public waters as an alternate source of water supply.

(b) Approve water right transfers between willing parties.

(c) Provide funding assistance for eligible drought projects and measures.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-020 AUTHORITY. This regulation is ((promulgated)) published by the department of ecology under authorities and procedures provided in chapter((s 1 and 339)) 171, Laws of ((1977 ex. sess., and after giving notice)) 1989 after notification as provided in chapter ((34.04)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-030 DEFINITIONS. (((+)) "Department" shall mean the department of ecology.

(2) "User" shall mean any public body which operates, maintains and manages agricultural water supply facilities to divert, carry and distribute water to moisture deficient land used for the production of commercial crops.) As used in this chapter:

- (1) "Ecology" is the department of ecology.
- (2) "Drought conditions" are water supply conditions where a geographical area or a significant part of a geographical area is receiving, or is projected to receive, less than seventy-five percent of normal water supply and the deficiency causes undue hardship to water users within that area.
- (3) "Essential minimum" for the fisheries resource is that amount of water or flow rate established as a regulation adopted by ecology pursuant to chapter 90.03 RCW, or as a proviso on a water right permit or certificate.
- (4) "Executive water emergency committee (EWEC)" is a committee, chaired by the governor's office, consisting of members of state, local, and federal agencies which reviews water supply information provided by the water supply availability committee and determines potential effects of water shortages upon the state of Washington.
- (5) "Geographical area" is an area within the state of Washington which can be described either by natural or political boundaries and which can be specifically identified in an order declaring a drought emergency. Examples of specific geographical areas include, but are not limited to:
- The state of Washington.
 - Counties.
 - Water resource inventory areas (WRIAs) as defined in chapter 173-500 WAC.
 - Individual watersheds which constitute only a portion of a WRIA but whose boundaries can be topographically described.
 - Ground water management areas and subareas as defined in chapter 173-100 WAC.
 - Designated sole source aquifers.
 - Combinations of the above areas.
- (6) "Normal water supply" is:
- That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient irrigation practices, including reasonable conveyance losses, under a valid water right permit or certificate, or a supported registered water right claim.
 - That amount or flow of water required for normal operations of a fish hatchery, operating under a valid water right permit or certificate, or under a supported registered water right claim.
 - That amount or flow of water that is historically required to provide normal instream habitat conditions for the existing fishery population.
- (7) "Previously established activities" include:
- The irrigation of a specified number of acres, using reasonably efficient irrigation practices, under a valid water right permit or certificate, or a supported registered water right claim.
 - Those fish-rearing activities presently employed to maintain the fisheries resource. The resource itself must neither be restored nor enhanced by drought relief actions available under the provisions of this chapter.
 - The delivery of water by public and private entities through existing supply systems to present populations, areas, and/or facilities for purposes that are nonagricultural and nonfishery related.
- (8) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:
- Customary practices in the area;
 - Reasonableness of any facilities at the time of installation;
 - Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;
 - Changes in water use practices and technology;
 - Needs of other beneficial uses for water from the same source;
- and
- Impact of alternative water use practices on other water uses and the environment.
- (9) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to satisfy ecology that a valid water right would be confirmed should the claim be adjudicated. Applications made for emergency drought permits, water transfers, or funding assistance under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim. Such information may include, but is not limited to:
- Documentation of continuous historical exercise of the claimed right;

(b) Historical maps depicting the historical means of irrigation and the areas covered by the claimed right;

(c) Legal documentation, including any previous court or administrative board decisions, which addresses the historical nature and extent of the claimed right;

(d) "Old-timer" testimony which addresses the historical nature and extent of the claimed right.

(10) "Survival level" for the fisheries resource is that supply or flow of water below which unreasonably high mortality rates, endangerment to fish propagation, or extreme stress to the fisheries resource would result. The determination of survival levels will be made by ecology in consultation with the departments of fisheries and wildlife and affected Indian tribes.

(11) "Water supply availability committee (WSAC)" is a committee, with a core membership consisting of ecology and selected federal agencies involved in water supply forecasting, which reviews pertinent hydrological and meteorological information and assesses water supply conditions for the state of Washington.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-040 (~~GRANT AND LOAN FUND CONDITIONS~~) GENERAL ELIGIBILITY RULE. (1) (~~The director may make loans or combination loans and grants for the following types of projects:~~

(a) ~~Water withdrawal facilities to divert water from any source approved under provisions of chapter 1, Laws of 1977 ex. sess., to provide supplemental water to lands previously irrigated for projects which include one or more of the following facilities:~~

- Diversion structures
- Pumps and motors and accessories
- Penstocks and discharge lines
- Canals
- Pipelines
- Wells

(b) ~~Water conservation facilities to provide water which would not otherwise be available to the lands previously irrigated for projects which include the following work:~~

- Repair
- Rehabilitation
- Improvement
- Replacement
- Control structures

(2) ~~Criteria. The director may make loans or combination loans and grants to an eligible user, for projects generally meeting the following criteria:~~

(a) ~~Wherever possible, considering cost/effectiveness, the least costly alternative, including conservation measures, to supply adequate water supplies:~~

(b) ~~The project will produce measurable water supply benefits in relation to the total needs arising from drought conditions.~~

(c) ~~Projects having long-term drought-relief benefits:~~

(d) ~~The project selected will minimize impacts on the environment.~~

(e) ~~Alternate sources, including conservation through improvements to existing withdrawal facilities, will be favored over increasing withdrawal of water supplies impacted by drought conditions:~~

(f) ~~The project will provide water to previously irrigated lands.~~

(g) ~~The project will not reduce flows or levels below essential minimums as necessary (i) to assure the maintenance of fisheries requirements, and (ii) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.)~~

Applications for emergency drought permits, water transfers, or funding assistance made under this chapter will be processed only for previously established activities in a geographical area or part of a geographical area declared to be suffering from drought conditions. Such activities must be conducted under a valid water right permit, certificate, or supported registered water right claim.

(2) Applications will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(3) All permits and approvals issued under this chapter will be subject to existing rights.

(4) Water obtained through the issuance of temporary permits, water right transfers, and/or funding assistance for projects or measures must be put to beneficial use in lieu of water which is unavailable because of drought conditions.

(5) All permits and approvals issued under this chapter will be of a temporary nature and will contain an expiration date.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-050 ((~~LOAN AND GRANT FORMULA~~) FORECAST OF DROUGHT CONDITIONS. ((~~The director may make loans and grants, according to the following formula:~~

(1) The department may advance funds from these emergency appropriations to make loans or combinations of loans and grants to a user. The grant portion of a combination loan and grant to a user for any project shall not exceed fifteen percent of the total amount received under the drought program by such project.

(2) Loan and grants shall be based upon the user's repayment capabilities:

(3) The grant shall be contingent upon the user accepting the loan:)) (1) Drought conditions as defined in WAC 173-166-030(2) will be determined by ecology after consultation with the state's water supply availability committee or its successor. Other appropriate sources of water supply information, such as the Columbia River water management group and the U.S. Army Corps of Engineers, may be consulted by the WSAC as needed.

(2) Should the water supply availability committee determine that a geographical area or a part of a geographical area is receiving, or is likely to receive, seventy-five percent or less of its normal water supply, they will advise the executive water emergency committee of that fact. The executive water emergency committee will then make a determination as to whether or not undue hardships will occur as a result of the shortage.

(3) Should the executive water emergency committee determine that an area will suffer undue hardship as a result of a reduced water supply, it will submit a recommendation to that effect to the governor for written approval.

(4) Upon securing the written approval of the governor, ecology will then issue an order declaring a geographical area or a significant part of a geographical area to be suffering from drought conditions and publish that order in a newspaper of general circulation in the area affected by the order.

(5) The determination of drought conditions will be based upon the updated seasonal forecast as applied to the water supply conditions within the designated geographical area or part of a designated geographical area.

AMENDATORY SECTION (Amending Order 78-3, filed 3/10/78)

WAC 173-166-060 ((~~LOANS~~) ORDERS DECLARING DROUGHT CONDITIONS. ((~~Loans for rehabilitation may be provided by the director, whenever a combination fifteen percent grant and eighty-five percent loan is made:~~)) (1) If the department of ecology determines that a geographical area or part of a geographical area is suffering from drought conditions, it may, upon the advice of the water supply availability committee, with the concurrence of the executive water emergency committee, and the written approval of the governor, issue an order to that effect.

(2) The order declaring drought conditions for a geographical area or part of a geographical area must contain the following elements:

(a) A description of the geographical area or part of a geographical area which is being so designated.

(b) The facts leading to the issuance of the order.

(c) The statutory authority upon which the order is being issued.

(d) The commencement date and termination date of the order. The termination date may be no later than one calendar year from the date the order is issued.

(e) Brief descriptions of the actions which are possible under the order.

(f) Provisions for the termination of withdrawals if essential minimum flows are jeopardized.

(3) Ecology must publish the order declaring a geographical area or a part of a geographical area to be suffering from drought conditions in a newspaper of general circulation in the area affected by the order.

(4) Persons may file written protest as to the contents of the order with ecology. Ecology will have fifteen calendar days from the date of receipt of the protest in which to make a determination as to its validity.

(5) A person who believes that an area should be declared to be suffering from drought conditions may petition ecology for such a declaration. Upon the receipt of such a petition, ecology will have fifteen calendar days from the date of receipt of the petition in which to make

a determination as to its validity and provide a decision to the applicant. The petition should contain the following information:

(a) A description of the geographical area or part of a geographical area which is being requested for designation.

(b) The nature of the relief sought in requesting such a designation.

(c) The facts upon which the petition is based.

(6) Orders declaring areas to be suffering from drought conditions may, with the written approval of the governor, be amended one or more times to extend the termination date, provided that the termination date of the order, as amended, is no more than two calendar years from the date the order is first issued.

(7) Orders declaring areas to be suffering from drought conditions may be issued for different areas of the state and sequentially for the same area if drought conditions persist.

(8) Decisions of the department with respect to whether or not an area should be declared to be suffering from drought conditions may be appealed to the pollution control hearings board.

AMENDATORY SECTION (Amending Order 88-11, filed 6/9/88)

WAC 173-166-070 ((~~REGULATION REVIEW~~) EMERGENCY DROUGHT PERMITS. ((~~The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions:~~)) Ecology may allow water users to obtain water from alternate sources during drought conditions. To accomplish this, ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water, including dead storage in reservoirs. Permits will be processed under the following criteria:

(1) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(2) An application will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(3) Ecology, plus all state and local agencies that are affected by the proposed project or measure, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant.

(4) Waters authorized to be withdrawn must be used in relation to a previously established activity as defined in this chapter. The permit must not cover irrigation of new lands, restoration or enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn must constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal must not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, but not limited to, power generation, navigation, water quality, and existing water rights.

(7) Emergency drought permits issued under this chapter will be temporary in nature and must expire no later than the expiration date of the order declaring the area in which the permitted activity is authorized to be suffering from drought conditions.

(8) To expedite the issuance of emergency drought permits, ecology is authorized to process the applications and issue the permits without compliance with requirements for:

(a) Notice of newspaper publication.

(b) The State Environmental Policy Act.

(9) Decisions of the department with respect to the issuance of an emergency drought permit may be appealed to the pollution control hearings board.

NEW SECTION

WAC 173-166-080 TRANSFERS OF WATER RIGHTS. (1) Ecology may approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, but are not limited to, the following situations:

(a) A water right holder who chooses to reduce irrigated acreage may transfer the unused water to another user whose normal water supply is decreased by drought conditions.

(b) A water right holder who chooses to irrigate the same acreage, but use less than their normal water supply to do so, may transfer the unused water to another user whose normal water supply is decreased by drought conditions.

(c) A water right holder may transfer a water right from an out-of-stream use to an instream use.

(d) Municipalities or other public bodies may transfer water between one another.

(3) Requests for water right transfers will be processed under the following criteria:

(a) Applicants must be conducting a previously established activity within a geographical area or part of a geographical area declared to be suffering from drought conditions.

(b) An application will be processed if the water user is receiving, or is projected to receive, less than seventy-five percent of normal water supply for the previously established activity and experiencing undue hardship as a result.

(c) All approvals by ecology for water right transfers under this chapter will be temporary in nature and will be for the purpose of alleviating drought conditions. These approvals must terminate no later than the expiration date of the order which declares the area to be suffering from drought conditions.

(d) Water right transfers between willing parties may be approved when an emergency exists only if such a transfer will not adversely affect existing rights, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, but not limited to, power generation, navigation, and water quality.

(e) Water rights may be transferred within areas declared to be suffering from drought conditions. Water rights may also be transferred from outside an area declared to be suffering from drought conditions into an area declared to be suffering from drought conditions, provided such a transfer of water is physically possible and is consistent with the provisions of RCW 90.03.380, 90.03.390, and 90.44.100. Water rights will not be transferred from within an area declared to be suffering from drought conditions to outside that area.

(f) To expedite water transfers during drought conditions, ecology can approve temporary changes in water rights without compliance with requirements for:

(i) Notice of newspaper publication.

(ii) The State Environmental Policy Act.

(g) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, ecology will assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(h) The temporary changing of a water right under this chapter will not be admissible as evidence in either supporting or contesting the validity of water claims in a general adjudication of water rights in the state of Washington.

(i) Ecology, plus all state and local agencies that are affected by the proposed project or measure, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant.

(4) Water transfers approved under this chapter will be temporary in nature and must expire no later than the expiration date of the order designating the area in which the permitted activity is authorized as suffering from drought conditions.

(5) Decisions of the department with respect to proposed temporary water right transfers may be appealed to the pollution control hearings board.

NEW SECTION

WAC 173-166-090 FUNDING ASSISTANCE—GENERAL CRITERIA. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate drought conditions relating to agricultural and fisheries survival. Funding is available from emergency agricultural water supply funds under RCW 43.83B.300. Funding assistance will be based upon the total funds available at the beginning of the current biennium. General criteria under which funds will be provided:

(1) Public bodies eligible to receive emergency funds are defined in RCW 43.83B.050 as ". . . the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington."

(2) The public body applying for emergency funds must be conducting the previously established activity for which they seek funding assistance within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(3) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply for the previously established activity for which they seek funding assistance and experiencing undue hardship as a result.

(4) Funding assistance will be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(5) Funding assistance will be available only for projects or measures undertaken in response to drought conditions which are beyond the normal scope of operations of the public body applying for emergency funds.

(6) No more than ten percent of total available funds will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries during a given biennium.

(7) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(8) Loans, grants, or combination loans and grants may be used as matching funds in cases where federal, local, or other funds are also available.

(9) Emergency loans may be approved with a payback period not to exceed fifteen years, with the interest rate to be equal to the final discount rate established for 52-week U.S. Treasury Bills at the first auction following the beginning of the state fiscal year in which the loan is approved.

(10) Ecology, plus all state and local agencies that are affected by the proposed project or measure, will have fifteen calendar days from the date of receipt of the respective application(s) in which to provide a decision to the applicant.

(11) To expedite the implementation of drought relief projects and measures, ecology can approve funding assistance without compliance with requirements for:

(a) Notice of publication.

(b) The State Environmental Policy Act.

NEW SECTION

WAC 173-166-100 FUNDING ASSISTANCE—AGRICULTURAL CRITERIA. (1) Funding assistance to alleviate drought conditions in irrigated agriculture will be provided under the following formula:

(a) No single entity will receive more than ten percent of the total funds available for drought relief.

(b) A loan may be made for up to ninety percent of total eligible project costs.

(c) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(e) The grant or grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(f) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (e) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(g) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) The proposed project or measure must be within an area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(b) The public body applying for emergency funds must be receiving, or be projected to receive, less than seventy-five percent of normal water supply and experiencing undue hardship as a result for the previously established activity for which they seek funding assistance.

(c) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose.

(d) The proposed project or measure must assist in alleviating a water shortage.

(e) The public body receiving the loan must satisfy ecology as to its ability to repay the loan and complete the project or measure.

(f) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(g) Water derived from the project or measure must not be used to irrigate new lands.

(h) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(i) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

- (a) Pumps and accessories.
- (b) Discharge lines.
- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Liners for leaky pipes and canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Wells with pumps and accessories.

(4) Eligible measures that may be funded include the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional cost to the applicant as the result of drought conditions, and not as a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water leasing fees.

(ii) Repair costs.

(iii) Power costs.

(5) Priority for proposed agricultural projects and measures will be based upon:

(a) The need for additional water supplies. Need will be measured by:

(i) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief;

(ii) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant;

(iii) The percent of water shortage expected for each applicant.

(b) Overall effectiveness of the proposed project or measure in achieving reductions in water requirements and/or more efficient use of available supplies.

(c) Overall environmental impact of the project, including any possible detrimental effects to wetlands. These should be identified to the best extent possible by the applicant at the time of application.

(6) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

NEW SECTION

WAC 173-166-110 FUNDING ASSISTANCE—FISHERIES CRITERIA. (1) Ecology may provide funding assistance to alleviate drought conditions affecting the state's fisheries resource provided that no other capital budget funds are available for these purposes at the date of application, as verified by the office of financial management. Funding assistance will be based upon the following formula:

(a) A loan may be made for up to ninety percent of total eligible project costs.

(b) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is within a geographical area declared to be suffering from drought conditions as defined in WAC 173-166-030(2).

(d) The grant or the grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(e) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (d) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(f) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(g) No more than ten percent of total funds available at the beginning of the current biennium will be allocated for nonagricultural drought relief purposes, including the preservation of the state's fisheries, during that biennium.

(2) Eligibility conditions for each proposed fisheries project are:

(a) The project lies within a geographic area declared to be suffering from drought conditions.

(b) The proposed project must assist in alleviating the water shortage.

(c) Water from the proposed project must be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance must not be used to restore or enhance the fisheries resource.

(3) Eligible projects that may be funded for the protection of fish culture at hatcheries from drought conditions include, but are not limited to:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation systems, or mechanical aeration.

(4) Eligible projects that may be funded to protect instream fish habitat from drought conditions include, but are not limited to:

(a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.

(b) Augmentation of instream flows through temporary withdrawals of ground waters.

(c) Stream channel modification such as trenching, sandbagging, or berming to protect spawning gravels.

(5) Eligible projects that may be funded to optimize fish survival during drought conditions include, but are not limited to:

(a) Capture and relocation of stranded fish.

(b) Stream channel modification such as trenching, sandbagging, or berming to provide migratory channels for fish passage.

(6) The departments of fisheries and wildlife, plus any potentially affected Indian tribes, will be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

(7) Preference will be given to those public bodies implementing water conservation plans, water system efficiency improvements, and other drought contingency actions in addition to the funding assistance applied for under this chapter.

NEW SECTION

WAC 173-166-120 REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS. (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from the ecology headquarters office, water resources program, or from any of the four ecology regional offices. Ecology regional offices are located in Redmond, Spokane, Tumwater, and Yakima.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office in Olympia.

(3) Ecology actions pertaining to the determination of which areas are suffering from drought conditions, the issuance of orders declaring

areas to be suffering from drought conditions, plus any actions concerning protests of such declarations or petitions for consideration for such a designation will be conducted by the ecology headquarters office, water resources program.

(4) Ecology actions pertaining to emergency drought permits and water right transfers will be conducted by the appropriate ecology regional office.

(5) The ecology headquarters office, water resources program, will administer funding assistance and manage the drought relief program in accordance with the provisions of this chapter.

NEW SECTION

WAC 173-166-130 REGULATION REVIEW. The department of ecology will initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

WSR 90-02-097

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed January 3, 1990, 3:27 p.m.]

Due to the procedural problem with the filing of chapter 173-340 WAC, notice is hereby given that the Department of Ecology will not adopt chapter 173-340 WAC as proposed in WSR 89-20-059.

This notice is given pursuant to WAC 1-21-060. The Department of Ecology will file a revised chapter 173-340 WAC on January 3, 1990, with a new notice to adopt. This will include a repealer for sections of chapter 173-340 WAC and repealers for chapters 173-336 and 173-338 WAC adopted under chapter 70.105B RCW.

Fred Olson
Deputy Director

WSR 90-02-098

**PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed January 3, 1990, 3:30 p.m.]

Original Notice.

Title of Rule: Chapter 173-340 WAC, Model Toxics Control Act cleanup regulation.

Purpose: It establishes administrative processes and standards to identify, investigate and cleanup facilities where hazardous substances have come to be located. This includes a repeal of chapter 173-336 WAC, Initial investigation; chapter 173-338 WAC, Hazard ranking system; and sections of chapter 173-340 WAC adopted under chapter 70.105B RCW.

Other Identifying Information: Initiative 97 was adopted by the voters in November 1988.

Statutory Authority for Adoption: The Model Toxics Control Act, Initiative 97, chapter 70.105D RCW.

Statute Being Implemented: Same.

Summary: The act requires the Department of Ecology to adopt regulations.

Reasons Supporting Proposal: To establish administrative processes and standards to identify, investigate

and cleanup hazardous waste sites in the state of Washington.

Name of Agency Personnel Responsible for Drafting: Phyllis Baas, Woodland Square, Lacey, 438-3011; Implementation and Enforcement: Carol Fleskes, Woodland Square, Lacey, 438-3007.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter establishes administrative processes and standards to identify, investigate and cleanup facilities where hazardous substances have come to be located. It defines the role of the department and public involvement in decision making. The goal of this chapter is to provide a workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment.

Proposal Changes the Following Existing Rules: Only to the extent of repealing rules promulgated in 1988 under the preceding statutory authority, the Hazardous Waste Cleanup Act.

Small Business Economic Impact Statement

Reviser's note: The Small Business Economic Impact Statement and the Determination of Nonsignificance filed by the Department of Ecology have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of this material may be obtained from the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, Attn. Jerri Brooker, (206) 438-7256.

Hearing Location: EFSEC Hearing Room, 4224 Sixth Avenue, Building 1, Olympia, WA, on February 7, 1990, at 7:00 p.m.

Submit Written Comments to: Phyllis Baas, by February 16, 1990.

Date of Intended Adoption: April 3, 1990.

January 2, 1990

Fred Olson

Deputy Director

Chapter 173-340 WAC

((HAZARDOUS WASTE CLEANUP SETTLEMENT PROCEDURES)) MODEL TOXICS CONTROL ACT—CLEANUP

WAC

PART I—OVERALL CLEANUP PROCESS

- 173-340-100 Purpose.
- 173-340-110 Applicability.
- 173-340-120 Overview.
- 173-340-130 Administrative principles.
- 173-340-140 Deadlines.

PART II—DEFINITIONS AND USAGE

- 173-340-200 Definitions.
- 173-340-210 Usage.

PART III—SITE REPORTS AND CLEANUP DECISIONS

- 173-340-300 Site discovery and reporting.
- 173-340-310 Initial investigation.
- 173-340-320 Site hazard assessment.
- 173-340-330 Hazardous sites list.
- 173-340-340 Biennial program report.
- 173-340-350 State remedial investigation and feasibility study.
- 173-340-360 Selection of cleanup actions.

PART IV—SITE CLEANUP AND MONITORING

- 173-340-400 Cleanup actions.
- 173-340-410 Compliance monitoring requirements.
- 173-340-420 Periodic review.
- 173-340-430 Interim actions.

PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

- 173-340-500 Determination of status as a potentially liable person.
 173-340-510 Administrative options for remedial actions.
 173-340-520 Consent decrees.
 173-340-530 Agreed orders.
 173-340-540 Enforcement orders.
 173-340-550 Payment of remedial action costs.
 173-340-560 Mixed funding.

PART VI—PUBLIC PARTICIPATION

- 173-340-600 Public notice and participation.
 173-340-610 Regional citizens' advisory committees.

PART VII—CLEANUP STANDARDS

- 173-340-700 Reserved.

PART VIII—GENERAL PROVISIONS

- 173-340-800 Property access.
 173-340-810 Worker safety and health.
 173-340-820 Sampling and analysis plans.
 173-340-830 Laboratory analysis procedures.
 173-340-840 General submittal requirements.
 173-340-850 Recordkeeping requirements.
 173-340-860 Endangerment.
 173-340-870 Project coordinator.
 173-340-880 Emergency actions.
 173-340-890 Severability.

PART I—OVERALL CLEANUP PROCESS**NEW SECTION**

WAC 173-340-100 PURPOSE. This chapter is promulgated under the Model Toxics Control Act. It establishes administrative processes and standards to identify, investigate, and cleanup facilities where hazardous substances have come to be located. It defines the role of the department and encourages public involvement in decision making at these facilities.

The goal of this chapter is to implement the policy declared by chapter 70.105D RCW. This chapter provides a workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment. This chapter is primarily intended to address releases of hazardous substances caused by past activities although its provisions may be applied to potential and ongoing releases of hazardous substances from current activities.

NEW SECTION

WAC 173-340-110 APPLICABILITY. (1) This chapter shall apply to all facilities where there has been a release or threatened release of a hazardous substance that may pose a threat to human health or the environment. Under this chapter, the department may require or take those actions necessary to investigate and remedy these releases.

(2) Nothing herein shall be construed to diminish the department's authority to address a release or threatened release under other applicable laws or regulations. The cleanup process and procedures under this chapter and under other laws may be combined. The department may initiate a remedial action under this chapter and may upon further analysis determine that another law is more appropriate, or vice versa.

(3) If a hazardous substance remains at a facility after actions have been completed under other applicable laws or regulations, the department may apply this chapter to protect human health or the environment.

NEW SECTION

WAC 173-340-120 OVERVIEW. (1) Purpose. This section provides an overview of the cleanup process that typically will occur at a site where a release of a hazardous substance has been discovered. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

(2) Site discovery. Site discovery includes:

(a) Release reporting. A reporting program is established to help identify potential hazardous waste sites. Owners and operators who know of or discover a release of a hazardous substance due to past activities must report the release to the department under WAC 173-

340-300. Current releases of hazardous substances must be reported to the department under the state's hazardous waste and water quality laws. The term "hazardous substance" includes a broad range of substances as defined by chapter 70.105D RCW.

(b) Initial investigation. Within ninety days of learning of a hazardous substance release, the department will conduct an initial investigation of the site under WAC 173-340-310. For sites that may need further remedial action, an early notice letter will be sent to the owner and operator informing them of the department's decision.

(3) Site priorities. Priorities for further remedial action are set by the following process:

(a) Site hazard assessment. Based on the results of the initial investigation, a site hazard assessment will be performed if necessary, under WAC 173-340-320. The purpose of the site hazard assessment is to gather information to confirm whether a release has occurred and to enable the department to evaluate the relative potential hazard posed by the release. If the department decides that no further action is required, it will notify the public of that decision through the site register.

(b) Hazardous sites list. The department will maintain a list of sites that require further remedial action. Sites will be listed after the completion of a site hazard assessment. Sites placed on the list will be ranked using the department's hazard ranking method. The department may remove a site from the hazardous sites list if the cleanup action at the site has achieved the cleanup standards and all remedial actions except confirmational monitoring have been completed. See WAC 173-340-330.

(c) Biennial program report. Every even-numbered year, the department will prepare a biennial program report for the legislature. The hazard ranking, along with other factors, will be used in this report to identify the projects and expenditures recommended for appropriation. See WAC 173-340-340.

(4) Detailed site investigations and cleanup decisions. The following steps will be taken to ensure that the proper method of cleanup is chosen for the site.

(a) Remedial investigation and feasibility study. A state remedial investigation/feasibility study will be performed at ranked sites under WAC 173-340-350. The state remedial investigation/feasibility study defines the extent of the problems at the site and evaluates alternative cleanup actions.

(b) Evaluation of cleanup action. The department will evaluate the remedial investigation/feasibility study and select a cleanup action that will protect human health and the environment consistent with WAC 173-340-360. The cleanup action will be set forth in a draft cleanup action plan that addresses cleanup requirements for hazardous substances at the site. After public comment on the draft plan, a final cleanup action plan will be issued by the department.

(5) Site cleanup. Once the appropriate cleanup action has been selected for the site, the actual cleanup will be performed.

(a) Cleanup actions. WAC 173-340-400 describes the design and construction requirements for implementing the cleanup action plan.

(b) Compliance monitoring and review. The cleanup action must include compliance monitoring under WAC 173-340-410 and in some cases periodic review under WAC 173-340-420 to ensure the long-term effectiveness of the cleanup action.

(6) Procedures for conducting remedial actions.

(a) Remedial action agreements. The department has authority to take remedial actions or to order persons to conduct remedial actions under WAC 173-340-510 and 173-340-540. However, the department encourages agreements for investigations and cleanups in appropriate cases. These agreements can be agreed orders or consent decrees reached under the procedures of WAC 173-340-520 and 173-340-530.

(b) Independent remedial actions. Persons may decide to perform investigations and cleanups without department approval under this chapter. The department will use the appropriate requirements contained herein in its evaluation of the adequacy of any independent remedial actions performed. Nothing in this chapter prohibits persons from performing such actions before the department is ready to act at the site; however, all interim and cleanup actions must be reported to the department under WAC 173-340-300. Furthermore, independent remedial actions are done at the potentially liable person's own risk and the department may take or require additional remedial actions at these sites at any time. (See WAC 173-340-510.)

(c) Public participation. The public will receive notice and an opportunity to comment on most of the steps in the cleanup process. At

many sites, a public participation plan will be prepared to provide opportunities for more extensive public involvement in the cleanup process.

These requirements are described in WAC 173-340-600.

NEW SECTION

WAC 173-340-130 ADMINISTRATIVE PRINCIPLES. (1) Introduction. The department shall conduct or require remedial actions consistent with the provisions of this section, as typically defined by the subsequent sections.

(2) Information sharing. It is the policy of the department to make available information about releases or threatened releases with property owners or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. It is also the policy of the department to make information available to interested members of the public.

(3) Information exchange.

(a) Technical assistance. Persons are encouraged to contact the department and seek assistance on the general administrative and technical requirements of this chapter. The department may provide informal advice and assistance to potentially liable persons at any time during the development of a remedial action. Unless the department is providing formal guidance for the implementation of an order or decree any comments by the department or its agents are advisory and not commitments or approvals binding on the department. A person may not represent this advice as an approval of a remedial action. If the person requesting the advice is seeking binding commitments or approvals an order or consent decree shall be used. The department advises persons requiring site-specific legal or technical assistance to hire an attorney or engineering consultant with the appropriate environmental expertise.

(b) Response to requests. If the department believes that responding to a request for technical assistance would involve substantial time or resources or would not be in the public interest, the department may decline to provide the requested assistance. The department shall inform the requester of its response. The department may require one or more of the following before devoting time to the request:

(i) A proposed schedule;

(ii) Payment, in advance, for its costs in responding to the request;

(iii) Other assurances that the requester is serious about carrying out the provisions of this chapter; or

(iv) Other information.

(4) Scope of public participation. The department seeks to encourage public participation in all steps of the cleanup process. The department shall encourage a level of participation appropriate to the conditions at a facility and the level of the public's interest.

(5) Scope of information. It is the department's intention that adequate information will be gathered at a site to enable decisions on appropriate actions. It is also the department's intention that decisions be made once adequate information is obtained. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. For example, the department might decide that a study of a small site with minimal ground water impacts need not include as detailed an analysis of the ground water flow system as for a study of a geologically more complex site. Once the department has adequate information it will make cleanup decisions within the framework provided in this chapter and in site-specific orders or decrees.

(6) Combining steps. Several steps in the cleanup process may be combined into fewer steps, when appropriate. For example, the department and a potentially liable person may agree that conditions at a site are such that the remedial investigation/feasibility study and remedial design and implementation steps could be combined into a single step.

(7) Routine cleanup actions. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. For example, the department may decide to approve a routine cleanup action based upon a single investigation that includes a site hazard assessment and a simplified state remedial investigation/feasibility study and engineering design plan.

(a) A cleanup action may be considered routine if the following criteria are met:

(i) It involves an obvious and limited choice among cleanup methods;

(ii) It uses a cleanup method that is reliable and has proven capable of accomplishing cleanup standards;

(iii) Cleanup standards for each hazardous substance addressed by the cleanup are obvious and undisputed, and allow an adequate margin of safety for protection of human health and the environment;

(iv) The department has experience with similar actions; and

(v) The action does not require an environmental impact statement.

(b) Routine cleanup actions consist of or are comparable to one or more of the following remedial actions:

(i) Cleanup of above-ground structures;

(ii) Cleanup of below-ground structures;

(iii) Cleanup of contaminated soils where the action would restore the site to cleanup levels; or

(iv) Cleanup of solid wastes, including containers.

(c) Cleanup of ground water will not normally be considered a routine cleanup action.

(d) A routine cleanup action may be conducted under any of the procedures described in WAC 173-340-510. However, the department will attempt to ensure that all routine cleanup action decisions are consistent with this chapter.

(8) Preparation of documents. Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either the department or the potentially liable person. The department retains all authority to review and verify the documents submitted and to make decisions based on the documents.

(9) Inter-agency coordination.

(a) The department shall ensure appropriate local, state, and federal agencies and tribal organizations are kept informed and, as appropriate, involved in the development and implementation of remedial actions. The department may require a potentially liable person to undertake this responsibility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement to allow the remedial action to proceed by a particular government agency or tribe, the department shall request the involvement of the agency or tribe.

(b) The nature and degree of coordination and consultation shall be commensurate with the other agencies and tribes interest and need at the site. Interested agencies and tribes shall also be included in the mailing list for public notices under WAC 173-340-600. To facilitate coordination, it is important for the agencies and tribes to provide specific comments, including the identification of additional information needed or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) In order to provide for expeditious cleanup actions, all federal, state, and local agencies are encouraged to coordinate when providing notices, holding meetings and hearings, and preparing documents. Whenever reasonable, the department shall coordinate and combine its activities with other agencies and tribes to minimize the duplication of notices, hearings and preparation of documents, unless otherwise prohibited.

(10) Appeals. Unless otherwise indicated all department decisions made under this chapter are remedial decisions and may be appealed only as provided for in RCW 70.105D.060.

NEW SECTION

WAC 173-340-140 DEADLINES. (1) Purpose. It is the department's intent to move sites through the cleanup process as expeditiously as possible. However, the department is limited by the amount of personnel and funds it can expend in any given fiscal year. This section is intended to establish reasonable deadlines for remedying releases within these constraints. The procedure for setting priorities is described in WAC 173-340-330 and 173-340-340.

(2) Within ninety days of learning of a release or threatened release of a hazardous substance, the department shall complete an initial investigation under WAC 173-340-310.

(3) At least twice a year, the department will determine which sites with completed initial investigations are a high priority for further investigation. At that time, the department will schedule high priority sites for further investigations to commence within six months. This determination will be based on best professional judgment of department staff. Sites may be scheduled for further investigation at any time if the department determines that the site warrants expedited action.

(4) The department shall complete the site hazard assessment and hazard ranking on high priority sites within one hundred eighty days of the scheduled start date. These sites will be identified in the department's site register. Sites not designated as a high priority will be scheduled for future investigations and listed in the biennial report to the legislature (WAC 173-340-340). The department will conduct at least thirty-five site hazard assessments each fiscal year until the number of sites needing site hazard assessments are reduced below this number.

(5) Within thirty days of ranking, the department shall designate which sites are a high priority for a state remedial investigation/feasibility study and which sites are a lower priority where further action can be delayed. The department shall review these lower priority sites and provide an opportunity for public comment as part of the biennial report to the legislature (WAC 173-340-340).

(6) For all sites designated as a high priority the state remedial investigation/feasibility study shall be completed under WAC 173-340-350 within eighteen months of signing the order or decree. The department may extend the deadline up to twelve months if the circumstances at the site merit a longer timeframe. The department shall provide the public an opportunity to comment on any extension. The department shall initiate a state remedial investigation/feasibility study on at least ten sites per fiscal year.

(7) The department shall select the cleanup action under WAC 173-340-360 and file a consent decree or issue an order for cleanup action for all designated high priority sites within six months of the completion of the state remedial investigation/feasibility study. The department may extend the deadline for up to four months for consent decree and order discussions. The department shall provide the public with an opportunity to comment on any deadline extension.

(8) The department will publish site schedules for designated high priority sites in the site register under WAC 173-340-600(6).

PART II—DEFINITIONS AND USAGE

NEW SECTION

WAC 173-340-200 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

- (1) "Act" means the same as the "Model Toxics Control Act" and "chapter 70.105D RCW."
- (2) "Agreed order" means an order issued under WAC 173-340-530.
- (3) "Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.
- (4) "Cleanup action plan" means the document prepared by the department under WAC 173-340-360 which selects the cleanup action and specifies cleanup standards and other requirements for the cleanup action.
- (5) "Cleanup process" means the process for identifying, investigating, and cleaning up hazardous waste sites under chapter 70.105D RCW.
- (6) "Cleanup standards" means the standards promulgated under RCW 70.105D.030 (2)(d).
- (7) "Compliance monitoring" means a remedial action that consists of monitoring as described in WAC 173-340-410.
- (8) "Containment" means a container, vessel, barrier, or structure, whether natural or constructed, by which a hazardous substance is prevented or hindered from release to or migration into the environment.
- (9) "Day" means calendar day; however, any document due on the weekend or a holiday may be submitted on the first working day after the weekend or holiday.
- (10) "Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.
- (11) "Department" means the department of ecology.
- (12) "Director" means the director of ecology or the director's designee.
- (13) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.
- (14) "Exposure" means subjection to the action, influence, or effects of a substance or condition.
- (15) "Facility" means:
- (a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or

(b) Any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(16) "Food crop" means any domestic plant which is produced for the purpose of, or may be used in whole or in part for, consumption by people or livestock. This shall include nursery, root, or seedstock to be used for the production of food crops.

(17) "Ground water" means water in a saturated zone or stratum beneath the surface of land or water.

(18) "Hazardous sites list" means the list of hazardous waste sites maintained under WAC 173-340-330.

(19) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(20) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

(21) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

(22) "Initial investigation" means a remedial action that consists of an investigation under WAC 173-340-310 to determine that a release or threatened release may have occurred that warrants further action under this chapter.

(23) "Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

(24) "Mail" means delivery through the United States Postal Service or an equivalent method of delivery or transmittal, including private mail carriers, or personal delivery.

(25) "Mixed funding" means any funding provided to potentially liable persons from the state toxics control account under WAC 173-340-560.

(26) "Model Toxics Control Act" or "act" means the act approved by the voters at the November 1988 general election, also known as Initiative 97 (chapter 70.105D RCW).

(27) "Natural person" means any unincorporated individual or group of individuals.

(28) "Order" means an enforcement order issued under WAC 173-340-540 or an agreed order issued under WAC 173-340-530.

(29) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment. The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

(30) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(31) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

(32) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made a timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(33) "Public participation plan" means a plan prepared under WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular facility.

(34) "Regional office" means one of the regional offices of the department of ecology.

(35) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(36) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of chapter 70.105D RCW to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(37) "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

(38) "Safety and health plan" means a plan prepared under WAC 173-340-810.

(39) "Sampling and analysis plan" means a plan prepared under WAC 173-340-820.

(40) "Science advisory board" means the advisory board established by the department under RCW 70.105D.030(4).

(41) "Sensitive environment" means an area of particular environmental value, where a release could pose a greater threat than in other areas including: Wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

(42) "Site" means the same as facility.

(43) "Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

(44) "Site register" means the public information document described in WAC 173-340-600.

(45) "State remedial investigation/feasibility study" means a remedial action that consists of activities performed under WAC 173-340-350 to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup plan.

(46) "Surface water" means lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

(47) "Wastewater facility" means all structures and equipment required to collect, transport, treat, reclaim, or dispose of domestic, industrial, or combined domestic/industrial wastewaters.

(48) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following attributes:

(a) At least periodically, the land supports predominantly hydrophytes;

(b) The substrate is predominately undrained hydric soil; and

(c) The substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

NEW SECTION

WAC 173-340-210 USAGE. For the purposes of this chapter, the following shall apply:

(1) Unless the context clearly requires otherwise the use of the singular shall include the plural and conversely.

(2) The terms "applicable," "appropriate," "relevant," "unless otherwise directed by the department" and similar terms implying discretion mean as determined by the department, with the burden of proof on other persons to demonstrate the requirements are or are not necessary.

(3) "Conduct" means to perform or undertake whether directly or through an agent or contractor, unless this chapter expressly provides otherwise.

(4) "Include" means included but not limited to.

(5) "May" means the provision is optional and permissive, and does not impose a requirement.

(6) "Shall" means the provision is mandatory.

(7) "Threat" means threat or potential threat.

(8) "Under" means pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

PART III—SITE REPORTS AND CLEANUP DECISIONS

NEW SECTION

WAC 173-340-300 SITE DISCOVERY AND REPORTING.

(1) Purpose. As part of a program to identify hazardous waste sites, this section sets forth the requirements for reporting a release of a hazardous substance due to past activities, whether discovered before or after the effective date of this regulation. It also sets forth the requirements for reporting independent cleanup actions. The department may take any other actions it deems appropriate to identify potential hazardous waste sites consistent with chapter 70.105D RCW.

(2) Release report. Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment shall report such information to the department by June 1, 1990, or for discovery of releases after this date, within ninety days of discovery. To the extent known, the report shall include: The identification and location of the hazardous substance, circumstances of the release and the discovery, and any remedial actions planned, completed, or underway. All other persons are encouraged to report such information to the department.

(3) Exemptions. The following releases are exempt from these notification requirements:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) Lawful and nonnegligent use of hazardous substances by a natural person for personal or domestic purposes;

(c) A release in accordance with a permit that authorizes the release;

(d) A release previously reported to the department in fulfillment of a reporting requirement in this chapter or in another law or regulation;

(e) A release previously reported to the United States Environmental Protection Agency under CERCLA, Section 103(c) (42 9603(c));

(f) A release to the air;

(g) Releases discovered in public water systems regulated by the department of health; or

(h) A release to a permitted wastewater facility.

A exemption from these notification requirements does not imply a release from liability in future actions by the department.

(4) Report of independent actions.

(a) Report. Any person who conducts an independent interim action or cleanup action shall submit a written report to the department within ninety days of the completion of the action. For the purposes of this section, the department will consider an interim action or cleanup action complete if no remedial action other than compliance monitoring has occurred at the site for ninety days. This is not intended to preclude earlier reporting of such actions.

(b) Contents. The report shall include the information in subsection (2) of this section if not already reported, and results of all site investigations, cleanup actions and compliance monitoring planned or underway. The department may require additional reports on the work performed.

(c) Combined reports. If the independent interim action or cleanup action is completed within ninety days of discovery, a single written report may be submitted on both the release and the action taken. The reports shall contain the information specified in subsections (2) and (4) of this section and shall be submitted within ninety days of completion of the interim action or cleanup action.

(d) Notification. The department shall publish a notice of all reports on independent interim actions and cleanup actions received under this section in the site register.

(5) Department response. Within ninety days of receipt of information under this section, the department shall respond in accordance

with WAC 173-340-310. Receipt of information regarding an independent interim action or cleanup action under subsection (3) or (4) of this section shall not obligate the department to take any action beyond that prescribed in WAC 173-340-310 and subsection (4)(d) of this section. Neither submission of information on independent interim action and cleanup actions nor any response by the department shall release the person submitting the report or any other person from liability. The department reserves all rights to pursue any subsequent action it deems appropriate.

(6) Other obligations. Nothing in this section shall eliminate any obligations to comply with reporting requirements that may exist in a permit or under other laws.

NEW SECTION

WAC 173-340-310 INITIAL INVESTIGATION. (1) Purpose. The purpose of the initial investigation is to determine whether or not a release or threatened release of a hazardous substance may have occurred that warrants further action under this chapter.

(a) Applicability and timing. Whenever the department receives information and has a reasonable basis to believe that there may be a release or a threatened release of a hazardous substance that may pose a threat to human health or the environment, the department shall conduct an initial investigation within ninety days.

(b) Exemptions. The department shall not be required to conduct an initial investigation when:

(i) The circumstances associated with the release or threatened release are known to the department and have previously been or currently are being evaluated by the department or other government agency; or

(ii) The release is permitted.

(2) Contents. The initial investigation shall include at a minimum: A site visit and documentation of conditions observed.

(3) Department deferral to others. The department may rely on another government agency or a contractor to the department to conduct an initial investigation on its behalf, provided the department determines such agency or contractor is not suspected to have contributed to the release or threatened release of a hazardous substance and that no conflict of interest exists.

(4) Department decision. Based on the information obtained about the site, the department shall within thirty days of completion of the initial investigation make one or more of the following decisions:

(a) A site hazard assessment is required;

(b) Emergency remedial action is required;

(c) Interim action is required; or

(d) The site requires no further action under this chapter at this time because either:

(i) There has been no release or threatened release of a hazardous substance; or

(ii) A release or threatened release of a hazardous substance has occurred, but in the department's judgment, does not pose a threat to human health or the environment; or

(iii) Action under another authority is appropriate.

A decision for a particular follow-up action does not preclude the department from requiring some other action in the future based on reevaluation of the site or additional information.

(5) Early notice letter.

(a) For sites requiring further remedial action under chapter 70.105D RCW, the department will notify the owner, operator, and any potentially liable person known to the department of its decision. This letter may be combined with the notice in WAC 173-340-500.

(b) The notification shall be a letter mailed to the person which includes:

(i) The basis for the department's decision;

(ii) Information on the cleanup process provided for in this chapter;

(iii) A statement that it is the department's policy to work cooperatively with persons to accomplish prompt and effective cleanups;

(iv) A person or office of the department to contact regarding the contents of the letter; and

(v) A statement that the letter is not a determination of liability and that cooperating with the department in planning or conducting a remedial action is not an admission of guilt or liability.

Nothing in this section shall preclude the department from taking or requiring appropriate remedial action at any time.

NEW SECTION

WAC 173-340-320 SITE HAZARD ASSESSMENT. (1) Purpose. The purpose of the site hazard assessment is to provide sufficient sampling data and other information to:

(a) Confirm or rule out that a release or threatened release of a hazardous substance has occurred;

(b) To identify the hazardous substance and provide some information regarding the extent and concentration of the substance;

(c) Identify site characteristics that could result in the hazardous substance entering and moving through the environment;

(d) Evaluate the potential for the threat to human health and the environment; and

(e) Determine the hazard ranking of the site under WAC 173-340-330, if appropriate.

(2) Timing. Unless otherwise directed by the department, a site hazard assessment shall be completed before proceeding to any subsequent phase of remedial action, other than an emergency or interim action.

(3) Administrative options. The site hazard assessment may be conducted under any of the procedures described in WAC 173-340-510.

(4) Scope and content. A site hazard assessment is an early study to provide preliminary data regarding the relative potential hazard of the site. A site hazard assessment is not intended to be a detailed site characterization, however it shall include sufficient sampling, site observations, maps, and other information needed to meet the purposes specified in subsection (1) of this section. To fulfill this requirement, a site hazard assessment shall include, as appropriate, the following information:

(a) Identification of hazardous substances, including what was released and is threatened to be released and/or, if known, what products of decomposition, recombination, or chemical reaction are currently present on site, and an estimate of their quantities and concentrations;

(b) Evidence confirming a release or threatened release of hazardous substances to the environment;

(c) Description of facilities containing releases, if any, and their condition;

(d) Identification of the location of all areas where a hazardous substance is known or suspected to be, indicated on a site map;

(e) Consideration of surface water run-on and run-off and the hazardous substances leaching potential;

(f) Preliminary characterization of the subsurface and ground water actually or potentially affected by the release, including vertical depth to ground water and distance to nearby wells, bodies of surface water, and drinking water intakes;

(g) Preliminary evaluation of receptors, including: Human population, food crops, recreation areas, parks, sensitive environments, irrigated areas, and aquatic resources currently or potentially affected by ground water, air, or surface water containing the release of hazardous substances at the site, including distances to these receptors; and

(h) Any other physical factors which may be significant in estimating the potential or current exposure to sensitive biota.

(5) Guidance. The department shall make available guidance for how to conduct a site hazard assessment to meet the requirements of this section.

(6) Notification. The department shall make available the results of the site hazard assessment to the site's owner and operator and any person who has received a potentially liable person status letter under WAC 173-340-500 regarding the site. If the department finds after a site hazard assessment that the site requires no further action, it shall publish this decision in the site register.

NEW SECTION

WAC 173-340-330 HAZARDOUS SITES LIST. (1) Purpose. The department shall maintain a list of sites where remedial action has been determined by the department to be necessary. This hazardous sites list shall fulfill the department's responsibilities under RCW 70.105D.030 (2)(b) and (3). From this list, the department shall select those sites where action is anticipated and include those in the biennial program report. (See WAC 173-340-340).

(2) Hazard ranking. Sites placed on the list shall be given a hazard ranking. The purpose of hazard ranking is to estimate, based on the information compiled during the site hazard assessment, the relative potential risk posed by the site to human health and the environment.

This assessment considers air, ground water, and surface water migration pathways, human and nonhuman exposure targets, properties of the substances present, and the interaction of these variables.

(a) The department shall evaluate each site on a consistent basis using the procedure described in the "Washington Ranking Method Scoring Manual," and all revisions and additions thereto. The ranking procedure and major amendments to the manual shall be reviewed by the science advisory board established under chapter 70.105D RCW. Information obtained in the site hazard assessment, plus any additional data specified in the manual, shall be included in the hazard ranking evaluation.

(b) The department shall periodically provide notification of the results of hazard ranking in the site register established under WAC 173-340-600. The department shall make available hazard ranking results for each site to the site owner and operator and any potentially liable person known to the department prior to publishing in the site register.

(c) The department may at its discretion re-rank a site if, prior to the initiation of state action at the site, the department receives additional information within the scope of the evaluation criteria which indicates that a significant change in rank may result.

(3) Listing.

(a) Sites shall be placed on the hazardous sites list if, after the completion of a site hazard assessment, the department has determined that further action is required at the site. The list shall be updated at least once per year. Placement of a site on the hazardous sites list does not, by itself, imply that persons associated with the site are liable under chapter 70.105D RCW.

(b) The hazardous sites list shall also reflect the current status of remedial action at each site. The department may change a site's status to reflect current conditions. The status for each site shall be identified as one of the following:

- (i) Sites awaiting further remedial action;
- (ii) Sites with remedial action in progress;
- (iii) Sites where a cleanup action has been conducted but confirmational monitoring is underway;
- (iv) Sites with independent remedial actions; or
- (v) Other categories established by the department.

(4) Removing sites from the list.

(a) The department may remove a site from the list only after it has determined that:

- (i) All remedial actions except confirmational monitoring have been completed and compliance with the cleanup standards has been achieved at the site; or
- (ii) The listing was erroneous.

(b) A site owner, operator, or potentially liable person may request that a site be removed from the list by submitting a petition to the department. The petition shall include thorough documentation of all investigations performed, all cleanup actions taken, and of adequate compliance monitoring to demonstrate to the department's satisfaction that one of the conditions in (a) of this subsection has been met. The department may require payment of costs incurred, including an advance deposit, for review and verification of the work performed. The department shall review such petitions; however, the timing of the review shall be at its discretion and as resources may allow.

(c) The department will maintain a record of sites that have been removed from the list under (a)(i) of this subsection. This record will be made available to the public upon request.

(5) Relisting of sites. The department may relist a site which has previously been removed if it determines that the site requires further remedial action.

(6) Notice. The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list. Additions to the list, changes in site status, and removal from the list shall be published in the site register.

NEW SECTION

WAC 173-340-340 BIENNIAL PROGRAM REPORT. (1) Before November 1 of each even-numbered year, the department shall prepare a biennial program report for the legislature containing its plan for conducting remedial actions for the following two fiscal years. This report shall identify the projects and expenditures recommended for appropriation from both the state and local toxics control accounts. In determining which sites the department shall consider for planned

action, emphasis shall be given to sites posing the highest risk to human health and the environment, as indicated by a site's hazard ranking. The department may also consider other factors in setting site priorities. After legislative action and any revisions, this report shall become the department's biennial program plan.

(2) The department shall provide public notice and a hearing on the proposed plan. For purposes of this subsection only, public notice shall consist of mailings to all persons who have made a timely request and to appropriate news media, and publication in the state register. Notice shall also be provided in the site register. The public comment period on the proposed plan shall run for at least thirty days from the date of the publication in the site register.

NEW SECTION

WAC 173-340-350 STATE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY. (1) Purpose. The purpose of a state remedial investigation/feasibility study is to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action under WAC 173-340-360.

(2) Timing. Unless otherwise directed by the department, a state remedial investigation/feasibility study shall be completed before selecting a cleanup action under WAC 173-340-360, except for an emergency or interim action.

(3) Administrative options. A state remedial investigation/feasibility study may be conducted under any of the procedures described in WAC 173-340-510.

(4) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

(5) Scope. The scope of a state remedial investigation/feasibility study will depend on the informational needs of the specific facility. This requires that the process remain flexible, with the scope of the state remedial investigation/feasibility study varying from site to site to avoid the collection of unnecessary information so that the cleanup can proceed in a timely manner. However, in all cases sufficient information must be collected, developed, and evaluated to enable the selection of a cleanup action under WAC 173-340-360. In addition, for facilities on the federal national priorities list, the state remedial investigation/feasibility study shall comply with federal requirements.

(6) Contents. A state remedial investigation/feasibility study shall include the following information as appropriate:

(a) General facility information. General information, including: Project title; name, address, and phone number of project coordinator; legal description of the facility location; dimensions of the facility; present owner and operator; chronological listing of past owners and operators and operational history; and other pertinent information.

(b) Site conditions map. An existing site conditions map which illustrates relevant current site features such as: Property boundaries; proposed facility boundaries; surface topography; surface and subsurface structures; utility lines; well locations; and other pertinent information.

(c) Field investigations. Sufficient investigations to characterize the distribution of hazardous substances present at the site, and threat to human health and the environment. Where applicable to the site, these investigations will need to address the following:

(i) Surface water and sediments. Investigations of surface water and sediments to characterize significant hydrologic features such as: Surface drainage patterns and quantities, areas of erosion and sediment deposition, surface waters, floodplains, and actual or potential hazardous substance migration routes towards and within these features. Sufficient surface water and sediment sampling shall be performed to adequately characterize the areal and vertical distribution and concentrations of hazardous substances. Properties of surface and subsurface sediments which are likely to influence the type and rate of hazardous substance migration, or are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(ii) Soils. Investigations to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the soil due to the facility. Properties of surface and subsurface soils which are likely to influence the type and rate of hazardous substance migration, or which are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(iii) Geology and ground water system characteristics. Investigations of site geology and hydrogeology to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the ground water and those features which affect the fate and transport of these hazardous substances. This shall include, as appropriate, the description, physical properties and distribution of bedrock and

unconsolidated materials; ground water flow rate and gradient for affected and potentially affected aquifers; ground water divides; areas of ground water recharge and discharge; location of public and private production wells; and ground water quality data.

(iv) Air. An evaluation of air quality impacts, including sampling, where appropriate, and information regarding local and regional climatological characteristics which are likely to affect the hazardous substance migration such as: Seasonal patterns of rainfall; the magnitude and frequency of significant storm events; temperature extremes; prevailing wind direction; and wind velocity.

(v) Land use. Information characterizing human populations exposed or potentially exposed to the hazardous substance released from the facility and present and proposed land uses and zoning for the site and potentially affected areas.

(vi) Natural resources and ecology. Information to determine the impact or potential impact of the hazardous substance from the facility on the natural resources and ecology of the area such as: Sensitive environment, plant and animal species, and other environmental receptors.

(vii) Hazardous substance sources. A description of and sufficient sampling to define the location, quantity, areal and vertical extent, concentration within and sources of waste disposal areas. Where relevant, information on the physical and chemical characteristics, and the biological effects of hazardous substances shall be provided.

(viii) Regulatory classifications. Regulatory designations classifying affected air, surface water and ground water, if any.

(d) Risk assessment. A risk assessment characterizing the current and potential threats to human health and the environment that may be posed by hazardous substances. This assessment may not be required when the department determines that proposed cleanup standards are obvious and undisputed and allow an ample margin of safety for protection of human health and the environment.

(e) Cleanup action alternatives. An evaluation of alternative cleanup actions that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route, shall be required. The number and types of alternatives to be evaluated shall take into account the characteristics and complexity of the facility. A phased approach for evaluation of alternatives may be required for certain facilities, including an initial screening of alternatives to reduce the number of potential remedies for the final detailed evaluation. The final evaluation of cleanup action alternatives that pass the initial screening shall consider the following factors:

(i) Overall protection of human health and the environment, including the degree to which existing risks are reduced, time required to reduce risk at the facility and attain cleanup standards, and on-site and off-site risks resulting from implementing the alternative;

(ii) Attainment of cleanup standards and compliance with applicable federal, state, and local laws;

(iii) Short-term effectiveness, including protection of human health and the environment during construction and implementation of the alternative, and degree of risk to human health and the environment prior to attainment of cleanup standards;

(iv) Long-term effectiveness, including degree of certainty that the alternative will be successful, long-term reliability, magnitude of residual risk, and effectiveness of controls required to manage treatment residues or remaining wastes;

(v) Permanent reduction of toxicity, mobility and volume through treatment, including adequacy of the alternative in treating or managing the hazardous materials, reduction or elimination of hazardous material releases and sources of releases, degree of irreversibility of waste treatment process, and the characteristics and quantity of treatment residuals generated;

(vi) Ability to be implemented. The ability to be implemented including consideration of technical feasibility, availability of needed off-site facilities, services and materials, administrative and regulatory requirements, scheduling, monitoring requirements, access for construction, operations and monitoring, and integration with existing facility operations and other current or potential remedial actions;

(vii) Cost, including consideration of present and future direct and indirect capital, operation and maintenance costs;

(viii) The degree to which community concerns are addressed; and
(ix) The degree to which recycling, reuse, and waste minimization are employed.

(f) Work plans. A sampling and analysis plan, and a safety and health plan shall be prepared as part of state remedial investigation/

feasibility study activities. These plans shall conform to the requirements specified in this chapter.

(g) Treatability studies. The department may require treatability studies as necessary to provide sufficient information to develop and evaluate cleanup action alternatives for a site.

(h) Any information needed to fulfill the applicable requirements of the State Environmental Policy Act.

(i) Other information as required by the department.

(7) In appropriate cases the department may allow departure from the requirements of subsection (5) of this section and will allow information to be incorporated by reference to avoid unnecessary duplication.

(8) Report. A report shall be prepared at the completion of the remedial investigation/feasibility study. Additionally, the department may require reports to be submitted following discrete elements of the remedial investigation/feasibility study. Reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.

NEW SECTION

WAC 173-340-360 SELECTION OF CLEANUP ACTIONS.

(1) General requirements. All cleanup action plans approved and cleanup actions conducted under this chapter shall meet the following requirements:

(a) Achieves a degree of cleanup that is protective of human health and the environment;

(b) Addresses the requirements of applicable state, federal, and local laws;

(c) Uses permanent solutions to the maximum extent practicable;

(d) Provides adequate monitoring to ensure the effectiveness of the cleanup action;

(e) Is appropriate for conditions and circumstances at the facility; and

(f) Achieves compliance with cleanup standards.

(2) General considerations.

(a) Cleanup actions involving treatment which permanently and significantly reduces the volume, toxicity, or mobility of the hazardous substances shall be preferred over cleanup actions not involving such treatment.

(b) The off-site transport and disposal of hazardous substances or contaminated materials without treatment is the least favored alternative cleanup action where practicable treatment technologies are available.

(3) Draft cleanup action plan. The department shall issue a draft cleanup action plan for cleanup actions conducted under the provisions of this chapter. The cleanup action plan shall include the following:

(a) A description of the cleanup action to be implemented, including an explanation of how that action will meet the requirements of RCW 70.105D.030 (1)(b) and (2)(d);

(b) A brief summary of other cleanup alternatives evaluated in the remedial investigation/feasibility study or comparable documents;

(c) A brief summary of how the proposed cleanup alternative addresses the factors in WAC 173-340-350 (6)(e);

(d) A schedule for implementation of the cleanup action plan; and

(e) Identification of applicable federal, state, and local requirements to be met to complete the cleanup action.

(4) Public participation. The department will provide public notice and opportunity for comment on the draft cleanup plan as described in WAC 173-340-600.

(5) Final plan. After completion of the public comment period the department shall issue a final cleanup action plan and publish its availability in the site register and by other appropriate methods.

(6) For routine actions, the department may use an order or decree to fulfill the requirements of this section, provided that the information of subsection (3) of this section is included therein.

PART IV—SITE CLEANUP AND MONITORING

NEW SECTION

WAC 173-340-400 CLEANUP ACTIONS. Unless otherwise directed by the department, cleanup actions shall comply with this section except for emergencies or interim actions.

(1) Purpose. The purpose of this section is to ensure that the cleanup action is designed, constructed, and operated in a manner which is consistent with:

(a) The cleanup action plan;

- (b) Accepted engineering practices; and
- (c) The requirements of WAC 173-340-360 (1) and (2).
- (2) Administrative options. A cleanup action may be conducted under any of the procedures described in WAC 173-340-510.
- (3) Public participation. During cleanup action implementation, public participation shall be accomplished in a manner consistent with the requirements of WAC 173-340-600.
- (4) Plans describing the cleanup action. Design, construction, and operation of the cleanup action shall be consistent with the purposes of this section and shall consider relevant information provided by the state remedial investigation/feasibility study. For most cleanups, to ensure this is done it will be necessary to prepare the following engineering documents. The scope and level of detail in these documents may vary from site to site depending on the site specific conditions and nature and complexity of the proposed cleanup action. In some cases it may be appropriate to combine the information in these various documents into one report to avoid unnecessary duplication. Any document prepared in order to implement a cleanup may be used to satisfy these requirements provided they contain the required information. In addition, for facilities on the national priorities list the plans prepared for the cleanup action shall also comply with federal requirements.
 - (a) Engineering design report. The engineering design report shall include sufficient information for the development and review of construction plans and specifications. It shall document engineering concepts and design criteria used for design of the cleanup action. The following information shall be included in the engineering design report, as appropriate:
 - (i) Goals of the cleanup action including specific cleanup or performance requirements;
 - (ii) General information on the facility including a summary of information in the state remedial investigation/feasibility study updated as necessary to reflect the current conditions;
 - (iii) Identification of who will own, operate, and maintain the cleanup action during and following construction;
 - (iv) Facility maps showing existing site conditions and proposed location of the cleanup action;
 - (v) Characteristics, quantity, and location of materials to be treated or otherwise managed, including ground water containing hazardous substances;
 - (vi) A schedule for final design and construction;
 - (vii) A description and conceptual plan of the actions, treatment units, facilities, and processes required to implement the cleanup action including flow diagrams;
 - (viii) Engineering justification for design and operation parameters, including: Design criteria, assumptions and calculations for all components of the cleanup action; expected treatment, destruction, immobilization, or containment efficiencies and documentation on how that degree of effectiveness is determined; demonstration that the cleanup action will achieve compliance with cleanup requirements by citing pilot or treatability test data, results from similar operations, or scientific evidence from the literature;
 - (ix) Design features for control of hazardous materials spills and accidental discharge (for example, containment structures, leak detection devices, run-on and run-off controls);
 - (x) Design features to assure long-term safety of workers and local residences (for example, hazardous substances monitoring devices, pressure valves, bypass systems, safety cutoffs);
 - (xi) A discussion of methods for management or disposal of any treatment residual and other waste materials containing hazardous substances generated as a result of the cleanup action;
 - (xii) Facility specific characteristics which may affect design, construction, or operation of the selected cleanup action, including: Relationship of the proposed cleanup action to existing facility operations; probability of flooding, probability of seismic activity, temperature extremes, local planning and development issues; soil characteristics and ground water system characteristics;
 - (xiii) A general description of construction testing which will be used to demonstrate adequate quality control;
 - (xiv) A general description of compliance monitoring which will be performed during and after construction to meet the requirements of WAC 173-340-410;
 - (xv) A general description of construction procedures proposed to assure that the safety and health requirements of WAC 173-340-810 are met;
 - (xvi) Any information not provided in the state remedial investigation/feasibility study needed to fulfill the applicable requirements of the State Environmental Policy Act (chapter 43.21C RCW);

- (xvii) Any additional information needed to address the applicable state, federal and local requirements; and property access issues which need to be resolved to implement the cleanup action; and
- (xviii) Other information as required by the department.
- (b) Construction plans and specifications. Construction plans and specifications shall detail the cleanup actions to be performed. The plans and specifications shall be prepared in conformance with currently accepted engineering practices and techniques and shall include the following information as applicable:
 - (i) A general description of the work to be performed and a summary of the engineering design criteria from the engineering design report;
 - (ii) General location map and existing facility conditions map;
 - (iii) A copy of any permits and approvals;
 - (iv) Detailed plans and procedural material specifications necessary for construction of the cleanup action;
 - (v) Specific quality control tests to be performed to document the construction, including specifications for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods;
 - (vi) Startup procedures and criteria to demonstrate the cleanup action is prepared for routine operation;
 - (vii) Additional information to address applicable state, federal, and local requirements;
 - (viii) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during construction, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;
 - (ix) Provisions to assure safety and health requirements of WAC 173-340-810 are met; and
 - (x) Other information as required by the department.
- (c) Operation and maintenance plan. An operation and maintenance plan which presents technical guidance and regulatory requirements to assure effective operations under both normal and emergency conditions. The operation and maintenance plan shall include the following elements, as appropriate:
 - (i) Name and phone number of the responsible individuals;
 - (ii) Process description and operating principles;
 - (iii) Design criteria and operating parameters and limits;
 - (iv) General operating procedures, including startup, normal operations, operation at less than design loading, shutdown, and emergency or contingency procedures;
 - (v) A discussion of the detailed operation of individual treatment units, including a description of various controls, recommended operating parameters, safety features, and any other relevant information;
 - (vi) Procedures and sample forms for collection and management of operating and maintenance records;
 - (vii) Spare part inventory, addresses of suppliers of spare parts, equipment warranties, and appropriate equipment catalogues;
 - (viii) Equipment maintenance schedules incorporating manufacturers recommendations;
 - (ix) Contingency procedures for spills, releases, and personnel accidents;
 - (x) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during operation and maintenance, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;
 - (xi) Description of procedures which assure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate;
 - (xii) Procedures for the maintenance of the facility after completion of the cleanup action, including provisions for removal of unneeded appurtenances, and the maintenance of covers, caps, containment structures, and monitoring devices; and
 - (xiii) Other information as required by the department.
- (5) In appropriate cases the department may authorize departure from the requirements of subsection (4) of this section, and may allow information to be incorporated by reference to avoid unnecessary duplication.
- (6) Permits and approvals, if required for construction or to otherwise implement the cleanup action shall be identified and where possible, resolved prior to, or during, the design phase to avoid delays during construction and implementation of the cleanup action.
- (7) Construction. Construction shall be conducted in accordance with the construction plans and specifications, and other plans prepared under this section.

(a) Department inspections.

(i) The department may perform site inspections and construction oversight. The department may require that construction activities be halted at a site if construction or any supporting activities: Are not consistent with approved plans; are not in compliance with environmental regulations or accepted construction procedures; or endanger human health or the environment.

(ii) The department may conduct a formal inspection of the site following construction and an initial operational shake down period to ensure satisfactory completion of the construction. If such an inspection is performed, the construction documentation report and engineer's opinion specified in (b)(ii) of this subsection shall be available prior to the inspection.

(b) Construction documentation.

(i) All aspects of construction shall be performed under the supervision of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington. During construction detailed records shall be kept of all aspects of the work performed including construction techniques and materials used, items installed, and tests and measurements performed.

(ii) As built reports. At the completion of construction the engineer responsible for the supervision of construction shall prepare as built drawings and a report documenting all aspects of facility construction. The report shall also contain an opinion from the engineer, based on testing results and inspections, as to whether the cleanup action has been constructed in substantial compliance with the plans and specifications and related documents.

(iii) In appropriate cases the department may authorize departure from the requirements of this subsection and may allow information to be incorporated by reference to avoid unnecessary duplication.

(c) Plan modifications. Changes in the design or construction of the cleanup action performed under an order or decree shall be approved by the department.

(8) If the department determines that any plans prepared under this section represent a substantial change from the cleanup action plan, the department shall provide public notice and opportunity for comment under WAC 173-340-600.

(9) Plans or reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.

(10) Waste management. Any waste contaminated by a hazardous substance generated during cleanup activities and requiring off-site treatment, storage or disposal, shall be transported to a facility permitted or approved to handle these wastes.

NEW SECTION

WAC 173-340-410 COMPLIANCE MONITORING REQUIREMENTS. (1) Purpose. The purposes of compliance monitoring and evaluation of the data are to:

(a) Protection monitoring. Confirm that human health and the environment are adequately protected during construction and the operation and maintenance period of an interim action or cleanup action as described in the safety and health plan;

(b) Performance monitoring. Confirm that the interim action or cleanup action has attained cleanup standards and, if appropriate, other performance standards;

(c) Confirmational monitoring. Confirm the long-term effectiveness of the interim action or cleanup action once cleanup standards and, if appropriate, other performance standards have been attained.

(2) General requirements. Compliance monitoring shall be required for all cleanup actions, and may be required for interim and emergency actions, performed under this chapter.

(3) Compliance monitoring plans. A compliance monitoring plan shall be prepared for all cleanup actions and may be required for interim and emergency actions unless otherwise directed by the department. Plans prepared under this section and under an order or decree shall be submitted to the department for review and approval. Protection monitoring may be addressed in the safety and health plan. Performance and confirmational monitoring may be addressed in separate plans and may be combined with other plans or submittals, such as those in WAC 173-340-400 and 173-340-820.

Compliance monitoring plans shall be specific for the media being tested and shall contain the following elements:

(a) A sampling and analysis plan meeting the requirements of WAC 173-340-820 which shall explain in the statement of objectives how the purposes of WAC 173-340-410(2) are met;

(b) Data analysis and evaluation procedures used, to demonstrate and confirm compliance and justification for these procedures, including:

(i) A description of any statistical method to be employed; or

(ii) If sufficient data is not available prior to writing the plan to propose a reliable statistical method to demonstrate and confirm compliance, a contingency plan proposing one or more reliable statistical methods to demonstrate and confirm compliance, and the conditions under which the methods would be used at the facility; and

(c) Other information as required by the department.

NEW SECTION

WAC 173-340-420 PERIODIC REVIEW. If the department selects or approves a cleanup action that results in hazardous substances remaining at a site, the department shall review such cleanup action no less frequently than every five years after the initiation of such cleanup action to assure that human health and the environment are being protected.

NEW SECTION

WAC 173-340-430 INTERIM ACTIONS. (1) Purpose. The purpose of this section is to describe how certain interim actions can occur prior to the selection and completion of a cleanup action. An interim action is:

(a) An action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; or

(b) An action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; or

(c) An action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study or design of a cleanup action.

Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Run-off from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate prior to fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting run-off, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and ground water cleanup would be needed.

(2) General requirements.

(a) Interim actions may:

(i) Achieve cleanup standards for a portion of the site; or

(ii) Provide a partial cleanup, that is, cleanup hazardous substances from all or part of the site, but not achieve cleanup standards; or

(iii) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup method.

(b) Relationship to the cleanup action:

(i) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

(ii) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

(3) Timing.

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done prior to or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

(4) Administrative options. Except as provided in WAC 173-340-530, interim cleanup actions may be conducted under any of the procedures described in WAC 173-340-510.

(5) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

(6) Submittal requirements. Unless otherwise directed by the department and except for emergencies, a report shall be prepared prior to conducting an interim action. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1) and (2) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC 173-340-350, including at a minimum;

(i) A description of existing site conditions and a summary of all available data related to the interim action;

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the applicable subsections of the design and construction requirements of WAC 173-340-400;

(d) A compliance monitoring plan meeting the applicable requirements of WAC 173-340-410;

(e) A safety and health plan meeting the requirements of WAC 173-340-810; and

(f) A sampling and analysis plan meeting the requirements of WAC 173-340-820.

(7) Construction. Construction of the interim action shall be in conformance with WAC 173-340-400(5).

PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

NEW SECTION

WAC 173-340-500 DETERMINATION OF STATUS AS A POTENTIALLY LIABLE PERSON. (1) Status letter. The department shall issue a potentially liable person status letter to any person it believes to be potentially liable as provided for in RCW 70.105D.020(8), unless an emergency requires otherwise. Persons will be notified when the department has credible evidence of their potential liability under RCW 70.105D.040 and when the department is ready to proceed with remedial action except for emergencies and initial investigations. The status letter shall be sent by certified mail, return receipt requested, or by personal service.

(2) Contents of letter. The status letter shall provide:

(a) The name of the person the department believes to be potentially liable;

(b) A general description of the location of the facility;

(c) The basis for the department's belief that the person has a relationship to the facility;

(d) The basis for the department's belief that a release or threatened release of a hazardous substance has occurred at the facility and that the release or threatened release poses a threat to human health or the environment;

(e) An indication of the department's intentions regarding enforcement or other actions at the facility; and

(f) The names of other persons to whom the department has sent a status letter.

(3) Opportunity to comment. Any comments shall be submitted in writing to the department within thirty days from the date of receipt by the potentially liable person of the status letter unless the department provides an extension.

(4) Determination of status. If after reviewing any comments submitted, the department concludes that credible evidence supports a finding of potential liability, then the department shall issue a determination of potentially liable person status.

(5) Voluntary waiver. Persons may accept status as a potentially liable person at any time through a voluntary waiver of their right to notice and comment.

(6) Additional potentially liable persons. The department reserves the right to notify additional potentially liable persons at any time, and as resources permit, will facilitate potentially liable persons' efforts to identify additional potentially liable persons. The department shall notify in writing, all persons who previously received a status letter for the facility whenever additional status letters have been sent.

NEW SECTION

WAC 173-340-510 ADMINISTRATIVE OPTIONS FOR REMEDIAL ACTIONS. (1) Policy. It is the responsibility of each and

every liable person to conduct remedial action so that sites are cleaned up well and expeditiously where a release or threatened release of a hazardous substance requires remedial action. Potentially liable persons are encouraged to initiate discussions and negotiations with the department and the office of the attorney general which may lead to an agreement on the remedial action to be conducted with the state of Washington. The department may provide informal advice and assistance on the development of proposals for remedial action, as provided by WAC 173-340-130. Any approval by the department or the state of remedial action shall occur by one of the means described in subsections (2) and (3) of this section.

(2) Actions initiated by the potentially liable person. Potentially liable persons may initiate a remedial action, as follows:

(a) A person may initiate negotiations for a consent decree by submitting a letter under WAC 173-340-520(1).

(b) A person may request an agreed order by submitting a letter under WAC 173-340-530.

(3) Action initiated by the department. The department may initiate remedial action by:

(a) Issuing a letter inviting negotiations on a consent decree under WAC 173-340-520(2); or

(b) Issuing an enforcement order under WAC 173-340-540.

(4) Department remedial action. Nothing in this chapter shall preclude the department from taking appropriate remedial action on its own at any time. Except for emergency actions and initial investigations, reasonable effort will be made to notify potentially liable persons prior to the department taking remedial actions for which the recovery of public funds can be sought under RCW 70.105D.050(3).

(5) Independent remedial action. Nothing in this chapter shall preclude potentially liable persons from taking independent remedial action without oversight or approval from the department at sites not in discussions or negotiations for, or under, an order or decree. A potentially liable person may not take independent remedial actions after commencing discussions or negotiations for an agreed order or consent decree unless:

(a) Such action does not foreclose or preempt the remedial actions under discussion or negotiations and such action does not foreclose the selection of cleanup action; or

(b) If the potentially liable person has provided reasonable notice to the department and the department does not object to such action.

The department will use the appropriate requirements contained herein to evaluate the adequacy of any independent remedial action performed. Persons performing independent remedial actions do so at their own risk and may be required to take additional remedial actions if the department deems such actions necessary. In such circumstances, the department reserves all of its rights to take actions authorized by law.

NEW SECTION

WAC 173-340-520 CONSENT DECREES. (1) Initiated by potentially liable persons. To request a consent decree a person shall submit a letter to the department and office of the attorney general via certified mail, return receipt requested, or by personal delivery.

(a) Request. The letter shall describe, based on available information:

(i) The proposed remedial action, including the schedule for the work;

(ii) Information which demonstrates that the settlement will lead to a more expeditious cleanup, be consistent with cleanup standards if the remedial action is a cleanup action, and be consistent with any previous orders;

(iii) The facility, including location and boundaries;

(iv) The environmental problems to be addressed including a description of the releases at the facility and the potential impact of those releases to human health and the environment;

(v) A summary of the relevant historical use or conditions at the facility;

(vi) The date on which the potentially liable person will be ready to submit a detailed proposal;

(vii) Any special scheduling considerations for implementing the remedial actions;

(viii) Names of other persons who the person has reason to believe may be potentially liable persons at the facility; and

(ix) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include the elements listed in WAC 173-340-600(8).

(b) The letter may include:

(i) A waiver of the procedural requirements of WAC 173-340-500 and acceptance, for purposes of settlement, of potentially liable person status.

(ii) The contents of detailed proposal under (f) of this subsection.

(c) Recognizing that the steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the steps in the process for which the consent decree is requested. For example, a request for a consent decree for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, if not already done by the department, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(e) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. This determination will be based in part on a preliminary finding by the department that any resulting consent decree would be in accordance with RCW 70.105D.040 (4)(a). The department may:

(i) Request additional information;

(ii) Accept the request and require the person to submit a detailed written proposal by a specified date; or

(iii) Provide written reasons for denying the request.

(f) Contents of detailed proposal. The proposal shall contain:

(i) A proposed technical scope of work describing the remedial action to be conducted;

(ii) The data, studies, or any other information upon which the settlement proposal is based;

(iii) A statement describing the potentially liable person's ability to conduct or finance the remedial action as described in the proposed scope of work; and

(iv) A schedule for proposed negotiations and implementation of the proposed remedial actions.

(g) The department and the office of the attorney general shall determine whether the proposal provides a sufficient basis for negotiations, and shall deliver to the potentially liable person within sixty days following receipt of their proposal a written notice indicating whether or not the proposal is sufficient to proceed with negotiations.

(h) Time limits for negotiations. The department shall set the time period and starting date for negotiations. The department and the office of the attorney general shall then negotiate with those potentially liable persons who have received a notice under (e) of this subsection that their proposal was sufficient to proceed with negotiations. Negotiations may address one or more phases of remedial action. The length of the negotiation period specified by the department shall be no less than that proposed by the potentially liable person provided it does not conflict with the deadlines established under WAC 173-340-140.

(i) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of such stay shall not exceed one hundred twenty days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

(i) Reasonable progress is not being made toward a consent decree acceptable to the department; or

(ii) The proposal is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(2) State-initiated procedures. When the department believes that a consent decree will be a more expeditious method to achieve remedial action at a facility, it may initiate the procedures set forth in this subsection by sending a letter to the potentially liable person. The letter shall be sent via certified mail, return receipt requested, or by personal service.

(a) The letters may be delivered with potentially liable person status letters issued under WAC 173-340-500. The period for negotiation shall not commence until the thirty-day comment period required by WAC 173-340-500 has expired or the person expressly waives the procedural requirements of WAC 173-340-500.

(b) Contents of letter. The letter shall:

(i) Inform potentially liable person(s) that the department and the attorney general want to begin negotiations which may lead to a consent decree providing for remedial action;

(ii) Propose a draft consent decree and scope of work;

(iii) Define the negotiation process and schedule which shall not exceed ninety days;

(iv) Reference the department's finding under WAC 173-340-500;

(v) Request a written statement of the potentially liable person's willingness to proceed with the negotiation process defined in the letter; and

(vi) Request the names of other persons whom the person has reason to believe may be potentially liable persons at the facility.

(c) The letter may request the potentially liable person to respond, in writing, to the proposed draft consent decree and scope of work prior to initiating the negotiation phase.

(d) Negotiations. The department and the office of the attorney general shall negotiate with potentially liable persons who have indicated to the department a willingness to proceed with the negotiations. The negotiation time frame shall begin from the date the potentially liable person receives the letter under (a) of this subsection unless modified by the department. Negotiations may address one or more phases of remedial action.

(e) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of the stay shall not exceed ninety days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

(i) Reasonable progress is not being made toward a consent decree acceptable to the department; or

(ii) The proposal is inappropriate based on new information or changed circumstances. The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(f) Deadline extensions. The department may at its discretion extend the deadline for negotiations established in (b) of this subsection, provided the extension does not exceed thirty days.

(3) Filing a decree. After satisfying the public comment and hearing requirements, the department shall determine whether the proposed settlement negotiated under subsection (1) or (2) of this section, is more expeditious and consistent with cleanup standards established and in compliance with any order issued by the department relevant to the remedial action. After making the requisite findings, the department shall forward the proposed consent decree with the findings required by RCW 70.105D.040(4), to the office of the attorney general. If agreed to by the office of the attorney general, the consent decree will be filed by that office with the appropriate superior court or the federal court having jurisdiction over the matter.

NEW SECTION

WAC 173-340-530 AGREED ORDERS. (1) Agreed orders may be used for all remedial actions except for nonroutine cleanup actions and interim actions that constitute a substantial majority of a cleanup action likely to be selected. Since an agreed order is not a settlement, an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. An agreed order means that the potentially liable person agrees to perform remedial actions at the site in accordance with the provisions of the agreed order and that the department will not take additional enforcement action against the potentially liable person to require those remedial actions specified in the agreed order so long as the potentially liable person complies with the provisions of the order. The department may require additional remedial actions should it deem such actions necessary.

(2) Request.

(a) To request an agreed order, a person shall submit a letter to the department based on available information, describing:

(i) The proposed remedial action including a schedule for the work;

(ii) The facility, including location and boundaries;

(iii) The environmental problems to be addressed, including the releases at the facility and the potential impact of those releases to human health and the environment;

(iv) A summary of the relevant historical use or conditions at the facility;

(v) Names of other persons whom the person has reason to believe may be potentially liable persons at the facility; and

(vi) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include at a minimum the elements listed in WAC 173-340-600(8).

(b) The letter may include a waiver of the procedural requirements of WAC 173-340-500, and acceptance, for purposes of the agreed order, of potentially liable person status.

(c) Recognizing that the basic steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the step in the process for which the order is requested. For example, a request for an agreed order for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(3) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. The department may:

(a) Request additional information;

(b) Proceed with discussions, if the department believes it is in the public interest to do so; or

(c) Provide written reasons for denying the request.

(4) Discussions on the agreed order shall not exceed sixty days unless the department decides continued discussions are in the public interest.

Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW; however, the duration of such stay shall not exceed sixty days from the date discussions begin. Furthermore, the department can withdraw from discussions if it determines that:

(a) Reasonable progress is not being made toward an agreed order acceptable to the department; or

(b) The agreed order is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person in writing of its intent to withdraw from discussions.

(5) Focus of discussions. The focus of discussions for the agreed order shall ordinarily be the technical scope of work and work schedule. This subsection is not intended to preclude discussion on any item. It is intended to convey the expectation that the scope of work and work schedule will be the primary topics of discussion in formulating agreed orders.

(6) When issuing an agreed order, the department shall provide appropriate public participation opportunities under WAC 173-340-600. If the agreed order is for a routine cleanup action and any person requests judicial review, then the applicable consent decree procedures under WAC 173-340-520 will be initiated.

(7) Revisions. If the department and the potentially liable person signing the order agree to substantial changes in the order, the department shall provide appropriate additional public notice and opportunity to comment.

NEW SECTION

WAC 173-340-540 ENFORCEMENT ORDERS. The department may issue an enforcement order requiring remedial action after issuing a notice of potentially liable person status letter under WAC 173-340-500. In emergencies, the notice of potentially liable person status may occur concurrently with the issuance of the order. Unless an emergency requires otherwise, the issuance of a potentially liable person status letter shall precede or take place concurrently with the issuance of an enforcement order. Furthermore, except in an emergency, the department shall issue its determination under WAC 173-340-500(4) before an enforcement order can become effective. Failure to comply with an enforcement order may result in substantial liability for costs and penalties as specified in RCW 70.105D.050.

NEW SECTION

WAC 173-340-550 PAYMENT OF REMEDIAL ACTION COSTS. (1) Policy. RCW 70.105D.050(3) requires that the state seek to recover the amounts spent by the department for investigative and remedial actions and orders. It is the department's intention to recover those costs which are reasonably attributable to the site. Timing of cost recovery for individual sites will be considered on a case-by-case basis, however, the department may demand payment of costs as they are incurred.

(2) Costs. Each person who is liable under chapter 70.105D RCW is liable for remedial action costs incurred by the department. Remedial

action costs are costs reasonably attributable to the site and may include costs of direct activities, support costs of direct activities, and interest charges for delayed payments.

(3) Request for payment. When the department requests payment of remedial action costs it shall provide an itemized statement documenting the costs incurred.

(4) Interest charges. A minimum of twelve percent interest shall accrue on all remedial action costs not paid within ninety days of the billing date, or within another longer time period designated by the department.

(5) Contribution rights. In addition to any other action under chapter 70.105D RCW, cost recovery is available through contribution actions between potentially liable persons, unless such claims are barred by RCW 70.105D.040 (4)(d). The right to contribution furthers the purposes of chapter 70.105D RCW because it provides an incentive for potentially liable persons to work with the department in complying with chapter 70.105D RCW.

(6) Natural resource damages. Nothing in this section shall affect the authority of the department and the office of attorney general to recover natural resource damages.

NEW SECTION

WAC 173-340-560 MIXED FUNDING. (1) Introduction. Under RCW 70.105D.070 (2)(d)(xi), the department may provide public funds from the state toxics control account to a potentially liable person for the purpose of assisting with the payment of remedial action costs regardless of when incurred. This assistance can be provided in the form of a loan or a contribution, in cash or in kind. Any funding decision under this section is solely the responsibility of the director.

(2) Applicability and request.

(a) Mixed funding shall be provided only to potentially liable persons whom the department has found to be eligible and who have entered into a consent decree with the department under the requirements of this chapter.

(b) The consent decree shall identify remedial action tasks to be addressed by the mixed funding, costs to be borne by the potentially liable person, costs to be borne by the state toxics control account and terms of the agreement. In the case of loans, the consent decree shall also define any terms and conditions under which the potentially liable person receiving mixed funding has agreed to reimburse the state toxics control account.

(c) The potentially liable person shall submit sufficient documentation to support its request for mixed funding.

(3) Eligibility and mixed funding criteria. The director shall make a determination, based upon specific criteria whether a proposal is eligible for funding. The only circumstances under which mixed funding can be approved by the department are when the funding will achieve both:

(a) A substantially more expeditious or enhanced cleanup than would otherwise occur; and

(b) The prevention or mitigation of unfair economic hardship. In considering this criterion the department shall consider the extent to which mixed funding will either:

(i) Prevent or mitigate unfair economic hardship faced by the potentially liable person if the remedial action plan were to be implemented without public funding; or

(ii) Achieve greater fairness with respect to the payment of remedial action costs between the potentially liable person entering into a consent decree with the department and any nonsettling potentially liable persons.

(4) Funding decision. The department may have informal discussions on mixed funding. If a potentially liable person is found to be eligible for mixed funding, the director shall make a determination regarding the amount of funding to be provided, if any. This shall be determined at the discretion of the director and is not subject to review. A determination of eligibility is not a funding commitment. Actual funding will depend on the availability of funds.

(5) The department may recover the amount of public funding spent on investigations and remedial actions from potentially liable persons who have not entered into a consent decree under this chapter. For purposes of such cost recovery action, the amount in mixed funding attributed to the site shall be considered as remedial action costs paid by the department.

PART VI—PUBLIC PARTICIPATION

NEW SECTION

WAC 173-340-600 PUBLIC NOTICE AND PARTICIPATION. (1) Purpose. Public participation is an integral part of the department's responsibilities under the Model Toxics Control Act. The department's goal is to provide the public with timely information and meaningful opportunities for participation which are commensurate with each site. The department will meet this goal through a public participation program that includes: The early planning and development of a site-specific public participation plan; the provision of public notices; a site register; public meetings or hearings; and the participation of regional citizens' advisory committees.

(2) Criteria. In order to promote effective and meaningful public participation, the department may determine that public participation opportunities in addition to those specifically required by chapter 70.105D RCW, or this chapter, are appropriate and should be provided. In making this determination, the department may consider:

(a) Known or potential risks to human health and the environment that could be avoided or reduced by providing information to the public;

(b) Public concerns about the facility;

(c) The need to contact the public in order to gather information about the facility;

(d) The extent to which the public's opportunity to affect subsequent departmental decisions at the facility may be limited or foreclosed in the future;

(e) The need to prevent disclosure of confidential, unverified, or enforcement-sensitive information;

(f) The routine nature of the contemplated remedial action; and

(g) Any other factors as determined by the department.

(3) Public notice. Whenever public notice is required by chapter 70.105D RCW, the department shall at a minimum provide or require notice as described in this section except as specified for the biennial report in WAC 173-340-340.

(a) Request. Notice shall be mailed to persons who have made a timely request. A request for notice is timely if received prior to or during the public comment period for the current phase of remedial action at the facility. However, the receipt of a request for notice shall not require the department to extend the comment period associated with the notice.

(b) Mail. Notice shall be mailed to persons who reside within the potentially affected vicinity of the proposed action. The potentially affected vicinity shall include all property adjoining the site and any other area that the department determines to be directly affected by the proposed action.

(c) Newspaper publication. Notice of the proposed action shall be published in the newspaper of largest circulation in the city or county of the proposed action, by one or more of the following methods: Display ad; legal notice; or any other appropriate format, as determined by the department.

(d) Other news media. Notice of the proposed action shall be mailed to any other news media which the department determines to be appropriate. The department may consider how a medium compares with the newspaper of largest circulation in terms of: Audience reached; timeliness; adequacy in conveying the particular information in the notice; cost; or other relevant factors.

(e) Comment periods. All public notices shall indicate the public comment period on the proposed action. Unless stated otherwise, comment periods shall be for thirty days at a minimum.

(f) Combining public comment requirements. Whenever reasonable, the department shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations.

(4) Public meetings. During any comment period announced by a public notice issued under this chapter, if ten or more persons request a public meeting on the subject of the public notice, the department shall hold a public meeting for the purpose of receiving comments.

(5) Additional methods. In addition to "public notice" required by chapter 70.105D RCW, or this chapter, the department may use any of the following methods to provide information to the public:

(a) Press releases;

(b) Fact sheets;

(c) Public meetings;

(d) Publications;

(e) Personal contact by department employees;

(f) Posting signs at the facility;

(g) Notice in the site register;

(h) Any other methods as determined by the department.

(6) Site register. The department shall regularly publish and maintain a site register, giving notice of the following:

(a) Determinations of no further action under WAC 173-340-320;

(b) Results of site hazard rankings;

(c) Availability of annual and biennial reports;

(d) Issuance of enforcement orders, agreed orders, or proposed consent decrees;

(e) Public meetings or hearings;

(f) Scoping notice of department-conducted state remedial investigation/feasibility study;

(g) Availability of state remedial investigation/feasibility study reports and draft and final cleanup plans;

(h) Change in site status or placing sites on or removing sites from the hazardous sites list under WAC 173-340-330;

(i) Availability of engineering design reports under WAC 173-340-400;

(j) Schedules developed under WAC 173-340-140;

(k) Reports of independent cleanup actions received under WAC 173-340-300;

(l) Commencement of negotiations or discussions under WAC 173-340-520 and 173-340-530;

(m) Deadline extensions or missed deadlines under WAC 173-340-140; and

(n) Any other notice that the department deems appropriate for inclusion.

(7) Evaluation. As part of requiring or conducting a remedial action at any facility, the department shall evaluate public participation needs at the facility, including an identification of the potentially affected vicinity for the remedial action.

(8) Public participation plans.

(a) Scope. The public participation plans required by this section are intended to encourage a coordinated and effective public involvement tailored to the public's needs at a particular facility. The scope of a plan shall be commensurate with the nature of the proposed remedial actions; the level of public concern; and the risks posed by the facility.

(b) Early planning encouraged. In order to develop an appropriate plan, the department or potentially liable person (if submitting a plan to the department) should engage in an early planning process to assess the public participation needs at the facility. This process may include identifying and conferring with individuals, community groups, local governments, tribes, public agencies, or any other organizations that may have an interest in or knowledge of the facility.

(c) Plan development. The department shall develop the plan, or work with the potentially liable person to develop the plan. If a plan already exists for a facility, the department shall consider whether the existing plan is still appropriate or whether the plan should be amended. For example, a plan originally developed to address a state remedial investigation/feasibility study may need to be amended to address implementation phases.

(d) Plans required. As part of requiring or conducting a remedial action, except emergency actions, at any site that has been assigned a hazard ranking score, the department shall ensure that a public participation plan is developed and implemented. The department may also require the development of a public participation plan for facilities which have not been assigned a hazard ranking score as part of an agreed order or consent decree with a potentially liable person.

(e) Plan as part of order or decree. A potentially liable person will ordinarily be required to submit a proposed public participation plan as part of its request for an agreed order or a consent decree. If a plan already exists for the facility, the potentially liable person may either resubmit the existing plan with any proposed amendments or submit an entirely new proposed plan. The proposed plan may be revised during the course of discussions or negotiations on the agreed order or consent decree.

The final public participation plan may become part of the agreed order or consent decree.

(f) Contents. The public participation plan shall include the following:

(i) Applicable public notice requirements and how these will be met, including: When public notice will occur; the length of the comment periods accompanying each notice; the potentially affected vicinity and any other areas to be provided notice, to the extent known.

(ii) Information repositories. The plan should identify at least one location where the public can review information about the remedial action. Multiple locations may be appropriate.

(iii) Methods of identifying the public's concerns. Such methods may include: Interviews; questionnaires; meetings; contacts with community groups or other organizations which have an interest in the site; establishing citizen advisory groups for sites; or obtaining advice from the appropriate regional citizens' advisory committee.

(iv) Methods of addressing the public's concerns and conveying information to the public. These may include any of the methods listed in subsection (5) of this section.

(v) Coordination of public participation requirements. The plan should identify any public participation requirements of other applicable federal, state or local laws, and address how such requirements can be coordinated. For example, if Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) applies to the proposed action, the plan should explain how CERCLA and this chapter's public comment periods will be coordinated.

(vi) Amendments to the plan. The plan should outline the process for amending the plan. Any amendments must be approved by the department.

(vii) Any other elements that the department determines to be appropriate for inclusion in the final public participation plan.

(g) Implementation. The department shall retain approval authority over the actions taken by a potentially liable person to implement the plan.

(9) Consent decrees. In addition to any other applicable public participation requirements, the following shall be required for consent decrees.

(a) A public participation plan which meets the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of negotiations. When the department decides to proceed with negotiations it shall place a notice in the site register advising the public that negotiations have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for negotiations.

(c) Notice of proposed decree. The department shall provide or require public notice of proposed consent decree. The notice may be combined with notice of other documents under this chapter, such as a cleanup action plan, or under other laws. The notice shall briefly:

- (i) Identify and generally describe the facility;
- (ii) Identify the person(s) who are parties to the consent decree;
- (iii) Generally describe the remedial action proposed in the proposed consent decree;

(iv) Indicate the date, place, and time of the public hearing on the proposed consent decree; and

(v) Invite the public to comment at the public hearing or in writing. The public comment period shall run for at least thirty days from the date of the issuance of the notice.

(d) Public hearing. The department shall hold a public hearing on the proposed consent decree for the purpose of providing the public with an opportunity to comment.

(e) Revisions. If the state and the potentially liable person agree to substantial changes to the proposed consent decree, the department shall provide additional public notice and opportunity to comment.

(f) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(10) Agreed orders. In addition to any other applicable public participation requirements, the following shall be required for agreed orders under WAC 173-340-530.

(a) Public participation plan. A plan meeting the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of discussions. When the department decides to proceed with discussions it shall place a notice in the site register advising the public that discussions have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for discussions.

(c) Notice of agreed orders. Public notice shall be provided by the department for any agreed order. For all agreed orders, notice shall be mailed no later than three days after the issuance of the agreed order. For agreed orders covering a state remedial investigation/feasibility study, the comment period shall be at least thirty days and shall be completed before the agreed order becomes effective. For other agreed orders, the agreed order may be effective before the comment period is over, unless the department determines it is in the public interest to complete the public comment period prior to the effective date of the agreed order. The department may determine that it is in the public interest to provide public notice prior to the effective date of any

agreed order or to hold a public meeting or hearing on the agreed order. This notice shall briefly:

- (i) Identify and generally describe the facility;
- (ii) Identify the person(s) who are parties to the order;
- (iii) Generally describe the remedial action proposed in the proposed order; and

(iv) Invite the public to comment on the proposed order.

(d) Revisions. If the department and the potentially liable person agree to substantial changes to the proposed order, the department shall provide additional public notice and opportunity to comment.

(e) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(11) Enforcement orders. In addition to any other applicable public participation requirements, the department shall provide public notice of all enforcement orders. Except in the case of emergencies, notice shall be mailed no later than three days after the date of the issuance of the order. In emergencies, notice shall be mailed no later than ten days after the issuance of the order.

(a) Contents of notice. All notices shall briefly:

- (i) Identify and generally describe the facility;
- (ii) Identify the person(s) who are parties to the order;
- (iii) Generally describe the terms of the proposed order; and
- (iv) Invite the public to comment on the proposed order.

(b) The department may amend the order on the basis of public comments. The department shall provide additional public notice and opportunity to comment if the order is substantially changed.

(12) State remedial investigation/feasibility study. In addition to any other applicable public participation requirements, the following shall be required during a state remedial investigation/feasibility study.

(a) Scoping. When the department elects to perform a state remedial investigation/feasibility study, public notice and an opportunity to comment on the scope of the state remedial investigation/feasibility study will be provided.

(b) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(c) Report. The department shall provide or require public notice of state remedial investigation/feasibility study reports prepared under WAC 173-340-350. This public notice may be combined with public notice of the draft cleanup action plan. At a minimum, public notice shall briefly:

(i) Describe the site and state remedial investigation/feasibility study results;

(ii) If available, identify the department's selected cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the report. The public comment period shall extend for at least thirty days from the date of mailing of the notice.

(13) Selection of cleanup actions. In addition to any other applicable public participation requirements, the department shall:

(a) Provide a notice of availability of draft or final cleanup action plans and a brief description of the proposed or selected alternative in the site register;

(b) Provide public notice of the draft cleanup action plan. A notice of a draft cleanup plan may be combined with notice on the state remedial investigation/feasibility study. Notice of a draft cleanup action plan may be combined with notice on a draft consent decree or on an order. At a minimum, public notice shall briefly:

(i) Describe the site;

(ii) Identify the department's proposed cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the draft cleanup action plan. The public comment period shall run for at least thirty days from the date of issuance of the public notice.

(14) Cleanup action implementation. In addition to any other applicable public participation requirements, the following shall be required during cleanup action implementation.

(a) Public notice and opportunity to comment on any plans prepared under WAC 173-340-400 that represent a substantial change from the cleanup action plan.

(b) When the department conducts a cleanup action, public notice and an opportunity to comment shall be provided on the engineering design report and notice shall be given in the site register.

(15) Routine cleanup and interim actions. In addition to any other applicable public participation requirements, the following will be required for routine cleanup actions and interim actions.

(a) Public notice shall be provided for any proposed routine cleanup or interim actions under WAC 173-340-130 or 173-340-430. This public notice shall be combined with public notice of an order or settlement whenever practicable.

(b) At a minimum, public notice shall briefly:

- (i) Describe the site;
- (ii) Identify the proposed action;
- (iii) Identify the likely or planned schedule for the action;
- (iv) Reference any planning documents prepared for the action;
- (v) Identify department staff who may be contacted for further information; and
- (vi) Invite public comment on the routine cleanup or interim action.

The public comment period shall extend for at least thirty days from the date of the mailing of notice.

NEW SECTION

WAC 173-340-610 REGIONAL CITIZENS' ADVISORY COMMITTEES. (1) The department shall establish regional citizens' advisory committees as part of a public participation program. The regional citizens' advisory committees are intended to promote meaningful and effective public involvement in the department's remedial action program under chapter 70.105D RCW. The committees will advise the department as to the concerns of citizens locally and regionally regarding the remedial actions within each committee's region, with emphasis on issues that affect the region as a whole, rather than site-specific concerns.

(2) Location. There shall be a regional citizens' advisory committee representing each geographic region of the state served by a regional office of the department.

(3) Membership. At any time, each committee shall have no fewer than five and no more than twelve members. The director shall, no later than July 1, 1990, appoint five members to each committee to represent citizens' interests in the region. These members shall serve three-year terms that may be renewed at the director's discretion. These members should represent citizen interests in the region.

(a) The director may appoint up to seven additional members to represent communities that may be affected by the remedial actions within each region. These members shall serve two-year terms that may be renewed at the director's discretion.

(b) At no time shall more than twenty-five percent of the membership of any committee consist of persons who are elected or appointed public officials or their representatives.

(c) The department shall advise the public as to whether any vacancies exist on the committees, and shall accept applications from interested citizens.

(d) The following persons shall not be eligible to serve on any committee:

(i) Persons whom the department has found are potentially liable persons under WAC 173-340-500 with regard to any facility that is currently the subject of department investigative, remedial or enforcement actions, not including compliance monitoring;

(ii) Agents or employees of such potentially liable persons as described in (d)(i) of this subsection; and

(iii) Agents or employees of the department.

(e) A member shall refrain from participating in a committee matter if that member for any reason cannot act fairly and in the public interest with regard to that matter.

(f) The director may dismiss a member for cause in accordance with the terms of the regional citizens' advisory committee charter.

(4) Meetings. The committees shall meet at least twice a year at the regional offices or elsewhere as agreed upon by a committee and the department. Appropriate department staff may attend these meetings. The department shall brief the committees on the program's major planned and ongoing activities for the year.

(a) The department and the committees may agree to additional meetings.

(b) Each committee will designate one of its members to serve as chair. The committee chairs shall meet every year with the program manager or his/her designee.

(c) All committee meetings shall be open to the public. The department shall inform the public of committee meetings.

(5) Resources to be allocated to the committees.

(a) The department shall determine, after consulting with the committees, the amount of staff time and other department resources that shall be available to the committees for each biennium.

(b) The department shall designate staff to work with the committees.

(c) Members shall be reimbursed for travel expenses (as provided for in chapter 43.03 RCW) for any meetings approved by the department.

(6) Responsibilities. The committees are directed to:

(a) Meet at least twice annually;

(b) Inform citizens within each region as to the existence of the committees and their availability as a resource;

(c) Review the department's biennial program priorities, and advise the department of citizen concerns regarding the program priorities;

(d) Advise the department on a timely basis of citizen concerns regarding investigative or remedial activities within each region, and where possible, suggest ways in which the department can address those concerns;

(e) Annually prepare a brief report to the department describing:

(i) Major citizen concerns that have been brought to the committee's attention during the past year;

(ii) Any committee proposals or recommendations to address these concerns;

(iii) The committee's plans for the coming year; and

(iv) Any other information or issues which the committee believes appropriate for inclusion.

(7) The committees are encouraged to work with the department and the public to develop additional committee goals or responsibilities.

PART VII—CLEANUP STANDARDS

NEW SECTION

WAC 173-340-700 RESERVED.

PART VIII—GENERAL PROVISIONS

NEW SECTION

WAC 173-340-800 PROPERTY ACCESS. (1) Normal entry procedures. Whenever there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents or contractors may, after reasonable notice, enter upon any real property, public or private, to conduct investigations or remedial actions. The notice shall briefly describe the reason for requesting access. For the purpose of this subsection, unless earlier access is granted, reasonable notice shall mean:

(a) Written notice to site owner and operator to the extent known to the department, sent through the United States Postal Service at least three days prior to entry; or

(b) Notice to site owner and operator to the extent known to the department, in person or by telephone at least twenty-four hours prior to entry.

(2) Notification of property owner. The department will ask a resident, occupant, or other persons in custody of the site to identify the name and address of owners of the property. If an owner is identified who has not been previously notified, the department will make a prompt and reasonable effort to notify such owners of remedial actions planned or conducted.

(3) Orders and consent decrees. Whenever investigations or remedial actions are conducted under a consent decree or order, a potentially liable person shall not deny access to the department's authorized employees, agents, or contractors to enter and move freely about the property to oversee and verify investigations and remedial actions being performed.

(4) Ongoing operations. Persons gaining access under this section shall take all reasonable precautions to avoid disrupting the ongoing operations on a site. Such persons shall comply with all state and federal safety and health requirements which the department determines to be applicable.

(5) Access to documents. The department's authorized employees, agents or contractors may, after reasonable notice, enter property for the purpose of inspecting documents relating to a release or threatened release at the facility. Persons maintaining such documents shall:

(a) Provide access during normal business hours and allow the department to copy these documents; or

(b) At the department's request, provide legible copies of the requested documents to the department.

(6) Emergency entry. Notice by the department's authorized employees, agents, or contractors is not required for entry onto property

to investigate, mitigate, or abate an emergency posed by the release or threatened release of a hazardous substance. The department will make efforts which are reasonable under the circumstances to promptly notify those owners and operators to the extent known to the department of the actions taken.

(7) Other authorities. Where consent has not been obtained for entry, the department shall secure access in a manner consistent with state and federal law, including compliance with any warrant requirements. Nothing in this chapter shall affect site access authority granted under other state laws and regulations.

(8) Access by potentially liable persons. The department shall make reasonable efforts to facilitate access to real property and documents for persons who are conducting remedial actions under either an order or decree.

(9) Information sharing. The department will provide the documents and factual information on releases or threatened releases obtained through this section to persons who request such in accordance with chapter 42.17 RCW and chapter 173-03 WAC. The department does not intend application of these authorities to limit its sharing of such factual information.

(10) Split samples. Whenever the department intends to perform sampling at a site, it shall indicate in its notification under subsection (1) of this section whether sampling may occur. The person receiving notice may take split samples, provided this does not interfere with the department's sampling.

NEW SECTION

WAC 173-340-810 WORKER SAFETY AND HEALTH. (1) General provisions. Requirements under the Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and regulations promulgated pursuant thereto shall be applicable to remedial actions taken under this chapter. These requirements are subject to enforcement by the designated federal and state agencies. All governmental agencies and private employers are directly responsible for the safety and health of their own employees and compliance with those requirements. Actions taken by the department under this chapter do not constitute an exercise of statutory authority within the meaning of section (4)(b)(1) of the Occupational Safety and Health Act.

(2) Safety and health plan. Potentially liable persons responsible for undertaking remedial actions under WAC 173-340-520 through 173-340-540, shall submit a safety and health plan for the department's review and comment. The safety and health plan must be consistent with chapter 49.17 RCW and regulations promulgated pursuant thereto.

NEW SECTION

WAC 173-340-820 SAMPLING AND ANALYSIS PLANS. (1) General. A sampling and analysis plan shall be prepared for all sampling activities which are part of investigation and remedial actions unless otherwise directed by the department and except for emergencies. The level of detail required in the sampling and analysis plan may vary with the scope and purpose of the sampling activity. Sampling and analysis plans prepared under an order or decree shall be submitted to the department for review and approval.

(2) Contents. The sampling and analysis plan shall specify procedures which ensure that sample collection, handling, and analysis will result in data of sufficient quality to plan and evaluate remedial actions at the site. Additionally, information necessary to insure proper planning and implementation of sampling activities shall be included. References to standard protocols or procedures manuals may be used provided the information referenced is readily available to the department. The sampling and analysis plan shall contain:

(a) A statement on the purpose and objectives of the data collection, including quality assurance and quality control requirements;

(b) Organization and responsibilities for the sampling and analysis activities;

(c) Requirements for sampling activities including:

(i) Project schedule;

(ii) Identification and justification of location and frequency of sampling;

(iii) Identification and justification of parameters to be sampled and analyzed;

(iv) Procedures for installation of sampling devices;

(v) Procedures for sample collection and handling, including procedures for personnel and equipment decontamination;

(vi) Procedures for the management of waste materials generated by sampling activities, including installation of monitoring devices, in a manner that is protective of human health and the environment;

(vii) Description and number of quality assurance and quality control samples, including blanks and spikes;

(viii) Protocols for sample labeling and chain of custody; and

(ix) Provisions for splitting samples, where appropriate.

(d) Procedures for analysis of samples and reporting of results, including:

(i) Detection or quantification limits;

(ii) Analytical techniques and procedures;

(iii) Quality assurance and quality control procedures; and

(iv) Data reporting procedures, and where appropriate, validation procedures.

(3) Available guidance. The department shall make available guidance for preparation of sampling and analysis plans.

NEW SECTION

WAC 173-340-830 LABORATORY ANALYSIS PROCEDURES. Reserved.

NEW SECTION

WAC 173-340-840 GENERAL SUBMITTAL REQUIREMENTS. Unless otherwise specified by the department, all reports, plans, specifications, and similar information submitted under this chapter shall meet the following requirements:

(1) Cover letter. Include a letter describing the submittal and specifying the desired department action or response.

(2) Number of copies. Three copies of the plan or report shall be submitted to the department's office responsible for the facility. The department may require additional copies to meet public participation and interagency coordination needs.

(3) Certification. All engineering work submitted under this chapter shall be under the seal of a professional engineer registered with the state of Washington.

(4) Visuals. Maps, figures, photographs, and tables to clarify information or conclusions shall be legible. All maps, plan sheets, drawings, and cross-sections shall meet the following requirements:

(a) To facilitate filing and handling, be on paper no larger than 24 x 36 inches and no smaller than 8 1/2 x 11 inches. Photo-reduced copies of plan sheets may be submitted provided at least one full-sized copy of the photo-reduced sheets are included in the submittal.

(b) Identify and use appropriate and consistent scales to show all required details in sufficient clarity.

(c) Be numbered, titled, have a legend of all symbols used, and specify drafting or origination dates.

(d) Contain a north arrow.

(e) Use United States Geological Survey datum as a basis for all elevations.

(f) For planimetric views, show a survey grid based on monuments established in the field and referenced to state plane coordinates. This requirement does not apply to conceptual diagrams or sketches when the exact location of items shown is not needed to convey the necessary information.

(g) Where grades are to be changed, show original topography in addition to showing the changed site topography. This requirement does not apply to conceptual diagrams or sketches where before and after topography is not needed to convey the necessary information.

(h) For cross-sections, identify the location and be cross-referenced to the appropriate planimetric view. A reduced diagram of a cross-section location map shall be included on the sheets with the cross-sections.

(5) Sampling data. All sampling data shall be submitted consistent with procedures specified by the department.

(6) Appendix. An appendix providing the principal information relied upon in preparation of the submittal. This should include, for example: A complete citation of references; applicable raw data; a description of, or where readily available, reference to testing and sampling procedures used; relevant calculations; and any other information needed to facilitate review.

NEW SECTION

WAC 173-340-850 RECORDKEEPING REQUIREMENTS.

(1) Any remedial actions at a facility must be documented with adequate records. Such records may include: Factual information or data;

relevant decision documents; and any other relevant, site specific documents or information.

(2) Unless otherwise required by the department, records shall be retained for at least ten years from the date of completion of compliance monitoring.

(3) Records shall be retained by the person taking remedial action, unless the department requires that person to submit the records to the department.

(4) The department shall maintain its records in accordance with chapter 42.17 RCW.

NEW SECTION

WAC 173-340-860 **ENDANGERMENT.** In the event that the department determines that any activity being performed at a facility is creating or has the potential to create a danger to human health or the environment, the department may direct such activities to cease for such period of time as it deems necessary to abate the danger.

NEW SECTION

WAC 173-340-870 **PROJECT COORDINATOR.** The potentially liable person shall designate a project coordinator for work performed under an order or decree. The project coordinator shall be the designated representative for the purposes of the order or decree. That person shall coordinate with the department and the public and shall facilitate compliance with requirements of the order or decree.

NEW SECTION

WAC 173-340-880 **EMERGENCY ACTIONS.** Nothing in this chapter shall limit the authority of the department, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

NEW SECTION

WAC 173-340-890 **SEVERABILITY.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-340-010	PURPOSE.
WAC 173-340-020	DEFINITIONS.
WAC 173-340-030	EMERGENCY ACTIONS.
WAC 173-340-040	SETTLEMENT PROCEDURES.
WAC 173-340-050	STATE CONDUCTED REMEDIAL ACTION—NOTICE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-336-010	PURPOSE AND AUTHORITY.
WAC 173-336-020	DEFINITIONS.
WAC 173-336-030	GENERAL.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-338-010	PURPOSE.
WAC 173-338-020	DEFINITIONS.
WAC 173-338-030	EVALUATION CRITERIA.
WAC 173-338-040	SCORING PROCEDURE.
WAC 173-338-050	RESCORING.

WSR 90-02-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 3, 1990, 3:35 p.m.]

Supplemental Notice to WSR 89-21-024.

Title of Rule: WAC 388-98-003 Remedies.

Purpose: Complies with state and federal requirements (OBRA '87 and P.L. 100-203) to establish criteria for imposing remedies for nursing homes noncompliant with state licensing and federal Medicaid requirements. This proposed rule replaces the earlier version due to substantial variance from the original.

Statutory Authority for Adoption: Chapter 372, Laws of 1989.

Statute Being Implemented: Chapter 372, Laws of 1989.

Summary: Sets forth criteria for incremental imposition of remedies for nursing homes which fail to comply with applicable state and federal requirements. The criteria relate to the severity and scope of deficiencies. This proposed rule varies substantially from the original proposal by broadening civil fine ranges; requiring civil fines for additional deficiencies; and establishing required remedies for repeated violations and for threatened or actual severe harm that has been removed; and changes criteria for imposing termination and license revocation.

Reasons Supporting Proposal: This rule is necessary to implement state and federal statutory requirements for criteria for the imposition of remedies for nursing homes noncompliant with state licensing and federal Medicaid requirements. It replaces the original proposed rule due to inclusion of substantial changes: Broader ranges of civil fines; increased use of required fines; required remedies for repeated violations and for threats of actual severe harm no longer present; and changes criteria for imposing termination and license revocation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peggy Brown, Nursing Home Services, 753-3286.

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

Rule is necessary because of federal law, Public Law 100-203, December 22, 1987.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 6, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 1, 1990.

January 3, 1990
 Leslie F. James, Director
 Administrative Services

CRITERIA

NEW SECTION

WAC 388-98-003 REMEDIES. (1) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, when the department finds the licensee or partner, officer, director, owner of five percent or more of the assets of the nursing home, licensee's agent, employee or individual providing nursing home care or services:

(a) Operates or operated a nursing home without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know makes a false statement of a material fact in the application for license, in attached data, or in matters under department investigation;

(c) Refuses to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(d) Willfully prevents, interferes with, or attempts to impede the work of authorized department representatives and the lawful enforcement under provisions of this chapter or chapter 74.42 RCW;

(e) Willfully prevents or interferes with department representatives in the preservation of evidence of violations of provisions under this chapter or chapter 74.42 RCW;

(f) Fails to report patient abuse or neglect in violation of chapter 70.124 RCW;

(g) Fails to pay a civil monetary penalty the department assesses under this chapter within ten days after assessment becomes final;

(h) Retaliates against a patient or employee participating in proceedings specified under RCW 18.51.220; or

(i) Discriminates against Medicaid recipients as prohibited under RCW 74.42.055.

(2) When the department finds:

(a) A licensee or partner, officer, director, or owner of five percent or more of the assets of the nursing home, licensee's agent, employee, or individual providing nursing home care or services fails or refuses to comply with the requirements under chapters 18.51 or 74.42 RCW; or

(b) A Medicaid contractor licensee who fails or refuses to comply with the Medicaid requirements of Title XIX of the Social Security Act, as amended; then

(c) The department may impose any or all of the following remedies:

(i) Suspend, revoke, or refuse to renew a license;

(ii) Order stop placement;

(iii) Assess civil monetary penalties;

(iv) Deny payment to a nursing home for Medicaid residents admitted after notice to deny payment. Medicaid recipient residents shall not assume responsibility for payment when the department takes action under this subsection;

(v) Appoint temporary management as provided under section 300 of this chapter; and

(vi) Petition the court to establish receivership.

(3) The criteria set forth in this subsection implement the requirement under section 8, chapter 372, Laws of 1989, that the department establish criteria for the imposition of remedies. These criteria apply to the imposition of remedies under subsection (2) of this section for deficiencies directly impacting a nursing home resident's well being. The criteria do not substitute for standards set forth in section 8, chapter 372, Laws of 1989 for the mandatory imposition of stop placement and denial of payment.

CRITERIA

Deficiency

(a) Actual or threatened harm or injury exists which minimally compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedy

Plan of Correction

Deficiency

(ii) Moderate to systemic in scope

Optional Remedy

Civil fine of \$500-\$1500

Required Remedy

Plan of Correction

Optional Remedy

Civil fine of \$500-\$2000

(b) Actual or threatened harm or injury exists which moderately compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedies

Plan of Correction

Civil fine of \$1000-\$2000

(ii) Moderate in scope

Required Remedy

Civil fine of \$1000-\$3000

(iii) Systemic in scope

Required Remedies

Stop Placement

Termination

Optional Remedies

Civil fine of \$1000-\$3000 per day

License Revocation

Denial of payment for new Medicaid admissions

Dept. on-site monitoring

(iv) Uncorrected; or repeated after correction within 24-months:

(A) Limited or isolated in scope

Required Remedy

Civil fine of \$1500-\$2000

Optional Remedy

Civil fine of \$1500-\$2000 per day

(B) Moderate to systemic in scope

Required Remedies

Stop Placement

Termination

Civil fine of \$2000-\$3000

Optional Remedies

Civil fine of \$2000-\$3000 per day

License Revocation

More severe optional remedies may also be selected.

CRITERIA

CRITERIA

Deficiency

Deficiency

(c) Actual or threatened harm or injury existed which seriously compromised resident well being. The threat has been removed.

Required Remedy

Civil fine of \$1500-3000

Optional Remedy

Civil fine of \$1500-\$3000 per day

(d) Actual or threatened harm or injury exists which seriously compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedies

Termination

Stop Placement

Optional Remedies

Civil fine of \$1500-\$3000 per day

Denial of payment for new Medicaid admissions

Emergency transfer of individual residents

Temporary management or receivership

Dept. on-site monitoring

License Revocation

(ii) Moderate to systemic in scope

Required Remedies

Termination

Stop Placement

License Revocation

Optional Remedies

Civil fine of \$2500-\$3000 per day

License Suspension

Emergency closure or patient transfer

Temporary management or receivership

Denial of payment for new Medicaid admissions

Dept. on-site monitoring

(iii) Uncorrected; or repeated after correction within 24 months:

(A) Limited or isolated in scope

Required Remedies

Termination

Stop Placement

License Revocation

Civil fine of \$2000-\$3000

Optional Remedies

Civil fine of \$2000-\$3000 per day

More severe optional remedies may also be selected.

(B) Moderate to systemic in scope

Required Remedies

Termination

Stop Placement

License Revocation

Civil fine of \$3000

Optional Remedies

Civil fine of \$3000 per day

More severe optional remedies may also be selected.

(e) Emergency Crisis

Health and safety of a large percentage of the population is imminently threatened due to events such as:

- Structural damage
- Staff Walkout
- Natural disaster

Required Remedies

Emergency closure or emergency resident transfer

Optional Remedies

A civil fine of \$3000 per day

Termination

License Revocation or suspension

(4) Civil monetary penalties shall become due twenty days after the licensee is served with a notice of the penalty, unless the licensee requests a hearing. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest accrues beginning thirty days after the department serves the licensee with notice of the penalty.

**WSR 90-02-100
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2928—Filed January 3, 1990, 3:36 p.m.]

Date of Adoption: January 3, 1990.

Purpose: Complies with state and federal requirements (OBRA '87 and P.L. 100-203) to establish criteria for imposing remedies for nursing homes noncompliant with state licensing and federal Medicaid requirements. This proposed rule replaces the earlier version due to substantial variance from the original.

Statutory Authority for Adoption: Chapter 372, Laws of 1989.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to implement state and federal statutory requirements for criteria for the imposition of remedies for nursing homes noncompliant with state licensing and federal Medicaid requirements. It replaces the original proposed rule due to inclusion of substantial changes: Broader ranges of civil fines; increased use of required fines; required remedies for repeated violations and for threats of actual severe harm no longer present; and changes criteria for imposing termination and license revocation.

Effective Date of Rule: January 4, 1990, 12:01 a.m.

January 3, 1990
 Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 388-98-003 REMEDIES. (1) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, when the department finds the licensee or partner, officer, director, owner of five percent or more of the assets of the nursing home, licensee's agent, employee or individual providing nursing home care or services:

(a) Operates or operated a nursing home without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know makes a false statement of a material fact in the application for license, in attached data, or in matters under department investigation;

(c) Refuses to allow department representatives or agents to inspect required books, records, and files or portions of the nursing home premises;

(d) Willfully prevents, interferes with, or attempts to impede the work of authorized department representatives and the lawful enforcement under provisions of this chapter or chapter 74.42 RCW;

(e) Willfully prevents or interferes with department representatives in the preservation of evidence of violations of provisions under this chapter or chapter 74.42 RCW;

(f) Fails to report patient abuse or neglect in violation of chapter 70.124 RCW;

(g) Fails to pay a civil monetary penalty the department assesses under this chapter within ten days after assessment becomes final;

(h) Retaliates against a patient or employee participating in proceedings specified under RCW 18.51.220; or

(i) Discriminates against Medicaid recipients as prohibited under RCW 74.42.055.

(2) When the department finds:

(a) A licensee or partner, officer, director, or owner of five percent or more of the assets of the nursing home, licensee's agent, employee, or individual providing nursing home care or services fails or refuses to comply with the requirements under chapters 18.51 or 74.42 RCW; or

(b) A Medicaid contractor licensee who fails or refuses to comply with the Medicaid requirements of Title XIX of the Social Security Act, as amended; then

(c) The department may impose any or all of the following remedies:

(i) Suspend, revoke, or refuse to renew a license;

(ii) Order stop placement;

(iii) Assess civil monetary penalties;

(iv) Deny payment to a nursing home for Medicaid residents admitted after notice to deny payment. Medicaid recipient residents shall not assume responsibility for payment when the department takes action under this subsection;

(v) Appoint temporary management as provided under section 300 of this chapter; and

(vi) Petition the court to establish receivership.

(3) The criteria set forth in this subsection implement the requirement under section 8, chapter 372, Laws of 1989, that the department establish criteria for the imposition of remedies. These criteria apply to the imposition of remedies under subsection (2) of this section for deficiencies directly impacting a nursing home resident's well being. The criteria do not substitute for standards set forth in section 8, chapter 372, Laws of 1989 for the mandatory imposition of stop placement and denial of payment.

CRITERIA

Deficiency

(a) Actual or threatened harm or injury exists which minimally compromises or could compromise resident well being:

(i) Limited or isolated in scope

Required Remedy

Plan of Correction

Optional Remedy

Civil fine of
 \$500-\$1500

(ii) Moderate to systemic in scope

Required Remedy

Plan of Correction

Optional Remedy

Civil fine of
 \$500-\$2000

CRITERIA	CRITERIA
<p><u>Deficiency</u></p> <p>(b) Actual or threatened harm or injury exists which moderately compromises or could compromise resident well being:</p> <p>(i) Limited or isolated in scope</p> <p>(ii) Moderate in scope</p> <p>(iii) Systemic in scope</p> <p>(iv) Uncorrected, or repeated after correction within 24-months:</p> <p>(A) Limited or isolated in scope</p> <p>(B) Moderate to systemic in scope</p> <p>(c) Actual or threatened harm or injury existed which seriously compromised resident well being. The threat has been removed.</p>	<p><u>Deficiency</u></p> <p>(d) Actual or threatened harm or injury exists which seriously compromises or could compromise resident well being:</p> <p>(i) Limited or isolated in scope</p> <p>(ii) Moderate to systemic in scope</p> <p>(iii) Uncorrected, or repeated after correction within 24 months:</p> <p>(A) Limited or isolated in scope</p> <p><u>Required Remedies</u> Plan of Correction Civil fine of \$1000-\$2000</p> <p><u>Required Remedy</u> Civil fine of \$1000-\$3000</p> <p><u>Required Remedies</u> Stop Placement Termination <u>Optional Remedies</u> Civil fine of \$1000-\$3000 per day License Revocation Denial of payment for new Medicaid admissions Dept. on-site monitoring</p> <p><u>Required Remedy</u> Civil fine of \$1500-\$2000</p> <p><u>Optional Remedy</u> Civil fine of \$1500-\$2000 per day</p> <p><u>Required Remedies</u> Stop Placement Termination Civil fine of \$2000-\$3000</p> <p><u>Optional Remedies</u> Civil fine of \$2000-\$3000 per day License Revocation More severe optional remedies may also be selected.</p> <p><u>Required Remedy</u> Civil fine of \$1500-3000</p> <p><u>Optional Remedy</u> Civil fine of \$1500-\$3000 per day</p> <p><u>Required Remedies</u> Termination Stop Placement License Revocation Civil fine of \$2000-\$3000</p> <p><u>Optional Remedies</u> Civil fine of \$2000-\$3000 per day</p>

CRITERIA

Deficiency

(B) Moderate to systemic in scope

More severe optional remedies may also be selected.

Required Remedies

- Termination
- Stop Placement
- License Revocation
- Civil fine of \$3000

Optional Remedies

- Civil fine of \$3000 per day
- More severe optional remedies may also be selected.

(e) Emergency Crisis

Health and safety of a large percentage of the population is imminently threatened due to events such as:

- Structural damage
- Staff Walkout
- Natural disaster

Required Remedies

Emergency closure or emergency resident transfer

Optional Remedies

- A civil fine of \$3000 per day
- Termination
- License Revocation or suspension

(4) Civil monetary penalties shall become due twenty days after the licensee is served with a notice of the penalty, unless the licensee requests a hearing. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest accrues beginning thirty days after the department serves the licensee with notice of the penalty.

WSR 90-02-101

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 89-58—Filed January 3, 1990, 3:47 p.m.]

Date of Adoption: January 2, 1990.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2519 Redmond, city of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 89-21-086 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amendatory Order DE 86-27, filed 10/20/86)

WAC 173-19-2519 REDMOND, CITY OF. City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. Revision approved October 20, 1986. Revision approved January 2, 1990.

WSR 90-02-102

PROPOSED RULES

DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed January 3, 1990, 3:50 p.m.]

Original Notice.

Title of Rule: New sections WAC 308-124H-011, 308-124H-021, 308-124H-025, 308-124H-041, 308-124H-051, 308-124H-061, 308-124H-062, 308-124I-010, 308-124I-020, 308-124I-030, 308-124I-040, 308-124I-050, 308-124I-060, 308-124I-070, 308-124I-080, 308-124I-090, 308-124I-100, 308-124I-110, 308-124I-120, 308-124I-130, 308-124I-140, 308-124J-010, 308-124J-020, 308-124J-030, 308-124J-040, 308-124J-050, 308-124J-060, 308-124J-070 and 308-124J-080; amending WAC 308-124H-035, 308-124H-036 and 308-124H-037; and repealing WAC 308-124H-020, 308-124H-030, 308-124H-033, 308-124H-038, 308-124H-040, 308-124H-043, 308-124H-045, 308-124H-050, 308-124H-055, 308-124H-060, 308-124H-065 and 308-124H-070.

Purpose: The WAC changes reflect a comprehensive real estate education approval procedure. The changes are designed to augment and clarify the current procedure.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.040.

Summary: The new and amendatory sections of the WAC rules reflect a comprehensive procedure for real estate education for applicants and licensees. The repealer sections are replaced with more comprehensive rules.

Reasons Supporting Proposal: See above Purpose.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shirley Baenen, P.O. Box 9012, Olympia, WA 98504, (206) 753-3194.

Name of Proponent: [Department of Licensing], governmental.

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

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

Proposal Changes the Following Existing Rules: Extensive changes to the current real estate education procedure are proposed to be implemented. The proposed changes are more specific and reflect a comprehensive procedure which will address real estate education approval processes.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Highways-Licenses Building, 4th Floor Executive Conference Room, 12th and Franklin, Olympia, Washington, 98504 on February 16, 1990, at 9:00 a.m.

Submit Written Comments to: Shirley Baenen, P.O. Box 9012, Olympia, WA 98504, by 5:00 p.m., February 15, 1990.

Date of Intended Adoption: February 16, 1990.

January 3, 1990
Linda M. Moran
Assistant Attorney General

Chapter 308-124H WAC
REAL ESTATE COURSE(S) APPROVAL-REGULATION OF
REAL ESTATE BROKERS AND ((SALESMEN)) SALESPE-
SONS

NEW SECTION

WAC 308-124H-011 COURSE APPROVAL REQUIRED. Any school or instructor desiring to offer clock hour courses must be approved by the department prior to the date on which it first offers courses for clock hour credit.

NEW SECTION

WAC 308-124H-021 APPROVAL OF COURSES. (1) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by the department. Only complete applications for approval shall be accepted by the commission.

(5) Approval shall expire two years after the effective date of approval provided that a complete application for renewal of approval is submitted at least thirty days prior to the expiration date. Approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

NEW SECTION

WAC 308-124H-025 APPLICATION FOR COURSE APPROVAL. Courses shall meet the following requirements:

(1) Provide practical information related to the practice of real estate, and deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, and deposit receipts and earnest money agreements. Courses which will assist the licensee in improving their business skills and business management need not include substantive real estate subject matter;

(2) Have a minimum of three hours of classroom work for the student. A classroom hour is a period of fifty minutes of actual classroom or workshop instruction, exclusive of examination time;

(3) Be under the supervision of an approved instructor approved to teach the course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ten questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(5) Include textbook or instructional materials approved by the director, which shall be kept accurate and current. Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(6) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," or "real estate law" if submitted for approval for clock hours in real estate fundamentals pursuant to WAC 308-124H-035, real estate brokerage management pursuant to WAC 308-124H-036, or real estate law pursuant to WAC 308-124H-037. No other courses shall use these phrases in their titles;

(7) Not have a title which misleads the public as to the subject matter of the course;

(8) Be offered by a tax-supported, public vocational-technical institution, community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(9) Any change in course content or material other than updating, for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material for approval by the director;

(10) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308-124J WAC;

(11) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax-supported, public vocational-technical institution, community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (5) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law and brokerage management courses required under RCW 18.85.090.

AMENDATORY SECTION (Amending Order PM 811, filed 12/7/88)

WAC 308-124H-035 REAL ESTATE FUNDAMENTALS COURSE CONTENT. ((Schools)) When applying for approval of real estate fundamentals ((with)) follow the outline prescribed below((:)).

The real estate fundamentals course ((with)) required by RCW 18.85.095 shall be completed, within five years prior to applying for examination and shall include:

Fiduciary commitment, agency, ethics, real estate law and agency relationships and disclosure rules	4 hours
Market analysis	3 hours
Contracts and documents	9 hours
Financing (including qualifying the buyer)	8 hours
Closing (costs etc.)	3 hours
Government rules and regulations	3 hours

AMENDATORY SECTION (Amending Order PM 595, filed 5/12/86, effective 10/1/86)

WAC 308-124H-036 REAL ESTATE BROKERAGE MANAGEMENT COURSE CONTENT. ((Schools)) When applying for approval of real estate brokerage management ((with)) follow the outline prescribed below((:)).

The real estate brokerage management course ((with)) required by RCW 18.85.090 shall include:

Agency and Washington state law	3 hours
Government impact rules	3 hours
Trust account procedures	3 hours
Basic management concepts relative to real estate brokerage	3 hours
Planning and organizing a real estate office, staffing	6 hours

In house training (recruiting, selecting, training)	3 hours
Direction and control (marketing)	6 hours
Real estate and its future (horizontal and vertical expansion)	3 hours

AMENDATORY SECTION (Amending Order PM 606, filed 8/1/86, effective 10/1/86)

WAC 308-124H-037 REAL ESTATE LAW COURSE CONTENT. ((Schools)) When applying for approval of real estate law ((with)) follow the outline prescribed below.

The real estate law class ((with)) required by RCW 18.85.090 shall include:

Introduction to law and legal systems; land/property and related concerns	3 hours
Forms of ownership (including community property concepts); limited partnerships; easements; nonpossessory rights; leasehold estates and leases	3 hours
Title and transfer of title; title insurance; recording acts; conveyancing and closing	3 hours
Fraud and deceit; negligence; misrepresentation and agency, dual agency and unauthorized practice of law	6 hours
Contract law and documents (including options and options to purchase)	3 hours
Real estate security documents (real estate contracts, mortgages and deeds of trust)	3 hours
Landlord tenant, Washington State Fair Housing Law, discrimination, Regulation Z	3 hours
Condominiums, Cooperatives and Securities Law	1 hours
Public and Private Land Use Control	2 hours
Regulation, Duties and Liabilities of Licensees	3 hours

NEW SECTION

WAC 308-124H-041 CERTIFICATE OF COMPLETION. Each approved school shall issue a certificate of completion on a form, sample provided by the department, to students which shall include the following information:

- (1) School's identification number issued by the department of licensing;
- (2) Student's name;
- (3) The course commencement date and completion date;
- (4) Course title;
- (5) Clock hours for the course.

NEW SECTION

WAC 308-124H-051 DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION. (1) The department shall have the authority, on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
 - (b) School name, address, and telephone number;
 - (c) Instructor(s) name;
 - (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
 - (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
 - (f) Copies of pertinent documents, publications, and advertisements.
- (3) All approved courses shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-124H-061 GROUNDS FOR DENIAL OR WITHDRAWAL OF COURSE APPROVAL. Approval may be denied or

withdrawn if the instructor or any owner, employee, or administrator of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;
- (11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;
- (12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;
- (13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";
- (14) Advertised false or misleading information;
- (15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;
- (16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-124H-062 HEARING PROCEDURE. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-124H-020	ADMINISTRATION.
WAC 308-124H-030	FILING OF COURSES.
WAC 308-124H-033	UPDATING OF COURSE MATERIALS
IN THE EVENT OF A	STATUTE OR RULE CHANGE.
WAC 308-124H-038	COURSE TITLES.
WAC 308-124H-040	APPROVAL OF CLASSES.
WAC 308-124H-043	TEMPORARY APPROVAL OF
INSTRUCTORS.	
WAC 308-124H-045	RECORDKEEPING.
WAC 308-124H-050	REVIEW APPLICATIONS.
WAC 308-124H-055	BROKER REAL ESTATE EDUCATION
REQUIREMENTS.	
WAC 308-124H-060	TEACHERS AND/OR INSTRUCTORS.
WAC 308-124H-065	INSPECTION OF RECORDS.
WAC 308-124H-070	COMPLETION OF COURSES.

Chapter 308-124I WAC
REAL ESTATE SCHOOL APPROVAL—REGULATION OF
REAL ESTATE BROKERS AND SALESPERSONS

NEW SECTION

WAC 308-1241-010 SCHOOL APPROVAL REQUIRED. Any school desiring to offer clock hour courses must be approved by the department prior to the date on which it first offers courses for clock hour credit.

NEW SECTION

WAC 308-1241-020 APPROVAL OF SCHOOLS. (1) Each application for approval of a school shall be submitted to the department on the appropriate application form provided by the department by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve such applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval, or conditional approval the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by the department. Only complete applications for approval shall be accepted by the commission.

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

(6) No school shall allow an instructor for whom approval is required to supervise a course for clock hour credit prior to approval of the instructor.

(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval provided that a complete application for renewal of approval is submitted at least thirty days prior to the expiration date. Approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(9) School names submitted that are similar to those previously approved shall not be granted approval.

NEW SECTION

WAC 308-1241-030 APPLICATION FOR SCHOOL APPROVAL. An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(3) The name(s) of the corporation, partnership, limited partnership or sole proprietorship, and the names, addresses and telephone numbers of all directors, with the exception of trade association directors, officers, and all those with ten percent or more ownership interest;

(4) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

(5) The administrator's name, address, telephone number, and evidence of previous experience in administration;

(6) The publication required under WAC 308-1241-060.

NEW SECTION

WAC 308-1241-040 ADMINISTRATOR QUALIFICATIONS. Each application from a school seeking approval or consideration of courses shall designate a person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate. In the case of a public community college, university, or vocational-technical school, the head of the real estate department shall be conclusively presumed to meet the requirements.

NEW SECTION

WAC 308-1241-050 NOTICE OF ACTIONS BY GOVERNMENTAL ENTITIES OR ACCREDITING COMMISSIONS. School applicants and approved schools shall present the department with written details of any consent orders with the Federal Trade Commission and any final actions which have been taken against the school, its administrator, its owners, officers, or directors by any federal or state agencies, including courts or accrediting commissions, of which the school has knowledge and inform the department in writing of actions being taken to correct deficiencies cited. Directors, officers, and owners shall advise the administrator of any such actions taken against the directors, officers, or owners. School applicants and approved schools shall not purposely avoid gaining knowledge of such actions. Final actions shall not include traffic violations or traffic convictions. Directors of trade associations are exempt from this section.

NEW SECTION

WAC 308-1241-060 REQUIRED PUBLICATION. Each school shall have available to prospective and enrolled students a publication containing the following information:

(1) Date of publication;

(2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;

(3) A list of courses, including the clock hours approved for each course and the specific educational requirements under chapter 18.85 RCW that will be met by completion of the course. Such lists shall be accurate as of the date of publication;

(4) Description of all course prerequisites;

(5) The school's policy regarding:

(a) Admission procedure;

(b) Causes for dismissal and conditions for readmission;

(c) Attendance requirements, leave, absences, makeup work, and tardiness;

(d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;

(e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Professional Licensing Services, Real Estate/Escrow/Appraiser Section, P.O. Box 9012, Olympia, Washington 98504 (206/753-0775)";

(7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

NEW SECTION

WAC 308-1241-070 COURSE DESCRIPTION. Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

(1) Name of approved school;

(2) Date(s) and location of the course;

(3) The course title;

(4) The educational objectives of the course;

(5) The type of instruction (e.g., classroom, lecture, audio visual, computer assisted) in the course and the length of time required for completion;

(6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;

(7) Name(s) of instructors when available;

(8) Equipment and supplies which the student must provide;

(9) Fees for the course;

(10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course;

(11) Cancellation policy;

(12) Tuition refund policy.

NEW SECTION

WAC 308-1241-080 CERTIFICATE OF SCHOOL APPROVAL. Upon approval a school shall be issued a certificate of approval

containing the school's name, address, identification number, date of approval, and name of administrator.

No school shall adopt or make a change in its name of its administrative office prior to payment of the required fee and receipt of a new certificate from the department.

NEW SECTION

WAC 308-1241-090 CHANGE OF OWNERSHIP OR CIRCUMSTANCES. A change in the sole proprietor of a school, in the majority interest of general partners of a partnership owning a school, or in a majority stock ownership of a school shall be deemed a change of ownership.

Upon change of ownership, administrator or address of school, approval shall continue provided that a new application for approval shall be submitted to the department within twenty days after a change of ownership, administrator, or address. The administrator must submit a notarized statement of the change asserting that all conditions required in these rules are being met. The school may continue to offer courses under the prior approval until action is taken on the new application.

In case of bankruptcy, a notarized statement reporting the information shall be filed with the department within twenty days.

Unless the above conditions are met, school approval shall be terminated upon a change of ownership.

NEW SECTION

WAC 308-1241-100 DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved schools shall be subject to periodic visits by an official representative for the department who shall observe classroom activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-1241-110 GROUNDS FOR DENIAL OR WITHDRAWAL OF SCHOOL APPROVAL. Approval may be denied or withdrawn if the instructor or any owner, employee, or administrator of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;

(11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-1241-120 HEARING PROCEDURE. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

WAC 308-1241-130 RECORD RETENTION. (1) Each school shall maintain for a minimum of five years each student's record and each edition of a required publication;

(2) A "student record" shall include:

- (a) The name, address, and telephone number of the school;
 - (b) Full name, address, and telephone number of the student;
 - (c) Beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;
 - (d) Clock hour courses completed and examination results.
- (3) Each school shall provide a copy of a student's record to the student upon request.

NEW SECTION

WAC 308-1241-140 SCHOOL CLOSING/CHANGE OF STATUS. (1) A school shall make plans and take measures to protect the rights of present and former students if it goes out of business.

(2) Upon cessation of instruction or termination of approved status, a school shall immediately furnish to the department by certified mail or hand delivery:

- (a) Its certificate of approval;
- (b) Name, address, and telephone number of the person who will be responsible for closing arrangements;
- (c) The student's name, address and telephone number, the name of the course, the amount of class time remaining to complete the course, and the total amount of tuition and fees paid by the student for the course;

(d) A copy of a written notice which shall be mailed to all enrolled students in clock hour courses who have not completed a current course because of cessation of instruction; the notice shall explain the procedures students must follow to secure refunds or to continue their education;

(e) Procedures for disbursement of refunds to enrolled students, in the full amount to which they are entitled, no later than thirty days from the last day of instruction.

(3) Upon closing, a school shall arrange for a person approved by the department to retain the records required under WAC 308-1241-130. If a school closes without arranging for record retention, the department may obtain the records to protect the former students.

Chapter 308-124J WAC

REAL ESTATE INSTRUCTOR APPROVAL—REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS

NEW SECTION

WAC 308-124J-010 INSTRUCTOR APPROVAL REQUIRED. Any instructor desiring to teach clock hour courses must be

approved by the department prior to the date on which the school first offers courses for clock hour credit.

NEW SECTION

WAC 308-124J-020 APPROVAL OF INSTRUCTORS. (1) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department and filed by the established deadline. The most recent application form should be obtained from the department prior to submission.

(2) The director shall approve, disapprove, or conditionally approve instructor applications upon the advice and recommendation of the commission. The director shall approve only complete applications which in the opinion of the director meet the requirements of this chapter.

(3) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval or conditional approval shall include the reasons therefor.

(4) Review of applications will be scheduled for the first regularly scheduled meeting of the commission to be held thirty days following receipt of the application by the department. Only complete applications for approval shall be accepted by the commission.

(5) Approval shall expire two years after effective date of approval provided that a complete application for renewal of approval is submitted at least thirty days prior to the expiration date. Approval shall remain in effect until action to approve or disapprove the application is taken by the director. Renewal of approval is processed in the same manner as applications for approval.

(6) No instructor for whom approval is required shall supervise a course for clock hour credit prior to approval of the instructor.

(7) Applicants shall identify on the application form the specific course he or she proposes to teach. A separate application form shall be submitted for each course for which an instructor desires approval.

NEW SECTION

WAC 308-124J-030 CERTIFICATE OF INSTRUCTOR APPROVAL. Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, address, date of approval, and department identification number.

NEW SECTION

WAC 308-124J-040 QUALIFICATIONS OF INSTRUCTORS. Each instructor shall be qualified in techniques of instruction.

Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

(1) One hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the director;

(2) Possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);

(3) Successful completion of an instructor training course approved by the director upon recommendation of the commission and two years fulltime experience in real estate or a related field within the five years immediately preceding the date of application;

(4) A bachelors or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;

(5) A current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach.

(6) At least ninety clock hours as an instructor in real estate within two years preceding the application;

(7) Ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach.

(8) Instructors selected by national organizations who have courses currently approved by the director.

NEW SECTION

WAC 308-124J-050 CHANGES IN INSTRUCTORS. Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to WAC 308-124J-020.

NEW SECTION

WAC 308-124J-060 DISCIPLINARY ACTION—PROCEDURES—INVESTIGATION. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any instructor to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved instructors should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts, if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved instructors shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

NEW SECTION

WAC 308-124J-070 GROUNDS FOR DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL. Approval may be denied or withdrawn if the instructor:

(1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;

(2) Falsified any student records or clock hour certificates;

(3) Falsified any application or any other information required to be submitted to the department;

(4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);

(5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;

(6) Failed to cooperate with the department in any investigation or hearing;

(7) Has been convicted of a crime;

(8) Violated any of the provisions of any local, state, or federal antidiscrimination law;

(9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours which the course was approved.

(11) Accepted registration fees and not supplied the service or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter.

NEW SECTION

WAC 308-124J-080 HEARING PROCEDURE. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

WSR 90-02-103
PROPOSED RULES
DEPARTMENT OF LICENSING
(Real Estate Commission)
 [Filed January 3, 1990, 3:51 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-124E-014(5).

Purpose: Deletes references to landlord-tenant statute.

Statutory Authority for Adoption: RCW 18.85.040.

Statute Being Implemented: RCW 18.85.310.

Summary: This change is intended to clarify the language of the rule.

Reasons Supporting Proposal: See above Summary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Mitchell, P.O. Box 9012, Olympia, WA 98504, (206) 753-0775.

Name of Proponent: [Department of Licensing], governmental.

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

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

Proposal Changes the Following Existing Rules: See above Purpose.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Highways-Licenses Building, 4th Floor Executive Conference Room, 12th and Franklin, Olympia, Washington 98504, on February 16, 1990, at 9:00 a.m.

Submit Written Comments to: Bob Mitchell, P.O. Box 9012, Olympia, WA 98504, by 5:00 p.m., February 15, 1990.

Date of Intended Adoption: February 16, 1990.

January 3, 1990

Linda M. Moran

Assistant Attorney General

AMENDATORY SECTION (Amending WSR 90-01-046, filed 12/14/89, effective 1/14/90)

WAC 308-124E-014 ADMINISTRATION OF FUNDS HELD IN TRUST-PROPERTY MANAGEMENT. Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established when directed by written property management agreement or directive

signed by the owner: PROVIDED, That all interest or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker;

(d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.

(3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement (~~and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute~~).

(6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

WSR 90-02-104

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed January 3, 1990, 3:53 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To correct clerical error. Wrong version of rule was filed on January 2, 1990, in WSR 90-02-074. Rule eliminates the college developed exit examination requirement in order to facilitate the systematic creation of a statewide exit examination.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-78-192, 180-78-193, 180-78-194, 180-78-195, 180-78-197 and 180-78-199; and amending WAC 180-78-191.

Statutory Authority for Adoption: RCW 28A.70.005.

Pursuant to notice filed as WSR 89-21-083 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-191 EXIT EXAMINATION ((~~REQUIREMENT~~))—((~~REQUIRED FOR PROGRAM APPROVAL~~)) DEVELOPMENT OF UNIFORM STATE EXIT EXAMINATION. ((Commencing January 1, 1990, no college or university's preparation program shall be or continue to be approved by the state board of education unless such college or university requires all candidates recommended for certificates to pass an exit examination administered in accordance with the provisions of WAC 180-78-192 through 180-78-195.)) The procedures for the establishment of a uniform state exit examination for teacher certification candidates shall consist of the following:

(1) During the 1989-1990 academic year, the superintendent of public instruction shall establish an examination committee, composed of college and university faculty members representing each of the areas to be addressed on the state-wide examination, who shall develop sample essay examination questions and recommended scoring procedures which will serve as prototypes for the questions that will be used in the uniform admission to practice examination.

(2) During the 1990-1991 academic year, as a condition of program approval, the prototype essay questions shall be field-tested by colleges and universities either in appropriate courses or through a comprehensive professional education exit examination.

(3) Randomly selected student responses to the prototype examination questions, as determined by the superintendent of public instruction, shall be submitted by June 30, 1991, to the superintendent of public instruction and graded in accordance with instructions provided by the examination committee.

(4) The superintendent of public instruction shall make recommendations to the state board of education by September 1991 for the development, administration, and scoring procedures, including timelines and cost estimates, for a uniform state administered admission to practice examination for professional educators which shall commence in August 1993.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-78-192 EXIT EXAMINATION REQUIREMENT—PANEL OF EXAMINERS.

WAC 180-78-193 EXIT EXAMINATION REQUIREMENT—MANDATORY TOPICS.

WAC 180-78-194 EXIT EXAMINATION REQUIREMENTS—MANDATORY PARTS FOR CERTIFICATION.

WAC 180-78-195 EXIT EXAMINATION REQUIREMENT—STANDARDS FOR ADMINISTRATION.

WAC 180-78-197 EXIT EXAMINATION REQUIREMENTS—PILOT PROGRAMMING.

WAC 180-78-198 REVISION OF GENERIC STANDARDS.

WAC 180-78-199 UNIFORM ADMISSION TO PRACTICE EXAMINATION.

WSR 90-02-105**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 89-57—Filed January 3, 1990, 3:58 p.m.]

Date of Adoption: January 2, 1990.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-1104 Richland, city of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 89-21-087 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 83-37, filed 1/4/84)

WAC 173-19-1104 RICHLAND, CITY OF. City of Richland master program approved September 9, 1974. Revision approved August 29, 1979. Revision approved June 23, 1983. Revision approved January 4, 1984. Revision approved January 2, 1990.

WSR 90-02-106**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 89-54—Filed January 3, 1990, 4:02 p.m.]

Date of Adoption: January 2, 1990.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2512 Kirkland, city of.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 89-17-153 on August 23, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 2, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amendatory Order DE 88-35, filed 1/6/89)

WAC 173-19-2512 KIRKLAND, CITY OF. City of Kirkland master program approved August 27, 1974. Revision approved June 3, 1986. Revision approved January 3, 1989. Revision approved January 2, 1990.

WSR 90-02-107

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 89-60—Filed January 3, 1990, 4:08 p.m.]

Continuance of WSR 89-23-125.

Title of Rule: WAC 173-18-090 Clallam County streams; and 173-18-200 Jefferson County streams.

Purpose: Amendment to chapter 173-18 WAC, Shoreline Management Act—Streams and rivers constituting shorelines of the state.

Other Identifying Information: Notice of continuance of date of adoption from February 20, 1990, to March 6, 1990.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Date of Intended Adoption: March 6, 1990.

January 2, 1990

Fred Olson

Deputy Director

WSR 90-02-108

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed January 3, 1990, 4:22 p.m.]

Date of Adoption: December 15, 1989.

Purpose: To adopt changes to chapters 51-04, 51-06 and 51-08 WAC.

Citation of Existing Rules Affected by this Order: Amending chapters 51-04, 51-06 and 51-08 WAC.

Statutory Authority for Adoption: Chapters 19.27 and 34.05 RCW.

Other Authority: Chapter 348, Laws of 1989.

Pursuant to notice filed as WSR 90-02-003 on December 21, 1989; and WSR 89-17-138 on August 23, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 21, 1989

Marc Sullivan

Chair

Chapter 51-04 WAC

((GENERAL PROCEDURES)) POLICIES AND PROCEDURES FOR CONSIDERATION OF STATE-WIDE AND LOCAL AMENDMENTS TO THE STATE BUILDING CODE

WAC

- 51-04-010 ((Council)) Declaration of purpose.
- 51-04-015 Definitions.
- 51-04-018 Preproposal petition.
- 51-04-020 ~~((Council membership and organization))~~ Policies for the consideration of proposed state-wide amendments.
- 51-04-025 Procedure for submittal or proposed state-wide amendments.
- 51-04-030 Policies for consideration of proposed local government residential amendments.

- 51-04-035 Procedure for submittal of proposed local government residential amendments.
- 51-04-037 Preapproved local government residential amendments.
- 51-04-040 Reconsideration.
- 51-04-050 Ex parte communications.
- 51-04-060 Opinions and interpretations.
- 51-04-070 Council mailing address.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-04-010 ~~((COUNCIL))~~ DECLARATION OF PURPOSE. The Washington state building code ~~((advisory))~~ council, hereinafter ~~((referred to as))~~ called the council, ~~((has been established by the legislature to report annually to the governor and the legislature on the operation and administration of chapter 19-27 RCW, the State Building Code Act, and to adopt rules and regulations establishing barrier free design standards pursuant to RCW 19.27.030(5)))~~ is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as provided in chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature.

The primary objective of the council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW 19.27.020.

The building code shall be as defined in WAC 51-04-015(6).

The council is also required by RCW 19.27.074 to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings as defined in RCW 19.27.015.

The purpose of this chapter is to establish policies and procedures for submittal and council review and consideration of proposed state-wide and city and county amendments respectively, to the building code.

NEW SECTION

WAC 51-04-015 DEFINITIONS. (1) "Supplements and accumulative supplements" mean the publications between editions of the uniform codes and standards which include changes to the current edition of the uniform codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency state-wide amendment" means any proposed state-wide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants, preserve the structural integrity of buildings built to the state building code or to comply with enacted state or federal legislation. Emergency state-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "State building code" means the Uniform Building Code and Standards; the Uniform Mechanical Code including Appendix B, Chapter 22 Fuel Gas Piping; the Uniform Fire Code and Standards; the Uniform Plumbing Code and Standards, excluding Chapters 11 and 12; the state regulations for barrier-free facilities; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "State-wide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. State-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the uniform code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW. During the code update cycle, the entire building code is updated by the council. The code update cycle commences upon availability of the publication of the current edition of the Uniform Codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature.

Within sixty days of the receipt of the new current editions of the uniform codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively, the council shall enter rulemaking to update the building code.

(9) "Uniform codes" means the Uniform Building, Mechanical, Plumbing, and Fire Codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

NEW SECTION

WAC 51-04-018 PREPROPOSAL PETITION. An agency, city or county, or other interested individual or organization wishing to submit state-wide or local government residential amendments to the building code for council consideration, may file with the council a preproposal petition in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a preproposal petition to one of the council standing committees for review and comment.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

~~WAC 51-04-020 ((COUNCIL MEMBERSHIP AND ORGANIZATION)) POLICIES FOR THE CONSIDERATION OF PROPOSED STATE-WIDE AMENDMENTS. (((1) The membership of the council, is appointed by the governor, and includes a designee from the department of labor and industries, a designee from the insurance commissioner, and thirteen additional members broadly representative of the general public, local government, industries and professions concerned with building design and construction.~~

~~(2) At the request of the governor, staff support to the council is provided by the office of community development, hereinafter referred to as the office.~~

~~(3) The principal office of the council shall be in Olympia, Washington at the office, 400 Capitol Center Building, Olympia, 98504. The office shall be open each day from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted). Submissions, requests, and communications shall be sent to the State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504.) The council will accept and consider petitions for emergency state-wide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.~~

~~The council will accept and consider all other petitions for state-wide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.~~

NEW SECTION

WAC 51-04-025 PROCEDURE FOR SUBMITTAL OR PROPOSED STATE-WIDE AMENDMENTS. All proposed state-wide amendments shall be submitted in writing to the council, on the form provided by the council.

Petitions for state-wide amendments to the building code should be submitted to the council within thirty days of publication of the new current editions of the uniform codes as revised by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

Petitions for emergency state-wide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed state-wide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

The council shall deal with all proposed state-wide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

NEW SECTION

WAC 51-04-030 POLICIES FOR CONSIDERATION OF PROPOSED LOCAL GOVERNMENT RESIDENTIAL AMENDMENTS. All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW 19.27.015, shall be submitted to the council for approval.

The council shall consider and approve or deny all proposed local government residential amendments to the building code within ninety days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity.

All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, after the city or county legislative body has adopted the amendment and prior to implementation and enforcement of the amendment by the local jurisdiction.

It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local government residential amendments submitted to the council for approval should be based on:

- (1) Climatic conditions that are unique to the jurisdiction.
- (2) Geologic or seismic conditions that are unique to the jurisdiction.
- (3) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.
- (4) Life, health, or safety conditions that are unique to the local jurisdiction.
- (5) Other special conditions that are unique to the jurisdiction.

EXCEPTIONS: Appendices or portions thereof that have the effect of amending the uniform codes, that do not conflict with the building code for single and multifamily residential buildings as defined by RCW 19.27.015, may be adopted by local jurisdictions without council review or approval.

Local government residential amendments to Chapters 1, 2, or 3 of the uniform building code need not be submitted to the council for review and approval provided that such amendments do not diminish the construction requirements of those chapters.

Those portions of the supplement or accumulative supplements that affect single and multifamily residential buildings as defined by RCW 19.27.015 that are not adopted by the council shall be submitted to the council for consideration as local government residential amendments to the building code.

Local government residential amendments shall conform to the limitations provided in RCW 19.27.040.

NEW SECTION

WAC 51-04-035 PROCEDURE FOR SUBMITTAL OF PROPOSED LOCAL GOVERNMENT RESIDENTIAL AMENDMENTS. All proposed local

government residential amendments to the state building code shall be submitted in writing to the council, on a form provided by the council, along with a statement of need for the proposed amendment.

The council shall accept and consider all applications for review of local government residential amendments submitted to the council in a proper manner.

The council may refer a proposed local government residential amendment to one of the council standing committees for review and comment prior to council action in accordance with RCW 19.27.074.

NEW SECTION

WAC 51-04-037 PREAPPROVED LOCAL GOVERNMENT RESIDENTIAL AMENDMENTS. Any local government residential amendment, that the council determines to be appropriate for adoption by other local governments, may be designated as a preapproved local government residential amendment.

A preapproved local government residential amendment may be adopted by any local government upon notification of the council.

NEW SECTION

WAC 51-04-040 RECONSIDERATION. Any party proposing a state-wide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration in accordance with RCW 34.05.470.

NEW SECTION

WAC 51-04-050 EX PARTE COMMUNICATIONS. All written communications received by council members during council rule-making proceedings, shall be forwarded to staff for inclusion in the public record.

NEW SECTION

WAC 51-04-060 OPINIONS AND INTERPRETATIONS. RCW 19.27.031 grants the council authority to render opinions relating to the building code at the request of a local building official.

Council building code related opinions and interpretations shall be limited to the state regulations for barrier-free facilities, the state energy code, and council amendments to the uniform codes.

The Washington state energy office shall provide opinions and interpretations related to the state energy code.

NEW SECTION

WAC 51-04-070 COUNCIL MAILING ADDRESS. All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council
Ninth and Columbia Building
Mailstop: GH-51
Olympia, Washington 98504-4151
(206) 753-2222

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-010 PURPOSE OF CHAPTER. The purpose of this chapter shall be to ensure compliance by the state building code ((~~advisory~~)) council (hereinafter referred to as the "council"), including its members and staff, with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250 - 42.17.320 dealing with public records.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-020 PUBLIC RECORDS AVAILABLE. All public records of the council as defined in WAC 51-06-030 are ((~~deemed to be~~)) available for public inspection and copying at the Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, pursuant to these rules, except as otherwise provided by RCW 42.17.310 ((~~and WAC 51-06-080~~)).

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-070 COPYING. ((~~No fee shall be charged for the inspection of public records.~~)) The ((~~office shall~~)) department of community development may charge a fee of twenty-five cents per page for providing copies of public records and for use of the office's copy equipment. ((This charge is the amount necessary to reimburse the office for its costs incident to such copying:))

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-120 ADDRESS FOR COMMUNICATIONS. ((~~All communications with the council including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules, requests for copies of the council's rules, and other matters, shall be addressed as follows: The State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504.~~)) All requests for information, documentation, etc., should be submitted to the:

Washington State Building Code Council
Ninth and Columbia Building
Mailstop: GH-51
Olympia, Washington 98504-4151
(206) 753-2222

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 51-06-030 DEFINITIONS.
- WAC 51-06-040 PUBLIC RECORDS OFFICER.
- WAC 51-06-050 OFFICE HOURS.
- WAC 51-06-060 REQUESTS FOR PUBLIC RECORDS.

- WAC 51-06-080 EXEMPTIONS.
- WAC 51-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
- WAC 51-06-100 PROTECTION OF PUBLIC RECORDS.
- WAC 51-06-110 RECORDS INDEX.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-08-010 UNIFORM PROCEDURAL RULES. The state building code ((~~advisory~~)) council, hereinafter referred to as the council, adopts as its own rules of practice all those uniform procedural rules promulgated by the code reviser now codified in the Washington Administrative Code, as WAC 1-08-005 through 1-08-590, as now or hereinafter amended, subject to any additional rules the council may add from time to time. The council reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the council, said determination to be in accordance with the spirit and intent of the law.

WSR 90-02-109
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed January 3, 1990, 4:32 p.m.]

Date of Adoption: January 3, 1990.

Purpose: Perform housekeeping action on the existing rule relative to matters which are exempt from the Open [Public] Meetings Act, and identifying specific days of the week the board shall meet.

Citation of Existing Rules Affected by this Order: Amending WAC 314-60-040.

Statutory Authority for Adoption: RCW 66.08.030(1).

Pursuant to notice filed as WSR 89-23-103 on November 22, 1989.

Effective Date of Rule: Thirty days after filing.

January 3, 1990
Paula C. O'Connor
Chairman

AMENDATORY SECTION (Amending Order 104, Resolution No. 113, filed 4/28/82)

WAC 314-60-040 OPERATIONS AND PROCEDURE. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in ((~~Title X Hearings WAC 314-04-010~~)) chapter 314-04 WAC and in ((~~Title XIV~~)) chapter 314-08 WAC Practice and Procedure ((WAC 314-08-010 through 314-08-590)).

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of proposed order of summary license suspension are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except ~~((exempt))~~ matters which are exempt from the Act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. Regular meetings of the board are held on ~~((Monday through Friday))~~ Tuesday and Wednesday of each week, except on holidays, beginning at 9:30 a.m. or as soon thereafter as a quorum is assembled at its offices on the Fifth Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington. For scheduling purposes, it is the Board's intent to conduct staff meetings and work sessions at its Tuesday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its Wednesday meetings.

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

WSR 90-02-110
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed January 3, 1990, 4:35 p.m., effective July 1, 1990]

Date of Adoption: November 9, 1989, and November 27, 1989.

Purpose: To adopt changes to chapters 51-10, 51-12 and 51-16 WAC; and new chapter 51-18 WAC.

Citation of Existing Rules Affected by this Order: Amending chapters 51-10, 51-12 and 51-16 WAC; and new chapter 51-18 WAC is added.

Statutory Authority for Adoption: Chapters 19.27, 19.27A and 70.92 RCW.

Other Authority: Chapter 266, Laws of 1989.

Pursuant to notice filed as WSR 90-02-002 on December 21, 1989; and WSR 89-17-138 on August 23, 1989.

Changes Other than Editing from Proposed to Adopted Version: Amendments proposed by the Article 80 Task Force adopted by reference. Article 80 and UBC ch9 definition of health hazard, and Article 80 requirements for agricultural equipment, chlorine and processes also amended.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Amendments to the uniform codes and the state regulations for barrier-free facilities were adopted prior to December 1, 1989, in order to allow for mandated legislative review in accordance with RCW 19.27.074.

Effective Date of Rule: July 1, 1990.

December 21, 1989
Marc Sullivan
Chair

Reviser's note: The amendments to the state regulations for barrier-free facilities filed with this permanent order are not capable of being reproduced in the Register and are therefore omitted pursuant to RCW 34.05.210(4). Copies may be obtained from the Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-220 SECTION 220. T.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e., registers, diffusers, lighting fixtures, faucets, etc.

THERMAL RESISTANCE (R). The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq. ft. hr. °F/Btu.

THERMAL TRANSMITTANCE (U). Overall coefficient of heat transmission (air to air) expressed in units of Btu per hour per square foot per degree F. It is the time rate of heat flow. The U value applies to combinations of different materials used in series along the heat flow path, single materials that comprise a building section, cavity air spaces, and surface air films on both sides of a building element.

THERMAL TRANSMITTANCE (U_o). Overall ~~((average))~~ heat transmission of a gross area of the exterior building envelope, expressed in units of Btu per hour, per degree F ~~((per square foot of exterior building envelope))~~.

The U_o value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors, and opaque construction areas, comprising the gross area of one or more exterior building components such as walls, floors, or roof/ceiling.

THERMOSTAT. An instrument which measures changes in temperature and controls device(s) for maintaining a desired temperature.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-403 SECTION 403. THERMAL PERFORMANCE CRITERIA AND ENVELOPE REQUIREMENTS FOR LOW-RISE RESIDENTIAL BUILDINGS.

Criteria for Residential Buildings three (3) stories or less as defined in UBC: Group R-3—detached one and two family dwellings; Group R-Div. 1—All other residential buildings three stories or less.

- (a) ~~((The overall average thermal transmittance value of the gross area of the elements of the exterior building envelope of a low-rise residential building shall not exceed the values given in Table 4-2. Equations 1 and 2 in Section 404 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement.))~~ The proposed UA as calculated using Equations 2 and 3 shall not exceed the Target UA as calculated using

Equation 1. For the purpose of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area. Glazing area shall include windows installed in exterior doors.

- (b) Floors over unheated spaces, such as unheated basements, unheated garages, or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 4-2.
 EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated, the insulation shall be attached in a permanent manner.
- (c) Slab on Grade Floor: For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-2. The insulation shall extend downward from the top of the slab for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.
- (d) Windows and doors and air leakage: (see Section 405).
- (e) Space Heat Type: The following two categories comprise all space heating types:
 - 1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.
 EXCEPTIONS: Electric resistance elements which are integral to heat pump heating systems or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling unit, or; 2) 1.0 watt per square foot of the gross floor area.
 - 2. Other. All gas, wood, (not meeting the provisions of Section 102 (a)2), oil, propane, and heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 403 (e) 1. above.)
- (f) Walls: Exterior wall sections, walls in finished basements, and interior walls exposed to unheated spaces shall be constructed to comply with the required values as specified in Table 4-2.
 EXCEPTION: Concrete or masonry

foundation walls of unfinished basements that have one-foot or less of the wall above grade need not be included in the gross wall area nor meet the requirements of Table 4-2 until finished, provided that:

- 1. Any frame walls meet the requirements of Table 4-2;
 - 2. The rim-joint are properly insulated; and
 - 3. All walls that are more than an average of one-foot above grade meet the requirements of Table 4-2.
- (g) Glazing: Where available, U values from Window Thermal Testing results shall be used to calculate total Wall U_o . If untested, the following default U values shall be used for all types of glazing, including skylights, ornamental, and security glazing.
- 1. For untested double glazing of any type, $U = .90$; and
 - 2. For untested single glazing of any type, $U = 1.20$.
- EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.
- (h) General Insulation Requirements for Loose Fill Insulation: Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

AMENDATORY SECTION (Amending Order 86-04, filed 5/13/86)

WAC 51-12-404 SECTION 404. THERMAL PERFORMANCE CRITERIA FOR ALL OTHER OCCUPANCIES.

Criteria.

- (a) The overall ((average)) thermal transmittance value (U_o) of the gross area of elements of the exterior building envelope of all buildings other than low-rise residential buildings shall not exceed the values given in Tables 4-3 and 4-4. Equations ((~~1 and~~)) 2 and 3 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U values for windows used to calculate total wall U_o shall be determined in accordance with accepted engineering practice. U_o and U_w are specified in units of

$$\frac{\text{Btu}}{\text{hr. sq. ft. } ^\circ\text{F}}$$

- (b) Floors over unheated spaces shall not exceed the U_o value given in Table 4-3 and 4-4.
- (c) Slab on Grade Floors: For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-3 and 4-4. Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches, or downward to the bottom of the slab; then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward 12 inches below grade or frostline or to the top of the footing.
- (d) Alternative Wall Allowance for Low-rise Nonresidential Occupancies.

1. For nonresidential occupancy buildings, three stories or less, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls may be increased to the values given in Table 4-4 provided that at least one of the following criteria is also met:

- A. Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of non-occupancy, or
- B. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of Section 411(b) or gas or oil combustion heating equipment with a minimum combustion efficiency of 85 percent for central heating plants and 80 percent for room and space heaters. This efficiency shall be determined in accordance with the provisions of Section 411(c). Provided further: that if both criteria are met, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls used in Table 4-4 may be increased by 0.05 in determining compliance with the provisions of the code.

- 2. For walls with a wall weight of at least 30 lbs. per sq. ft. (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with thermal resistance per inch (R) of at least 2.25 sq. ft./hr.- $^\circ\text{F}/\text{Btu}$) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements, may be increased by 25 percent in determining compliance with the provisions of the code provided that: Heating and cooling set-point temperatures in the conditioned spaces or zones of the building shall be separated by at least 5 $^\circ\text{F}$. The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set-point temperature or cool the space below the cooling set-point temperature.

EQUATION 1

Target UA

$$U_{AT} = \frac{U_W A_W + U_G A_G + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC}}{A_{AT}}$$

Where:

U_{AT} = the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area (excluding slabs on grade).

U_W = the thermal transmittance value of the opaque wall area found in Table 4-2.

A_W = opaque wall area.

U_G = the thermal transmittance value of the glazing area found in Table 4-2.

A_G = .15 (total floor area of the conditioned space).

U_F = the thermal transmittance value of the floor area found in Table 4-2.

A_F = floor area over unconditioned space.

U_{RC} = the thermal transmittance value of the roof ceiling area found in Table 4-2.

A_{RC} = roof ceiling area.

U_{cc} = the thermal transmittance value of the cathedral ceiling area found in Table 4-2.

A_{cc} = cathedral ceiling area.

EQUATION 2

$$U = \frac{1}{r_o + R_1 + R_2 \dots r_i}$$

Where:

U = the thermal transmittance of the assembly

r_o = outside air film resistance,

r_o = .17 for all exterior surfaces in winter

r_o = .25 for all exterior surfaces in summer

r_i = inside air film resistance,

r_i = .61 for interior horizontal surfaces, heat flow up

r_i = .92 for interior horizontal surfaces, heat flow down

r_i = .68 for interior vertical surfaces

$R = \frac{1}{C} = \frac{X}{K}$ = measure of the resistance to the passage of heat for each element

C = conductance, the heat flow through a specific material of specific thickness

K = insulation value of a material per inch

X = the thickness of the material in inches

EQUATION ((2)) 3

Proposed UA

$$((\theta_o)) \underline{U_A} = \frac{U_w A_w + U_g A_g + ((U_d A_d \dots))}{\underline{\underline{U_f A_f + U_{rc} A_{rc} + U_{cc} A_{cc}}}} \quad (\star)$$

Where:

$((\theta_o)) \underline{U_A}$ = the ((average or)) combined thermal transmittance of the gross exterior wall, floor ((or)) and roof/ceiling assembly area (except slabs on grade).

~~((A = the gross exterior wall, floor or roof/ceiling assembly area.))~~

U_w = the thermal transmittance ((of the components)) of the opaque wall((, floor or roof/ceiling assembly)) area.

A_w = opaque wall((, floor or roof/ceiling assembly)) area.

U_g = the thermal transmittance of the glazing (window or skylight) area.

A_g = glazing area, including windows in exterior doors.

~~((U_d = the thermal transmittance of the door, or similar opening.~~

~~A_d = door area.))~~

U_f = the thermal transmittance of the floor area.

A_f = floor area over unconditioned space.

U_{rc} = the thermal transmittance of the roof ceiling area.

A_{rc} = roof ceiling area.

U_{cc} = the thermal transmittance of the cathedral ceiling area.

A_{cc} = cathedral ceiling area.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be ((expanded)) expanded into sub-elements as:

$$U_{w1} A_{w1} + U_{w2} A_{w2} + U_{w3} A_{w3} + \dots \text{etc.}$$

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-426 SECTION 426. LIGHTING POWER BUDGET. A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of Section 426.

(a) Budget Development.

The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

(b) Building Interiors.

The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot,

specified in Table No. 4-18.

For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:
 - A. For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.
 - B. For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped controls shall be allowed for any daylit space.
 - C. For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.
 - D. For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 square feet within daylit spaces, and enclosed by ceiling height partitions.
 - E. For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be

allowed for any single space up to 400 square feet and enclosed by ceiling height partitions.

2. Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:
 - A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.
 - B. Lighting for medical and dental tasks.
 - C. Lighting in areas specifically designed for visually handicapped people.
 - D. For restaurant occupancies, lighting for kitchens and food preparation areas.

(c) **Building Exteriors.**

The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per square foot of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TABLE 4-1
Classification of Building Occupancies

	All Group R Occupancy Space	Other than Group R Occupancy Space
Three conditioned stories and less	Table 4-2	Table 4-3
More than three conditioned stories	Table 4-4	Table 4-4

((TABLE 4-2
Low-rise Residential Buildings
Maximum Allowed U_o Values
and Minimum Allowed R Values

Heat Type	Climatic Zone				Installed R Value
	Roofs	Cathedral Ceilings	Walls (Includes Glazing)	Stair on Floors	
Electric Resistance	1	0.026	0.035	0.144	0.055

Heat Type	Climatic Zone	Walls (Includes Glazing)				Slab ¹ on Grade
		Roofs Ceilings	Cathedral Ceilings	Floors		
Other	I	0.035	0.035	0.203	0.055	7
Electric Resistance	H	0.026	0.035	0.144	0.043	10
Other	H	0.035	0.035	0.203	0.055	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-1

Heat Type	Climatic Zone	Low-rise Residential Buildings Maximum Allowed U _o Values and Minimum Allowed R Values					
		Roofs Ceilings	Cathedral Ceilings	Opaque Walls	Glazing	Floors	Slab on Grade (1)
Electric Resistance	I	0.026	0.035	0.062	0.56	0.055	7
Other < 65 AFUE or < 25.40 HSPF	I	0.035	0.035	0.062	0.71	0.055	7
Other < 74 AFUE or < 26.35 HSPF	I	0.035	0.035	0.062	0.92	0.055	7
Electric Resistance	II	0.026	0.035	0.062	0.56	0.043	10
Other < 74 AFUE or < 26.35 HSPF	II	0.035	0.035	0.062	0.71	0.055	10
Other < 74 AFUE or < 26.35 HSPF	II	0.035	0.035	0.062	0.92	0.055	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-3
Nonresidential Occupancies
Buildings 3 Stories or Less
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)		Floors	Slab ¹ on Grade
		U _o	U _o	U _o	Installed R Value
I	0.035	0.25	0.05	7	
II	0.035	0.20	0.05	10	

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-4
All Occupancies
Buildings over 3 Stories
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)		Floors	Slab ¹ on Grade
		U _o	U _o	U _o	Installed R Value
I	0.08	0.30	0.08	7	
II	0.06	0.25	0.08	10	

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-5
Nonresidential HVAC System Heating Equipment—
Gas- and Oil-Fired Minimum Steady State
Combustion Efficiency

Types of Equipment	Percent ¹	
	Percent ¹	Percent ²
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75
Gravity central furnaces	69	—
All other vented heating equipment	69	—

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input. Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

TABLE 4-6
(Reserved)

TABLE 4-7
(Reserved)

TABLE 4-8
Allowable Air Infiltration Rates

Windows	Residential Doors		Commercial Doors
(cfm per lineal foot of operable sash crack)	cfm per sq. ft. of door area	cfm per lin. ft. of crack	cfm per lin. ft. of crack
	sliding glass	entrance	swinging, sliding, revolving
0.5	0.5	1.00	11.0

TABLE 4-9
HVAC System Heating Equipment (Heat Pumps)
Standard Rating Conditions

Conditions	Type			
	Air Source	Water Source		
Air entering equipment	°F	70 db	70 db	70 db
Outdoor unit ambient	°F	47 db/ 43 wb	17 db/ 15 wb	—

Conditions	Air Source	Type	
		Water Source	
Entering water temperature °F	—	—	60
Water flow rate	—	—	as used in cooling mode

TABLE 4-10
HVAC System Equipment
Standard Rating Conditions — Cooling

	°F	Temperatures			
		DB	WB	Inlet	Outlet
Air Entering Equipment	80	67	—	—	
Condenser Ambient (Air Cooled)	95	75	—	—	
Condenser Water (Water Cooled)	—	—	85	95	

Standard ratings are at sea level.

Note: db = dry bulb
wb = wet bulb

TABLE 4-11
Applied HVAC System Components
Standard Rating Conditions — Cooling

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Leaving chilled Water temperature	°F	44	44
Entering chilled Water temperature	°F	54	54
Leaving condenser Water temperature	°F	95	—
Entering water temp.	°F	85	—
Fouling factor, water			
Non-ferrous tubes	*	0.0005	0.0005
Steel tubes	*	0.0010	0.0010
Fouling factor, Refrigerant	*	0.0000	0.0000
Condenser ambient			
Air or evap. cooled	°F	95 dB/75 wb	—
Compressor			
Saturated (or evap. cooled)	°F	—	105
Discharge Temperature	°F	—	120

Standard ratings are at sea level.

* h ft² F/Btu.

TABLE 4-12
HVAC-System Heating Equipment (Heat Pumps)
Minimum COP & HSPF for Heat Pumps, Heating Mode

Source and Outdoor Temperature(°F)	Minimum COP	Minimum HSPF
Air source — 47 dB/43 WB	2.7	
Air source — 17 dB/15 WB	1.8	
Air source		6.35
Water source — 60 entering	3.0	
Ground source	3.0	

TABLE 4-13
Minimum EER and COP—Cooling for
Electrically Driven HVAC System Equipment—Cooling¹

Standard Rating Capacity	Evaporative or Water Cooled			
	Air Cooled		Water Cooled	
	EER	COP	EER	COP
Under 65,000 Btu/hr (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/hr (19,060 watts) and over	8.2	2.4	9.2	2.69

¹The U.S. Department of Energy has established required test procedures for single-phase, air-cooled, residential central air conditioners under 19 KW (65,000 Btu/h) capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table 4-13 are based on Test A of DOE Test Procedures.

TABLE 4-14
Minimum EER and COP for Electrically
Driven HVAC-System Components¹

Water Chilling Packages						
Component	Type	Condensing Means				
		Air	Water	Evap.		
		EER	COPEER	COPEER	EER	COP
Condenser included	Centrifugal or rotary	8.00	2.34	13.80	4.04	
Condenser included	Reciprocating	8.40	2.46	12.00	3.51	
Condenserless	Reciprocating	9.90	2.90	12.00	3.51	
Compressor & condenser units 65,000 Btu/hr (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66	12.50 3.66

Hydronic Heat Pumps

Component	Type	EER	COP
Water source under 65,000 Btu/h (19,000 watts)	Centrifugal or rotary	9.00	2.64

Hydronic Heat Pumps

Component	Type	EER	COP
Water source 65,000 Btu/h (19,000 watts) and over	Centrifugal or rotary	9.40	2.75

¹When tested at the standard rating conditions specified in Table No. 4-9, 4-10, and 4-11.

²Ratings in accordance with Standard for Positive Displacement Refrigerant Compressor and Condensing Units, ARI Standard 520-74 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

TABLE 4-15
HVAC-System Heat-Operated Cooling Equipment

$$\text{Minimum COP} = \frac{\text{Net Cooling Output}}{\text{Total Heat Input (Electrical Auxiliary Inputs Excluded)}}$$

Heat Source	Minimum COP
Direct fired (gas, oil)	0.48
Indirect fired (steam, hot water)	0.68

TABLE 4-16
Insulation of Ducts

Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Types Heating Only
On roof or on exterior of building	C, V ² and W D, V ² and W	I II	C and W D and W
Attics, garages and crawl spaces, in walls ¹ , within floor-ceiling spaces ¹	B and V ² C and V ²	I II	B C
Within the conditioned space or in basements	None Required		None Required
Cement slab or within ground	A		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thicknesses.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5

- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

TABLE 4-17
Minimum Pipe Insulation

Piping System Types	Fluid temperature range, °F	Run-outs up to 2" ¹	Insulation Thickness In Inches for Pipe Sizes ²				
			1" and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING AND HOT WATER SYSTEMS							
Steam and hot water							
High pressure/temperature	306-450	1.5	2.5	2.5	3.0	3.5	3.5
Med. pressure/temperature	251-305	1.5	2.0	2.5	2.5	3.0	3.0
Low pressure/temperature	201-250	1.0	1.5	1.5	2.0	2.0	2.0
Low temperature	100-200	.5	1.0	1.0	1.5	1.5	1.5
Steam condensate (for feed water)	Any	1.0	1.0	1.5	2.0	2.0	2.0
COOLING SYSTEMS							
Chilled water	40-55	.5	.5	.75	1.0	1.0	1.0
Refrigerant, or brine	Below 40	1.0	1.0	1.5	1.5	1.5	1.5

¹Runouts not exceeding 12 feet in length to individual terminal units.

²For piping exposed to outdoor air, increase thickness by .5 inch.

TABLE 4-18
Interior Lighting Power Budget¹

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
A	Assembly w/stage	1.1
	Stage lighting	Exempt
	Assembly w/o stage: other than B and E	1.1
B	Gasoline service station	1.7
	Storage garages	0.3
	Office buildings	1.7
	Wholesale stores	2.0
	Police and fire stations	1.7
	Retail Stores:	
	less than 6000 s.f.	4.0

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
	6000 to 20,000 s.f.	3.0
	over 20,000 s.f.	2.0
	Drinking and dining establishments	1.85
	Food preparation task light	Exempt
	Aircraft hangars – storage	0.7
	Process plants ³	1.0
	Factories and work shops ³	1.7
	Storage structures	0.7
E	Schools and daycare centers	1.7
	Audio-visual presentation lighting	Exempt
H	Storage structures	0.7
	Handling areas	1.7
	Paint shops	2.5
	Auto repair shops	1.7
	Aircraft repair hangars	1.7
I	Institutions	1.7
	Administrative support areas	1.7
	Diagnostic, treatment, food service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

¹Watts/sq. ft. of room may be increased by two percent per foot of height above 20 feet.

²Emergency exit lighting is exempt from interior lighting budget.

³Lighting that is part of machines or equipment is exempt from this budget.

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-601 SECTION 601. LOW-RISE RESIDENTIAL BUILDING ENVELOPE REQUIREMENTS.

For all components, except for walls, the R values specified in Table 6-1 are for installed insulation material only. R values for construction are defined as any combination of rigid-sheathing, loose fill, or batt insulation that achieves the prescribed R value. Where insulation is installed in a continuous manner and is not interrupted by occasional framing members, its R value may be increased by 20% in determining compliance with the requirements of this table. This allowance does not apply to insulation of slab on grade or walls.

(a) Walls. The total assembly of opaque exterior wall sections, walls in finished basements, and the interior walls exposed to unheated spaces shall have a minimum average thickness specified in Table 6-6 for log/solid timber walls and a thermal resistance R value not less than the values specified in Table 6-1 for other wall types. Total wall assembly R values include values for insulation, sheathing, gypsum-board, air-films, concrete, etc. The following walls shall be considered to meet the R-19 total assembly criteria without additional documentation:

1. 2" x 6" with installed R-19 batt.
2. 2" x 4" with an installed R-13 batt and R-3.7 insulating sheathing.
3. 2" x 4" with an installed R-11 batt and R-5.0 insulating sheathing.

EXCEPTION: Concrete or masonry

foundation walls of unfinished basements that have one foot or less of the wall above grade need not be insulated until finished, provided that:

- A. Any frame walls comply with the requirements of Table 6-1;
- B. The rim-joists are properly insulated;
- C. All walls that are more than an average of one foot above grade are insulated to meet the requirements of Table 6-1.

(b) Roof/ceiling. The roof/ceiling assembly shall have a thermal resistance R value not less than the value specified for the indicated type of construction in Table 6-1 or Table 6-6.

EXCEPTION: Insulation levels in the case of single rafter or joist vaulted ceilings. These types of ceilings may be insulated to a level of R-30, regardless of space heat type.

(c) Thermal Design Standards for Floors.

1. Slab on Grade Floors. For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 6-1 or Table 6-6.

Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches; or downward to the bottom of the slab, then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.

2. Floor Sections. Floor sections over unheated spaces, such as unheated basements, unheated garages or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 6-1 or Table 6-6.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated in accordance with Section 601(a), the insulation shall be attached in a permanent manner.

(d) Thermal Design Standards for Openings.

1. At a minimum, all windows must be double glazed, and are classed according to U values as shown on Table 6-2. Glazing requirements are listed in

Table 6-6 for log/solid timber walls and Table 6-4 for other wall types.

2. At a minimum, all skylights must be double glazed. The area of Class 90 skylights and Class 90 exterior windows sloped more than 30° from the vertical shall be doubled and this area included in the percentage of the total glazing area as allowed for in Table 6-4. Class 75 or Class 60 glazing in skylights or Class 75 or Class 60 windows sloped more than 30° from the vertical need not be doubled.
 3. Single glazing for ornamental, security or architectural purposes shall have its area doubled and shall be included in the percentage of the total glazing area as allowed for in Table 6-4. The maximum area (before doubling) allowed for the total of all single glazing is 1% of the floor area.
- (e) Air Leakage.
1. Windows and Doors. All windows within a wall and doors shall conform to the air infiltration requirements specified in Section 405. Site built windows shall be constructed to minimize leakage.
EXCEPTION: Openings required to be protected by fire resistive assemblies are exempt from this section.
 2. Exterior joints around windows and door frames, openings between walls and foundations, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.
- (f) Moisture Control. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
1. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less. Inset stapled batts with a facing with a perm rating less than one may be installed if staples are placed not more than (8) inches on center and gaps between the facing and the framing do not exceed (1/16) of an inch.
 2. Roof/ceilings:
 - A. Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.
 - B. Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
 - C. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
 - D. Vapor retarders with a 1.0 or less dry cup perm rating shall be installed in roof/ceiling assemblies where the insulation is comprised of insulation between the roofing membrane and the structural roof decking and insulation below the structural roof decking.
3. Ground Cover.
A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend over the top of the footing.
EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.
- (g) General Requirements for Loose Fill Insulation. Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.
- (h) Space Heat Type. The following four categories comprise all space heating types:
1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.
EXCEPTIONS: Electric resistance elements which are integral to either heat pump or passive solar heating systems (as defined below), or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling, or; 2) 1.0 watt per square foot of the gross floor area.

2. Electric, Passive Solar. Electric resistance space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).
 3. Other. Includes all gas, wood (not meeting the provisions of Section 102 (a)2), oil, propane, and electric heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 601 (h) 1. above.) Nonelectric heat pump heating systems are also included in this category.
 4. Other, Passive Solar. Other types of space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).
- (i) Passive Solar Glazing. Glazing areas are required to meet the following criteria in order to be considered Passive Solar Glazing.
1. Glazing areas are required to meet the "Electric, Passive Solar" and "Other, Passive Solar" glazing requirements of Table 6-4.
 2. The south glazing shall be oriented within 45 degrees of true south.
 3. The glazing shall be mounted at least 60 degrees up from the horizontal.
 4. The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
 5. Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.
 6. The building shall contain a heat capacity equal to a four inch concrete slab. The heat capacity shall be equivalent to at least 20 Btu/degree F for each square foot of south glazing when the south glazing area is between 10% and 14% of the building's gross floor area, and at least 45 Btu/degree F for each square foot of south glazing when the south area

glazing exceeds 14 percent of gross floor area. In buildings with south glazing area between 10% and 14% of gross floor area, the heat capacity provided by a four inch concrete slab shall be deemed sufficient. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

$$HS = D \times SH \times V$$

Where:

HS = Heat Storage. The heat storage capacity available inside the insulated space.

V = Volume of heat storage components.

D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R-1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

- (j) Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the under side of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-608 SECTION 608. ELECTRICAL POWER AND LIGHTING REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All electrical power and lighting systems shall comply with the requirements of Sections 424 to 426, inclusive.

TABLE 6-1
Low-rise Residential Buildings
Minimum (average) Allowed R Values¹

Space Heat Type	Climatic Zone	Ceilings ²	Roof			Slab on ³ Grade
			Decks	Walls	Floors	
Electric Resistance	I	38	38	19	19	7
Electric, Passive Solar	I	30	30	19	19	7
Other	I	30	30	19	19	7
Other, Passive Solar	I	30	30	19	19	7
Electric Resistance	II	38	38	19	25	10
Electric, Passive Solar	II	30	30	19	19	10
Other	II	30	30	19	19	10
Other, Passive Solar	II	30	30	19	19	10

¹R values, except for walls, are for installed insulation material only.

²R-30 in single rafter, joist vaulted ceilings.

³Insulation shall be water-resistant material manufactured for this use.

TABLE 6-2
Low-rise Residential Buildings
Classes of Glazing

Class	U-Value	Window Thermal Testing Requirement ¹
90	.90	Untested
90	Greater than .75	Tested
75	.61 to .75	Tested
((60	Less than .61	Tested))
60	.60 to .51	Tested
50	.50 to .41	Tested
40	.40 to .31	Tested
30	Less than .31	Tested

¹See DEFINITIONS, Section 223. WINDOW THERMAL TESTING.

TABLE 6-3
Low-rise Residential Buildings
Heat Pump Minimum Efficiencies

Source and Outdoor Temperature (°F)	Class 1		Class 2	
	COP	HSPF	COP	HSPF
Air Source - 47 dB/43 WB	2.7		2.5	
Air source - 17 dB/15 WB	1.8		1.5	
Air Source		6.35		5.60
Water Source - 60 entering	3.0		2.5	
Ground Source	3.0		3.0	

TABLE 6-4
Low-rise Residential Buildings
Glazing and Furnace
Efficiency Requirements

Space Heat Type	Climate Zone	Maximum Percentage of Floor Area in Glazing	Glazing Class	Heat Pump	
				AFUE*	Class
Electric Resistance	I	21%	60	n/a	n/a
Electric, Passive Solar	I	21%	60	n/a	n/a
Other	I	21%	75	.65	2
Other, Passive Solar	I	21%	90	.74	1
Other, Passive Solar	I	21%	90	.65	2
Electric Resistance	II	17%	60	n/a	n/a
Electric, Passive Solar	II	17%	60	n/a	n/a
Other	II	17%	75	.65	2
Other	II	17%	90	.74	1
Other, Passive Solar	II	17%	90	.65	2

*AFUE applies only to central heating equipment. All other types of heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device in order to use Class 90 glazing.

TABLE NO. 6-5
All Other than Low-rise Residential Buildings
Component Requirements

Component	Zone I	Zone II
Space Conditioning System Type	Any	Any
Opaque Envelope Minimum Nominal R Value		
Roof/Ceilings	R-30	R-30
Exterior Walls	R-11	R-11
Floors over Unconditioned Space	R-11	R-11
Below Grade Walls ¹	R-4	R-5
Slab on Grade Floors ¹	R-7	R-10
Glazing Type	Double	Double
Maximum Total Area (Percent of Gross Exterior Wall)	32%	22%

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 6-6

LOW-RISE RESIDENTIAL BUILDINGS¹
WITH SOLID TIMBER AND LOG WALLS OF SPECIFIED MINIMUM THICKNESS
MINIMUM (AVERAGE) ALLOWED R-VALUES,² FURNACE EFFICIENCY, AND GLAZING REQUIREMENTS

	MINIMUM AVERAGE ALLOWED R-VALUES					
	MINIMUM AVG. LOG THICKNESS	CEILING ³	ROOF DECKS	FLOORS	SLAB ON GRADE ⁴	AVERAGE GLAZING CLASS ⁵
CLIMATE ZONE I	3.5"	59	38	38	10	40
ELECTRIC RESISTANCE	3.8"	38	38	38	10	40
SPACE HEAT	4.6"	38	38	25	10	40
	5.4"	38	38	19	7	40
MAXIMUM GLAZING AREA	6.9"	38	38	19	7	50
IS 21% OF THE FLOOR AREA	9.3"	38	38	19	7	60
	16.2"	38	38	19	7	75
CLIMATE ZONE I	2.5"	38	38	30	10	40
OTHER SPACE HEAT	2.7"	38	38	25	10	40
MINIMUM AFUE IS 0.74	2.9"	38	38	19	10	40
HEAT PUMP CLASS IS 1	3.2"	30	30	19	7	40
	3.6"	30	30	19	7	50
MAXIMUM GLAZING AREA	4.3"	30	30	19	7	60
IS 21% OF THE FLOOR AREA	5.7"	30	30	19	7	75
	8.5"	30	30	19	7	90
CLIMATE ZONE II	3.5"	59	38	38	10	30
ELECTRIC RESISTANCE	4.6"	38	38	38	10	40
SPACE HEAT	5.7"	38	38	25	10	40
	6.9"	38	38	19	10	40
MAXIMUM GLAZING AREA	7.3"	38	38	25	10	50
IS 17% OF THE FLOOR AREA	10.2"	38	38	25	10	60
	14.0"	38	38	19	10	60
CLIMATE ZONE II	2.5"	38	38	30	10	40
OTHER SPACE HEAT	2.7"	38	38	25	10	40
MINIMUM AFUE IS 0.74	3.0"	38	38	19	10	40
HEAT PUMP CLASS IS 1	3.2"	30	30	19	10	40
	3.8"	30	30	19	10	50
MAXIMUM GLAZING AREA	4.5"	30	30	19	10	60
IS 17% OF THE FLOOR AREA	6.1"	30	30	19	10	75
	9.2"	30	30	19	10	90

¹ For buildings with a portion of the floor area using log/solid timber walls use Table 6-6 in that portion only. In other areas use Tables 6-1 and 6-4.
² R-values are for installed insulation material only.
³ R-30 in single rafter, joist vaulted ceilings.
⁴ Insulation shall be water-resistant material manufactured for this use.
⁵ When windows fall in more than one class, the Average Glazing Class is determined by the area weighted U-Value of the glazing (See Table 6-2).

AMENDATORY SECTION (Amending Orders 88-11 and 88-11A, filed 12/1/88 and 5/23/89, effective 7/1/89)

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The 1988 edition of the Uniform Building Code, and the 1988 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions, deletions and exceptions:

(1) Revise the paragraph in Sec. 409 defining health hazard as follows:

Health Hazard is a classification of a chemical for which there is statistically significant evidence based on at least one reproducible study conducted in accordance with established scientific principles that acute health effects may occur in exposed persons. The term "health hazard" includes chemicals which are toxic or highly toxic agents, irritants, corrosives, hepatotoxins, nephrotoxins, neurotoxins, agents which can have an acute effect on the hematopoietic system, and agents that have acute effects on the lungs, skin, eyes or mucous membrane.

(2) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

((2)) (3) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

((3)) (4) Chapter 9 of the 1988 edition of the Uniform Building Code is ((hereby not adopted and chapter 9 of the 1985 edition of the Uniform Building Code is hereby adopted in its place:

The changes made between the 1985 edition of the Uniform Building Code and the 1988 edition of the Uniform Building Code for the purposes of integrating chapter 9 of the Uniform Building Code into other sections of the 1988 edition of the Uniform Building Code are also not adopted.

The sections and tables listed below contain changes to the 1988 edition of the Uniform Building Code made for this purpose:

Definitions:

- Sec. 404, Control Area (added) page 22
- Sec. 404, Corrosive (added) page 22
- Sec. 406, Emergency Control Station (changed) page 23
- Sec. 409, Handling (added) page 25
- Sec. 409, Health Hazard (added) page 25
- Sec. 409, Highly Toxic Material (added) page 25
- Sec. 410, Irritant (added) page 26
- Sec. 413, Liquid Storage Room (changed) page 27
- Sec. 413, Liquid Storage Warehouse (changed) page 27
- Sec. 420, Sensitizer (added) page 29
- Sec. 422, Use (specifics added) page 30

Code Body Changes:

- Sec. 503 (a), page 32 & 33
- Sec. 506 (c), page 38
- Sec. 507, page 38 & 39
- Table No. 5-A, page 43, 44 & 45
- Table No. 5-B, page 46
- Table No. 5-C, page 47
- Table No. 5-D, page 48
- Sec. 702 (b), page 55 & 56
- Sec. 802 (d), page 63
- Sec. 3309 (a), page 648
- Sec. 3320, page 657
- Sec. 3802 (f), page 682

~~Sec. 5207 (a), page 784~~
~~Appendix Table No. 11-B page 832)~~
 amended with the following additions, deletions, and exceptions.

(a) Revise Sec. 901(a) as follows:

Sec. 901. (a) General. For definitions, identification and control of hazardous materials, display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 Occupancies used for retail sales, and storage and use of Class 3 solid and liquid oxidizers in Groups I, M and R Occupancies, see the Fire Code. For application and use of control areas, see Footnote 1 of Tables Nos. 9-A and 9-B. The primary use of a building will be considered as a Group H, Division 1, 2, or 3 or 7 Occupancy when its primary use is for storage, and the aggregate quantity of hazardous materials in the building is in excess of Tables Nos. 9-A or 9-B. Group H Occupancies shall be:

(b) Revise Sec. 901(a) Division 2. 6. Exception as follows:

EXCEPTIONS: 1. Rooms or areas used for wood-working where no more than three fixed in-place wood-working appliances are utilized may be classified as a Group B, Division 2 Occupancy, provided the appliances are equipped with dust collectors sufficient to remove dust generated by the appliance.

(c) Revise Sec. 901(a) Division 7. as follows:

Occupancies having quantities of materials in excess of those listed in Table No. 9-B that are health hazards, including but not limited to:

1. Corrosives.
2. Highly toxic materials.
3. Irritants.

(d) Delete Sec. 901(d) 2. and renumber Sec. 901(d) 3., 4. and 5. as Sec. 901(d) 2., 3. and 4.

(e) Add an exception to Sec. 901(f) as follows:

EXCEPTION: When an HMMP is required, the applicant may submit the report(s) used for compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-to-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

(f) Revise Sec. 902(g) as follows:

(g) Standby Power. A standby power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm, and detection or other required electrically operated systems in Group H, Divisions 1, 2 and 3 Occupancies, and in Group H, Division 7 Occupancies in which there is use or storage of corrosives, highly toxic solids and liquids, irritants, sensitizers or other health hazard materials. For required systems, see the Fire Code. The standby power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to all electrical equipment required by the Fire Code when the normal electrical supply system is interrupted.

(g) Revise Sec. 902(h) as follows:

(h) Emergency Power. An emergency power system shall be provided for required mechanical exhaust ventilation, treatment, temperature control, liquid-level limit control, pressure control, alarm and detection or other required electrically operated systems in Group H, Division 6 Occupancies, and in Group H, Division 7 Occupancies in which highly toxic or toxic gases are stored or used. For required systems, see the Fire Code. The emergency power system shall be designed and installed in accordance with the Electrical Code to automatically supply power to the exhaust ventilation system when the normal electrical supply system is interrupted.

(h) Delete Sec. 902(k) Exception.

(i) Revise Sec. 903 first paragraph as follows:

Group H Occupancies shall be located on property in accordance with Section 504, Tables Nos. 9-C and 9-D and other provisions of this chapter. In Group H, Division 2 or Division 3 Occupancies, not less than 25 percent of the perimeter wall of the occupancy shall be an exterior wall.

(j) Revise Sec. 904(b) first paragraph as follows:

(b) Ventilation in Hazardous Locations. Areas or spaces in which explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors or gases are or may be emitted due to the processing, use, handling or storage of materials shall be mechanically ventilated as required by the Fire Code and the Mechanical Code.

(k) Revise Sec. 906 title as follows:

Shaft and Exit Enclosures

(l) Add to Sec. 906 a new fourth paragraph as follows:

In buildings with Group H, Division 6 Occupancies, a fabrication area may have mechanical, duct and piping penetrations which extend through not more than two floors within that fabrication area. The annular space around penetrations for cables, cable trays, tubing, piping, conduit or ducts shall be sealed at the floor level to restrict the movement of air. The fabrication area, including the areas through which the ductwork and piping extend, shall be considered a single conditioned environment.

(m) Revise Sec. 908 paragraph 5 as follows:

Combustible fiber storage rooms with a fiber storage capacity not exceeding 500 cubic feet, shall be separated from the remainder of the building by a one-hour fire-resistive occupancy separation. Combustible fiber storage vaults having a fiber storage capacity of more than 500 cubic feet, shall be separated from the remainder of the building by a two-hour fire-resistive occupancy separation.

(n) Revise Sec. 909 as follows:

Sec. 909. An approved fire alarm system shall be installed in Group H Occupancies as specified in the Fire Code.

(o) Revise Sec. 910 first paragraph as follows:

Explosion Control

Sec. 910. Explosion control; equivalent protective devices, suppression systems or barricades shall be provided to control or vent the gases resulting from deflagrations of dusts, gases or mists in rooms, buildings or other enclosures as required by the Fire Code so as to minimize structural or mechanical damage. If detonation rather than deflagration is considered likely, protective devices or systems such as fully contained barricades shall be provided, except that explosion venting to minimize damage from less than 2.0 grams of TNT (equivalence) is permitted. Walls, floors and roofs separating a use from an explosion exposure shall be designed to resist a minimum internal pressure of 100 pounds per square foot in addition to the loads required by Chapter 23.

(p) Revise Sec. 911(f) 1. as follows:

(f) Piping and Tubing. 1. General. HPM piping and tubing shall comply with this subsection and shall be installed in accordance with nationally recognized standards. Piping and tubing systems shall be metallic unless the material being transported is incompatible with such system. Systems supplying gaseous HPM having a health hazard ranking of 3 or 4 shall be welded throughout, except for connections, valves and fittings, to the systems which are within a ventilated enclosure. HPM supply piping or tubing in service corridors shall be exposed to view.

(q) Revise Table No. 9-A as follows:

Delete all—(dash marks) in the columns and replace with N.A.

Add a reference at the end of the table before "N.L." as follows:

N.A. = Not Applicable.

Change Footnote No. 5 as follows:

⁵ Quantities may be increased 100 percent when stored in approved storage cabinets, gas cabinets, fume hoods, exhausted enclosures or safety cans as specified in the Fire Code. When Footnote No. 4 also applies, the increase for both footnotes may be applied.

Add new Footnotes Nos. 11 and 12 as follows:

Solid Liquid
Lbs.¹¹ and Gallons¹¹

¹¹ The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials within a single control area of a Group B, Division 2 Occupancies used for retail sales may exceed the exempt amounts when such areas are in compliance with the Fire Code.

Oxidizer, Class 3¹²

¹² A maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in Groups I, M and R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. See the Fire Code.

(r) Revise Table 9-B as follows:

Delete all—(dash marks) in the right hand column and replace with 0 (zeros).

Change Footnote No. 6 as follows:

⁶ Quantities may be increased 100 percent when stored in approved storage cabinets, gas cabinets, fume hoods, exhausted enclosures or

safety cans as specified in the Fire Code. When Footnote No. 5 also applies, the increase for both footnotes may be applied.

Under USE³—CLOSED SYSTEMS—Gas, add Footnote No. 6 to all items, except for Highly Toxics.

Add a new Footnote No. 9 as follows:

Solid Liquid
(Lbs.)^{4,5,9} and Gallons^{4,5,9}

⁹ The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid health hazard materials within a single control area of a Group B, Division 2 Occupancies used for retail sales may exceed the exempt amounts when such areas are in compliance with the Fire Code.

(s) Revise Table No. 9-C in part as follows:

OCCUPANCY GROUP	MINIMUM DISTANCE FROM PROPERTY LINE ¹	FIRE RESISTANCE OF EXTERIOR WALLS	OPENINGS IN EXTERIOR WALLS ²
H-2-3 Not in detached building	When area does not exceed 1,000 sq. ft.	4 hours less than 3 feet, 2 hours less than 10 feet, 1 hour less than 20 feet	Not permitted less than 5 feet, protected less than 20 feet
H-2-3 Not in detached building	30 feet when the area exceeds 1,000 sq. ft. ³	No requirement based on location ¹	No requirement based on location ²

(4) The amendments, revisions and changes to Chapter 9 of the Uniform Building Code which are contained in the 1989 Supplement to the Uniform Building Code are hereby adopted.

(5) Section 2312(h) 2.I. Diaphragms. (iv) of the Uniform Building Code is hereby amended to read as follows:

(iv) Where wood diaphragms are used to laterally support concrete or masonry walls, the anchorage shall conform to Section 2312(h) 2. H above. In Seismic Zones Nos. 2, 3 and 4 anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension, and the continuous ties required by paragraph (iii) above shall be in addition to the diaphragm sheathing.

~~((5))~~ (6) Uniform Building Code Section 2722(f) 6 item 1 of the exception is hereby amended to read as follows:

EXCEPTION: This requirement need not apply in any of the following cases, provided the compactness limitations for beams given in Section 2722 (f) 4 shall apply to columns as well:

- For columns with f_a less than $0.4F_y$ for all load combinations, except for loads specified in Section 2722(d) 1. Such columns shall have allowable stresses reduced 25 percent when one end frames into a joint not complying with Formula 22-3, and 50 percent when both ends frame into joints not complying with Formula 22-3.

~~((6))~~ (7) Uniform Building Code Section 2722(f) 7. is hereby amended to read as follows:

7. Trusses in SMRSF. Trusses may be used as horizontal members in SMRSF if the

sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed 0.4Fy and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into trusses. The connection of the truss chords to the column shall develop the lesser of the following:

- A. The strength of the truss chord.
- B. The chord force necessary to develop 125 percent of the flexural strength of the column.

((7)) (8) The following section shall be added to the Uniform Building Code:

Section 3801(e) when sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 38-1 or where blocked by ducts or other similar obstructions, a space 6 inches or greater in depth with not less than 12 inches clearance from ducts or other similar obstructions shall be provided under all sprinklers.

((8)) (9) Section 3802(h) of the Uniform Building Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

((9)) (10) Section 5103 of the Uniform Building Code is hereby not adopted in order to eliminate conflict with chapter 296-81 WAC as adopted by the Washington state department of labor and industries pursuant to chapter 70.87 RCW.

((10)) (11) Section 5105 of the Uniform Building Code shall be amended to read as follows:

Elevator Machine Room Floors
Section 5105. Elevator hoistways shall not be vented through an elevator machine room unless such venting is accomplished by an approved duct system installed through the

elevator machine room. Cable slots entering the machine room shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to must be installed in a manner that inhibits the passage of smoke into the machine room.

((11)) (12) A New Standard No. 38-3W shall be added to Chapter 38 of the Uniform Building Code Standards as follows:

WASHINGTON STATE BUILDING CODE STANDARD
NO. 38-3W

INSTALLATION OF SPRINKLER SYSTEMS IN
RESIDENTIAL OCCUPANCIES

Sec. 38.301W. Except for the limitations, deletions, modifications or amendments set forth in Section 38.302W of this standard, the installation of sprinkler systems in residential occupancies of four stories or less when required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems in Residential Occupancies, NFPA 13R-1988", published by the National Fire Protection Association, copyright 1988, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

Sec. 38.302W. The National Fire Protection Association standard adopted by section 38.301W applies to the selection, installation, inspection, maintenance and testing of residential sprinkler systems, except as follows:

1. Table 1-5.1 is amended to read as follows:

Table 1-5.1

Materials and Dimensions	Standard
<u>Spec. for Black and Hot-Dipped Zinc Coated (Galvanized) Welded and Seamless Steel Pipe for Fire Protection Use</u>	ASTM A795
<u>Specification for Welded and Seamless Steel Pipe</u>	ASTM A53
<u>Wrought-Steel Pipe</u>	ANSI B36.10
<u>Specification for Electric-Resistance Welded Steel Pipe</u>	ASTM A135
<u>Copper Tube (Drawn, Seamless)</u>	ASTM B88
<u>Specification for Seamless Copper Tube</u>	ASTM B88
<u>Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube</u>	ASTM B251
<u>Brazing Filler Metal (Classification BCuP-3 or BCuP-4)</u>	AWS A5.8
<u>Specification for Solder Metal, 9-5 (Tin-Antimony-Grade 95TA)</u>	ASTM B32
<u>Specifications for CPVC Pipe</u>	ASTM F437
	ASTM F438
	ASTM F439
	ASTM F442

Table 1-5.1

Materials and Dimensions	Standard
Specification for Polybutylene Tube	ASTM D 3309

2. Table 1-5.5 is amended to read as follows:

Table 1-5.5

Materials and Dimensions	Standard
<u>Cast Iron</u>	
<u>Cast Iron Threaded Fittings</u>	
Class 125 and 250	ANSI B16.4
<u>Cast Iron Pipe Flanges and Flanged Fittings</u>	
	ANSI B16.1
<u>Malleable Iron</u>	
<u>Malleable Iron Threaded Fittings</u>	
Class 150 and 300	ANSI B16.3
<u>Steel</u>	
<u>Factory-made Threaded Fittings</u>	
Class 150 and 300	ANSI B16.9
<u>Buttwelding ends for Pipe, Valves Flanges and Fittings</u>	ANSI B16.25
<u>Spec. for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures</u>	ASTM A234
<u>Pipe Flanges and Flanged Fittings, Steel Nickel Alloy and Other Special Alloys</u>	ANSI B16.5
<u>Forged Steel Fittings, Socket Welded and Threaded</u>	ANSI B16.11
<u>Copper</u>	
<u>Wrought Copper and Copper Alloy-Solder-Joint Pressure Fittings</u>	ANSI B16.22
<u>Cast Copper Alloy Solder-joint Pressure fittings</u>	ANSI B16.18
<u>Plastic Fittings for CPVC Pipe</u>	ASTM F437 ASTM F438 ASTM F439 ASTM F442
<u>Plastic Fittings for Polybutylene tube</u>	ASTM D 3309

~~((+2))~~ (13) EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this code and the ventilation requirements of chapter 51-12 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

AMENDATORY SECTION (Amending Orders 88-11 and 88-11A, filed 12/1/88 and 5/23/89, effective 7/1/89)

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The 1988 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the

Western Fire Chiefs Association is hereby adopted by reference((-)) with the following additions, deletions and exceptions:

(1) Section 10.306(h) of the Uniform Fire Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

(2) Article 80 of the 1988 edition of the Uniform Fire Code is hereby ((not adopted and Article 80 of the 1985 edition of the Uniform Fire Code is hereby adopted in its place.

The changes made between the 1985 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code for the purposes of integrating Article 80 into other sections of the 1988 edition of the Uniform Fire Code are also not adopted.

The sections and tables listed below contain changes to the 1988 edition of the Uniform Fire Code made for this purpose:

Standards:

Sec. 2.304 (b), page 9

Permits:

Sec. 4.108

- c.6. Compressed Gases,
— page 15
- h.1. Hazardous materials,
— page 16 & 17
- h.2. Highly toxic pesticides,
— page 18

Definitions:

Sec. 9.105

- CFR, page 23
- Carcinogen, page 23

Sec. 9.117:

- Group H Occupancies,
— pages 36 & 37
- Organic Peroxide, page 39
- Oxidizer, page 39

Sec. 9.118:

- Peroxide-Forming Chemical,
— page 39
- Primary Containment, page 40
- Proprietary Information,
— page 40
- Pyrophoric, page 40

~~Sec. 9.121:~~~~Secondary Containment,~~~~—page 41~~~~Segregated Storage, page 41~~~~Sensitizer, page 41~~~~Sec. 9.122:~~~~Toxic Material, page 43~~~~Sec. 9.123:~~~~Unauthorized Discharge,~~~~—page 44~~~~Unstable (Reactive) Liquid,~~~~—page 44~~~~Sec. 9.125:~~~~Water-Reactive Materials,~~~~—page 45~~

Appendices:

~~H-E Hazardous Materials~~~~Management Plan &~~~~Hazardous Materials In-~~~~ventory Statement, page~~~~415~~~~VI-A Hazardous Materials~~~~Classifications, page 436)) amended as follows:~~

(a) Revise Sec. 80.101 as follows:

The purpose of this article is to provide requirements for the prevention, control and mitigation of physical hazards and health hazards related to hazardous materials and to provide information needed by emergency response personnel. Hazardous materials are those chemicals or substances defined as such in Article 9. See Appendix VI-A for the classification of hazard categories and hazard evaluations.

The general provisions and requirements in Division I shall apply to all hazardous materials, including those materials regulated elsewhere in this code, except that when specific requirements are provided in other articles, those specific requirements shall apply. When a material has multiple hazards, all hazards shall be addressed.

The provisions of this article are waived when such provisions are preempted by other codes, statutes or ordinances. Notwithstanding any other provision of this article the chief or other enforcing official charged with enforcement of this code, shall waive the requirements of this article when: 1) there exist other federal, state or local laws or regulations which regulate the same hazard or conditions as this article, and 2) such other laws or regulations address those physical hazards or health hazards for which the fire service is charged with prevention or response. The details of any action granting any such waiver shall be recorded and entered in the files of the code enforcement agency.

The classification system referenced in Division II shall apply to all hazardous materials, including those materials regulated elsewhere in this code.

EXCEPTIONS:

1. The off-site transportation of hazardous materials when in conformance with the Department of Transportation (DOT) regulations.

2. The quantities of alcoholic beverages, medicines, foodstuffs and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solutions not being flammable, in retail sales occupancies are unlimited when packaged in individual containers not exceeding 4 liters.

For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 retail sales occupancies, see Section 80.108.

Notwithstanding any other language to the contrary, Article 80 is adopted in the State of Washington for the purpose to provide requirements for the prevention, control and mitigation of physical hazards and health hazards only.

(b) Revise Sec. 80.102(b) paragraph six as follows:

CONTROL AREA is space within a building where the exempt amounts specified in Division III may be stored or the exempt amounts specified in Division IV may be dispensed, used or handled. Storage or use of quantities in excess of those listed in the tables are required by UBC 901 to be rated as the appropriate Group H occupancy.

(c) Revise the paragraph in Sec. 80.102(b) defining health hazard as follows:

Health Hazard is a classification of a chemical for which there is statistically significant evidence based on at least one reproducible study conducted in accordance with established scientific principles that acute health effects may occur in exposed persons. The term "health hazard" includes chemicals which are toxic or highly toxic agents, irritants, corrosives, hepatotoxins, nephrotoxins, neurotoxins, agents which can have an acute effect on the hematopoietic system, and agents that have acute effects on the lungs, skin, eyes or mucous membranes.

(d) Revise Sec. 80.103(a) paragraphs one, two and three as follows:

Sec. 80.103. (a) General. In those jurisdictions which require permits under this article:

1. No person, firm or corporation shall store, dispense, use or handle hazardous material in excess of quantities specified in Section 4.108 unless and until a valid permit has been issued pursuant to this article.

2. A permit shall be obtained when a material is classified as having more than one hazard category if the quantity limits are exceeded in any category.

3. No person, firm or corporation shall install, abandon, remove, close or substantially modify a storage facility or other area regulated by this article until a permit has been issued. (See also Sections 80.107 and 80.108.)

EXCEPTIONS: 1. Routine maintenance.

2. For work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

(e) Revise Sec. 80.103(c) as follows:

(c) Hazardous Materials Management Plan. When required by the chief, each application for a permit pursuant to this article shall include a Hazardous Materials Management Plan (HMMP) in accordance with Appendix II-E.

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirement of this subsection.

(f) Revise Sec. 80.103(d) as follows:

(d) Hazardous Materials Inventory Statement. When required by the chief, each application for a permit pursuant to this article shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Appendix II-E.

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirement of this subsection.

(g) Revise 80.104(b) Exception 1. as follows:

1. Materials intended for use in weed abatement, erosion control, soil amendment or similar applications, when applied in accordance with the manufacturer's instructions or nationally recognized practices, including: a) pesticides used according to registered label directions, and b) fertilizers and soil amendments used according to manufacturers directions.

(h) Revise 80.104(e) as follows:

(e) Identification. Visible hazard identification signs as specified in U.F.C. Standard No. 79-3 shall be placed at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit.

EXCEPTION: The chief may waive this requirement in special cases when consistent with safety, if the owner or operator has submitted a hazardous materials management plan and a hazardous materials inventory statement. See Appendix II-E.

Individual containers, cartons or packages shall be conspicuously marked or labeled in accordance with nationally recognized standards or other approved equivalent systems. See also Section 80.301(d).

(i) Revise 80.105 paragraph one as follows:

Sec. 80.105. Buildings or portions thereof in which hazardous materials are stored, handled or used shall be constructed in accordance with the Building Code, as specified in U.B.C. Chapter 9.

(j) Add an exception to Sec. 80.106 as follows:

EXCEPTION: Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of

1986 (SARA) will satisfy the requirements of this section.

(k) Revise 80.107 as follows:

Facility Closure or Placement out of Service Notification.

Sec. 80.107. The permit holder or applicant shall notify the fire department of its intent to terminate storage, dispensing, handling or use of hazardous materials at least 30 days prior to facility closure or placing facility out of service.

(l) Delete Sec. 80.108 entirely.

(m) Add a new section 80.108 as follows:

Retail Display

Sec. 80.108. When in accordance with this section, the aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, Tables Nos. 80.306-A, 80.309-A, 80.310-A, 80.312-A, 80.314-A and 80.315-A. The maximum allowable quantity in pounds or gallons permitted within a single control area of a retail sales occupancy shall be the amount derived from the formula:

$$E_R = E \times p \times A$$

WHERE:

E_R = exempt amount permitted in a single control area of a retail sales occupancy.

E = exempt amount specified in Division III exempt amount tables.

p = density factor from Table No. 80.109.

A = square footage area of the hazardous material retail display or storage.

The maximum aggregate floor area for hazardous material retail display or storage over which the density factor may be applied shall not exceed 1500 square feet per control area.

The area of storage or display shall also comply with the following requirements:

1. Display of solids shall not exceed 200 pounds per square foot of floor area actually occupied by the solid merchandise.

2. Display of liquids shall not exceed 20 gallons per square foot of floor area actually occupied by the liquid merchandise.

3. Display height shall not exceed 6 feet.

4. Individual containers less than 5 gallons or less than 25 pounds shall be stored on pallets, racks or shelves.

5. Storage racks and shelves shall be in accordance with the provisions of Section 80.301(i).

6. Containers shall be approved for the use intended.

7. Individual containers shall not exceed 100 pounds or 5-gallon capacity.

8. Incompatible materials shall be separated in accordance with the provisions of Section 80.301(n).

9. Floors shall be in accordance with the provisions of Section 80.301(z).

10. Aisles 4 feet in width shall be maintained on three sides of the display area.

11. Hazard identification signs shall be provided in accordance with the provisions of Section 80.104(e).

Table No. 80.108. Add a table as follows:

**TABLE NO. 80.108
DENSITY FACTORS FOR EXEMPT AMOUNTS IN RETAIL SALES**

HAZARD CATEGORIES ¹	CLASS	DENSITY FACTOR ρ
Physical Hazards: Oxidizers; unstable (reactive) materials; water-reactive materials	Class 4	N.P.
	Class 3	0.075
	Class 2	0.006
	Class 1	0.003
Health Hazards: Highly toxic solids and liquids; corrosives; other health hazard solids, liquids and gases	All	0.0013

NP = Not permitted

¹Hazard categories are as specified in Division II. Density factors shall not apply to categories other than those listed.

(n) Add a new section as follows:

Sec. 80.109. Notwithstanding Section 1.103(b) conditions in existence at the time of the adoption of this article may continue if such condition was legal at the time of the adoption of this code, provided such condition is not dangerous to life or does not present a distinct and substantial hazard to property.

(o) Add a new section as follows:

Sec. 80.110. The intent of this article is to promote compliance with nationally recognized standards, including those identified in Appendix V-A and any guidance or directives from nationally recognized standards development organizations. Compliance with such standards shall be considered by the chief in judging compliance with the intent of this article.

(p) Delete Sec 80.202(b) 4. entirely.

(q) Add a new exception to Sec. 80.301(a) as follows:

3. Underground Storage Tanks regulated by 40 CFR 280 or state law.

(r) Amend Sec. 80.301(a) by adding a new second paragraph as follows:

The provisions for toxic compressed gases shall apply only after consideration of the hazard potential, alternatives for controlling the hazard, and the cost and benefits of the alternatives.

(s) Revise Sec 80.301(b) 1. as follows:

(b) Containers and Tanks. 1. Design and construction. Containers and tanks shall be designed and constructed in accordance with nationally recognized standards. See Section 2.304(b).

(t) Revise Sec. 80.301(b) 2. to read as follows:

2. Tanks out-of-service 90 days. Any stationary tank not used for a period of 90 days shall be properly maintained or removed in a manner approved by the chief. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained.

Tanks which are to be placed back in service shall be tested in a manner approved by the chief.

(u) Revise Sec. 80.301(b) 3. to read as follows:

3. Defective containers and tanks. Defective containers and tanks shall be removed from service, repaired, or disposed of in accordance with nationally recognized standards of good practice such as the American Petroleum Institute (API) or American Society of Mechanical Engineers (ASME). See Section 2.304(b).

(v) Revise Sec. 80.301(b) 5. to read as follows:

5. Underground tanks. Underground tanks not otherwise excepted by this section used for the storage of hazardous materials shall be located and protected in accordance with Sections 79.601 and 79.603 of this code. Secondary containment shall be provided for all new installations of underground tanks.

(w) Revise the second paragraph of Sec 80.301(d) to read as follows:

Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

(x) Revise Sec. 80.301(e) to read as follows:

(e) Security. The storage of hazardous materials shall be protected against tampering or trespassers by fencing or other control measures.

(y) Revise Sec. 80.301(f) to read as follows:

(f) Ignition Sources.

Smoking, use of open flames or high-temperature devices in a manner which creates a hazardous condition shall not be permitted.

EXCEPTION: Energy-consuming equipment listed for use with the hazardous material stored.

(z) Amend Sec. 80.301(k) by adding a third sentence as follows:

Compliance with requirements of 40 CFR "Hazardous Chemical Reporting and Community Right-To-Know Regulations" under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) will satisfy the requirements of this subsection.

(aa) Amend Sec. 80.301(m) by adding a second sentence as follows:

Threshold Limit Values (TLV) as established by the American Conference of Governmental & Industrial Hygienists (ACGIH), OSHA or Washington Industrial Safety and Health Act - chapter 296-62 WAC will be utilized for establishing minimum standards where ventilation is required.

(bb) Amend Sec. 80.301(o) 2. by deleting the first complete sentence.

(cc) Revise the second sentence of Sec. 80.301(q) to read as follows:

The design shall be engineered and recognize the nature of the stored material and its likely behavior in an explosion.

(dd) Revise Sec. 80.301(r) to read as follows:

(r) **Electrical Wiring and Equipment.** Electrical wiring and equipment shall be installed in accordance with the Washington State Electrical Code chapter 296-46 WAC.

(ee) Revise Sec. 80.301(s) to read as follows:

(s) **Standby Power.** When mechanical ventilation, treatment systems, temperature control, alarm, detection or other electrically operated systems are required, such systems shall be connected to a secondary source of power to automatically supply electrical power in the event of loss of power from the primary source. See the Washington State Electrical Code chapter 296-46 WAC.

(ff) Revise Sec. 80.301(u) to read as follows:

(u) **Manual Alarm.** A local fire alarm manual pull station or approved emergency signal device shall be installed outside of each interior exit door of approved storage buildings, rooms or areas. Activation of the manual alarm shall sound a local alarm.

(gg) Revise Sec. 80.301(y) 1. to read as follows:

1. **Fire access roadways.** See The Building Code Act, RCW 19.27.060(5).

(hh) Amend Sec. 80.303(a) 3. by adding an exception as follows:

Exception: Where water is incompatible with the hazardous material stored, the Chief may approve alternate fire suppression methods to an automatic sprinkler system.

(ii) Revise Sec. 80.303(a) 4. to read as follows:

4. **Explosion venting or suppression.** When flammable gases which are toxic or highly toxic are stored in rooms outside of gas cabinets or exhausted enclosures, the storage rooms shall be provided with explosion venting or suppression in accordance with the provisions of Section 80.301(q).

(jj) Amend Sec. 80.303(b) 3. adding two exceptions as follows:

Exceptions: 1. Anhydrous ammonia (fertilizer grade) portable tanks and cylinders.

2. Where water is incompatible with the hazardous material stored, the Chief may approve alternate fire suppression methods to an automatic sprinkler system.

(kk) Revise the exception in Sec. 80.303(c) 3. B. as follows:

EXCEPTIONS:

1. A cabinet or exhausted enclosure need not be provided for leaking cylinders if all cylinders are stored within gas cabinets or exhausted enclosures.

2. A cabinet or exhausted enclosure need not be provided for leaking cylinders if a U.S. DOT approved cylinder containment vessel is provided.

(ll) Amend the title before Sec. 80.305 to read as follows:

Flammable Solids and Combustible Dusts

(mm) Revise Sec. 80.305(a) 4. to read as follows:

4. **Explosion venting or suppression.** Rooms, buildings or equipment used for the storage of combustible dusts shall be provided with explosion venting, equivalent protective devices or suppression in accordance with the provisions of Section 80.301(q).

(nn) Amend Sec. 80.306(a) 1. by adding the following exception:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid Class 1, Class 2 and Class 3 oxidizers, see Section 80.108.

(oo) Revise the footnotes following Table No. 80.306-A as follows:

¹ For liquid oxidizers, a conversion of 10 pounds per gallon shall be used.

² No exempt amounts of Class 4 oxidizers are permitted in Group R Occupancies, offices or retail sales portions of Group B Occupancies.

³ No exempt amounts of Class 4 oxidizers are permitted in Group A, E, I, or M Occupancies, or in classrooms of Group B Occupancies unless storage is within a hazardous material storage cabinet containing no other storage.

⁴ A maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in Groups I, M and R Occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief.

(pp) Revise Sec 80.306(a) 8. as follows:

8. **Explosion venting or suppression.** Explosion venting or suppression shall not be required in storage areas for Class 1, 2, and 3 oxidizers.

(qq) Revise the footnotes following Table No. 80.307-A as follows:

¹ For organic peroxide liquids, a conversion of 10 pounds per gallon shall be used.

² No exempt amounts of unclassified detonatable or Class I organic peroxides are permitted in Group R Occupancies or offices or retail sales portions of Group B Occupancies.

³ No exempt amounts of unclassified detonatable or Class I organic peroxides are permitted in Group A, E, I or M Occupancies or in classrooms of Group B Occupancies unless storage is within a hazardous material storage cabinet containing no other storage.

(rr) Revise the exception in Sec. 80.309(a) 1. as follows:

EXCEPTIONS:

1. Detonatable, unstable (reactive) materials shall be stored in accordance with Article 77.

2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see Section 80.108.

(ss) Amend Sec 80.310(a) by adding an exception as follows:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid water-reactive materials, see Section 80.108.

(tt) Amend the title of Table No. 80.310-A to read as follows:

WATER-REACTIVES EXEMPT AMOUNTS POUNDS¹

(uu) Revise Sec 80.312(a) 1. and 2. and the section title to read as follows:

Highly Toxic or Toxic Solids and Liquids

Sec. 80.312. (a) Indoor Storage. 1. General. Indoor storage of highly toxic or toxic solids and liquids shall be in accordance with the provisions specified in Subsections 80.312(a) and (c) and Section 80.301.

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid highly toxic materials, see Section 80.108.

2. Exempt amounts. When the amount of highly toxic or toxic solids or liquids stored in one control area exceeds that specified in Table No. 80.312-A, such storage shall be within a room or building conforming to the Building Code requirements for a Group H, Division 7 Occupancy.

(vv) Revise the title of Table No. 80.312-A as follows:

HIGHLY TOXIC OR TOXIC SOLIDS AND LIQUIDS EXEMPT AMOUNTS¹

(ww) Revise the footnote of Table No. 80.312-A as follows:

¹For highly toxic or toxic liquids, a conversion of 10 pounds per gallon shall be used.

(xx) Add a second footnote to Table No. 80.312-A as follows:

²Toxic liquids with vapor pressure greater than one psia shall be treated as highly toxic liquids.

(yy) Delete Sec. 80.312(c) entirely.

(zz) Delete Sec. 80.313(c) entirely.

(aaa) Amend Sec. 80.314(a) 1. adding an exception as follows:

EXCEPTION: For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Section 80.108.

(bbb) Delete Sec. 80.315 Other Health Hazard Solids, Liquids and Gases entirely.

(ccc) Amend Sec 80.401(a) revising the exception as follows:

EXCEPTIONS: 1. Hazardous materials regulated by other articles in this code.

2. Underground Storage Tanks regulated by 40 CFR 280 or state law.

(ddd) Amend Sec. 80.401(a) by adding a new second paragraph as follows:

The provisions for toxic compressed gases shall apply only after consideration of the hazard potential, alternatives for controlling the hazard, and the cost and benefits of the alternatives.

(eee) Revise Sec. 80.401(b) 3. as follows:

3. Tanks out of service 90 days. Any stationary tank not used for a period of 90 days shall be properly maintained or removed in accordance with nationally recognized standards of good practice. Such tanks shall have

the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained.

(fff) Revise Sec. 80.401(b) 4. as follows:

4. Defective containers, cylinders and tanks. Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in accordance with nationally recognized standards of good practice.

(ggg) Revise Sec. 80.401(b) 6. as follows:

6. Underground tanks. Underground tanks not otherwise excepted by this section containing hazardous materials shall be located and protected in accordance with Sections 79.601 and 79.603 of this code. Secondary containment shall be provided for all new underground tanks.

(hhh) Amend Sec. 80.401(c) 3. A. revising the exception as follows:

EXCEPTIONS: 1. Nonmetallic piping with approved connections.

2. Nationally recognized standards shall be deemed to be in compliance with this section.

(iii) Amend Sec. 80.401(c) 3. C. by adding an exception as follows:

EXCEPTION: Where excess flow control is not appropriate according to nationally recognized standards of good practice.

(jjj) Revise Sec. 80.401(j) as follows:

(j) Electrical Equipment and Wiring. Electrical equipment and wiring in dispensing and use areas shall be installed in accordance with the provisions of the Washington State Electrical Code chapter 296-46 WAC.

(kkk) Revise Sec. 80.401(l) as follows:

(l) Standby power. When mechanical ventilation, treatment systems, temperature control, manual alarm, detection or other electrically operated systems are required by other provisions of this division, such systems shall be connected to a standby source of power to automatically supply electrical power in the event of loss of power from the primary source. (See the Washington State Electrical Code chapter 296-46 WAC.)

(lll) Revise Sec. 80.401(n) 1. as follows:

1. Signs prohibiting smoking shall be provided in accordance with the provisions of Article 13.

(mmm) Revise Sec. 80.401(o) as follows:

(o) Security. Dispensing, use and handling areas shall be protected against tampering or trespassing by fencing or other control measures.

(nnn) Revise Sec. 80.402(b) 2. A. as follows:

A. Dispensing. When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from tanks or drums, dispensing shall be only by approved pumps taking suction from the top or

by other methods in accordance with nationally recognized standards of good practice.

(ooo) Revise Sec. 80.402(b) 2. B. as follows:

B. Ventilation. When gases, liquids or solids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed or used, approved ventilation shall be provided to control fumes, mists or vapors at the point of generation.

EXCEPTION: Gases, liquids or solids which can be demonstrated not to create harmful fumes, mists or vapors based on applicable recognized standards.

(ppp) Revise Sec. 80.402(b) 2. D. as follows:

D. Explosion venting or suppression. Explosion venting or suppression shall be provided in accordance with the provisions of Section 80.301(q) when an explosion hazard can occur because of the characteristics or nature of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

(qqq) Revise Sec. 80.402(b) 3. D. as follows:

D. Explosion venting or suppression. Explosion venting or suppression shall be provided in accordance with the provisions of Section 80.301(q) when an explosion hazard can occur because of the hazardous materials dispensed or used, or as a result of the dispensing or use process.

(rrr) Amend Sec. 80.402(b) 3. F. (v) by adding the following exception:

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gas when such reactors are:

1. Operated at pressure less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible emergency shutoff valves.

(sss) Delete Sec. 80.402(b) 3. F. (viii) Process equipment entirely.

(ttt) Revise Sec. 80.402(c) 2. as follows:

2. Dispensing. When liquids having a hazard ranking of 3 or 4 in accordance with U.F.C. Standard No. 79-3 are dispensed from tanks or drums, dispensing shall be by approved pumps taking suction from the top or by other methods in accordance with nationally recognized standards of good practice.

(uuu) Revise Sec. 80.402(c) 6. A. as follows:

A. Fire access roadways. See the Building Code Act, RCW 19.27.060(5).

(vvv) Amend Sec. 80.402(c) 8. C. by adding an exception as follows:

EXCEPTION: Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gas is when such reactors are:

1. Operated at pressure less than 15 psig.
2. Constantly attended.
3. Provided with readily accessible emergency shutoff valves.

(www) Revise Table No. 80.402-A by adding a new Item 1.3 as follows, renumbering current Section 1 materials and revising Item 5.1 as follows:

TABLE NO. 80.402-A—EXEMPT AMOUNTS OF HAZARDOUS MATERIALS PRESENTING A PHYSICAL HAZARD—MAXIMUM QUANTITIES PER CONTROL AREA
Values within parentheses are in cubic feet (cu. ft.) or pounds (lbs.)

MATERIAL	CLASS	CLOSED SYSTEMS			OPEN SYSTEMS		
		Solid lbs. (cu. ft.)	Liquid gallons (lbs.)	Gas cu. ft.	Solid lbs. (cu. ft.)	Liquid gallons (lbs.)	Gas cu. ft.
1.3 Combustible Fiber	Loose Baled	(100) (1,000) 1 ¹	NA NA (1) ¹	NA NA 10 ³	(20) (200) 0	NA NA 0	NA NA 0

(xxx) Revise Table No. 80.402-A revising footnote 5 to read as follows:

⁵The amount may be doubled when dispensed or used inside approved exhausted gas cabinets, exhausted enclosures or fume hoods. When Footnote 1 also applies, the increase for both footnotes may be applied.

(yyy) Revise Table No. 80.402-A by adding a new footnote 7 after the word AREA in Table title. Insert new footnote 7 language as follows:

⁷The aggregate quantity in use and storage shall not exceed the quantity listed for storage. See Division III.

(zzz) Revise Table No. 80.402-A by replacing all references to footnote 2 with footnote 7.

(aaaa) Revise Table No. 80.402-A by adding a footnote 8 to 1.1, 1.2, 1.3 "Combustible Fiber", 1.4, 2.1, 3.1, 3.2, 3.3, and 4.3. Also insert footnote 8 language after existing footnotes as follows:

⁸For use of any amount, see Articles 28, 30, 45, 46, 48, 50, 74, 75, 76, 77, 78, and 79 as applicable for the hazard category of the material in use.

(bbbb) Revise Table No. 80.402-B by adding a footnote 6 after AREA in Table title. Also insert new footnote 6 language after existing footnotes as follows:

⁶The aggregate quantity in use and storage shall not exceed the quantity listed for storage. See Division III.

(cccc) Amend Uniform Fire Code Appendix V-A by adding the following:

The Chlorine Institute, Inc. 2001 L Street, NW, Washington, D.C. 20036

- The Chlorine Manual
- Instruction Booklet Chlorine Institute Emergency Kit "A" for 100-pound and 150-pound Chlorine cylinders
- Instruction Booklet Chlorine Institute Emergency Kit "B" for Chlorine Ton Containers
- Instruction Booklet Chlorine Institute Emergency Kit "C" for Chlorine Tank Cars/Tank Trucks
- Chlorine Institute Drawing 188, Chlorine Cylinder Recovery Vessel

WAC

- 51-18-010 Declaration of purpose.
- 51-18-020 Application.
- 51-18-030 Water efficiency standards.
- 51-18-040 Exceptions.
- 51-18-050 Implementation.

NEW SECTION

WAC 51-18-010 DECLARATION OF PURPOSE. The purpose of this chapter shall be to implement water conservation performance standards in accordance with section 8, chapter 348, Laws of 1989.

NEW SECTION

WAC 51-18-020 APPLICATION. This chapter shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

NEW SECTION

WAC 51-18-030 WATER EFFICIENCY STANDARDS. (1) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 3.5 gpf
- Flushometer-valve toilets 3.5 gpf
- Flushometer-tank toilets 3.5 gpf
- Electromechanical hydraulic toilets . 3.5 gpf

(2) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(3) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(4) Standards for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 3.0 gpm
- Lavatory faucets 3.0 gpm
- Kitchen faucets 3.0 gpm
- Replacement aerators 3.0 gpm

(5) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

NEW SECTION

WAC 51-18-040 EXCEPTIONS. Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

NEW SECTION

WAC 51-18-050 IMPLEMENTATION. The standards for water efficiency contained in WAC 51-18-

030 shall be in effect as of July 1, 1990, as provided in section 8, chapter 348, Laws of 1989.

WSR 90-02-111
PROPOSED RULES
DEPARTMENT OF FISHERIES

[Filed January 3, 1990, 4:55 p.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Closes commercial fishing for bottomfish and shellfish in the San Juan Islands Marine Preserve, except for crabbing in Parks Bay.

Reasons Supporting Proposal: The San Juan Islands have a unique biological fauna that need to be studied.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Judith Freeman, 115 General Administration Building, Olympia, 753-6749; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, 753-6585.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The University of Washington has requested that a San Juan study area be established in order to determine the effects of recreational and commercial fishing. Although herring and salmon fishing would be allowed, this proposal accomplishes this end. This proposal complements an identical rule proposal for recreational fishing. There is a minimal expected effect, given the size of the proposed preserve in relation to the available fishing sites in the San Juan Islands.

Proposal Changes the Following Existing Rules: Amends current general regulations for commercial shellfish and bottomfish harvest.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No impact is expected that would affect 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses.

Hearing Location: Friday Harbor High School, Music Room, 45 Blair Street, Friday Harbor, on Saturday, February 24, 1990, at 2:00 p.m.

Submit Written Comments to: Hearings Officer, Washington Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, by February 23, 1990.

Date of Intended Adoption: February 27, 1990.

January 3, 1990
Judith Merchant
Deputy
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

WAC 220-20-020 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—FOOD FISH OTHER THAN SALMON. (1) It ~~((shall be))~~ is unlawful to ~~((take;))~~ fish for or possess for commercial purposes any round, undressed sturgeon less than 48 inches or greater than 72 inches in length.

(2) It ~~((shall be))~~ is unlawful to ~~((take;))~~ fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It ~~((shall be))~~ is unlawful to ~~((take;))~~ fish for or possess for commercial purposes sturgeon ~~((m))~~ taken from any of the waters of Puget Sound or tributaries ~~((thereof for commercial purposes with any type of commercial gear))~~, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It ~~((shall be))~~ is unlawful to ~~((take or))~~ fish for food fish for commercial purposes ~~((with any type of commercial gear))~~ in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It ~~((shall be))~~ is unlawful to ~~((take;))~~ fish for ~~((;))~~ or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest for commercial purposes herring eggs naturally deposited on marine vegetation or other substrate.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-20-025 GENERAL PROVISIONS—SHELLFISH. (1) It ~~((shall be))~~ is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257.

(2) It ~~((shall be))~~ is unlawful to possess any soft-shelled crab for any purpose.

(3) It ~~((shall be))~~ is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It ~~((shall be))~~ is unlawful to use any irritant chemicals when taking or fishing for octopus.

(5) It ~~((shall be))~~ is unlawful to ~~((willfully))~~ willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(6) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.

WSR 90-02-112**PROPOSED RULES****DEPARTMENT OF FISHERIES**

[Filed January 3, 1990, 4:59 p.m.]

Original Notice.

Title of Rule: Personal use rules.

Purpose: Amend personal use fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-16-440, defines San Juan Islands Marine Preserve. Definition needed to delineate areas of the preserve; WAC 220-16-450, defines Light 26 Line. Definition needed for management during fall season in Columbia River; WAC 220-56-105, defines mouth of Skookum Creek and Whatcom Creek. Allows anglers to distinguish between freshwater and saltwater areas. Will reduce snagging in Skookum Creek; WAC

220-56-115, clarifies that salmon must be taken by angling and allows power reels to be used. Salmon are vulnerable to harassment in freshwater when spawning, and lawful angling is the only method by which salmon may be taken. Other species may be taken by hand (if possible). Power reels currently require a disability permit, which is seen as unneeded. The conditions of usage (attachment to reel; rod capable of being held in hand) distinguish sport power reels from commercial gear. It is anticipated that a small increase in the number of power reels will occur; WAC 220-56-125, clarifies the closed areas in Shilshole Bay near the mouth of the Lake Washington Ship Canal. No anticipated effect; WAC 220-56-126, opens the salmon fishery in the Duwamish waterway one month earlier. Will increase salmon angling opportunity; WAC 220-56-127, requires use of freshwater gear in the open area at Budd Inlet during the time salmon are migrating into Capitol Lake. Will reduce the incidence of snagging; WAC 220-56-128, closes area at the south end of Budd Inlet due to snagging, which will result in decreased fishing opportunity, clarifies the closure at the juncture of the Lake Washington Ship Canal and Shilshole Bay, which should have no effect, eliminates closures in Elliott Bay and the Duwamish River, which will increase fishing opportunity; WAC 220-56-160, closes freshwater to spearfishing and disallows spearfishing for salmon or sturgeon in saltwater. This compliments the changes in WAC 220-56-115 above. No effect expected; WAC 220-56-165, allows bow fishing in freshwater, where the primary fish taken is carp. This corrects a wording error, and no effect is expected; WAC 220-56-175, provides for a halibut catch record card. This will allow for increased knowledge of the halibut resource, and is a necessary management tool. The department will make these catch records cards readily available, which should minimize the effect of requiring this be completed by all halibut anglers; WAC 220-56-180, makes the minimum size for salmon in freshwater 12 inches, which conforms the size to that for cutthroat trout in freshwater and will decrease unintentional killing of trout; conforms the bag limit in Hood Canal with the rest of Puget Sound, which is anticipated to reduce confusion among anglers; WAC 220-56-190, allows a jetty fishery at Grays harbor when the adjacent ocean waters are open, which increases fishing opportunity; WAC 220-56-195, increases the closure in Skagit Bay two weeks, which will decrease fishing opportunity in the bay; reduces the closure in Carr Inlet two weeks for increased opportunity; eliminates the closure in Elliott Bay and allows six weeks additional fishing in Port Susan, both of which increase opportunity; WAC 220-56-197, rescinds coho closures as unnecessary at this time; WAC 220-56-205, clarifies that weights may not be used with lures, which will reduce snagging; WAC 220-56-230, closes bottomfishing in the San Juan Islands Marine Preserve in order to allow scientific study, unhampered by removal of the study subjects by recreational anglers. The effects are expected to be minimal considering the size of the preserve in relation to the available fishing sites; WAC 220-56-235, reduces possession limit of walleye pollack in order to increase escapement and spawning potential. This should

increase the number of walleye pollack; WAC 220-56-240, clarifies that sturgeon size limits below Wallula apply to tributaries also, which should have no effect; sets new sturgeon size limits that will go into effect in 1991, which conforms Washington with Oregon, and which will reduce angling opportunity but will contribute to rebuilding sturgeon stocks; WAC 220-56-282, requires barbless hooks for sturgeon, which will allow release of undersize fish and decrease hooking mortality. This is anticipated to save sturgeon; WAC 220-56-307, closes shellfishing in San Juan Islands Marine Preserve, except for crabbing in Parks, Bay. See WAC 220-56-230 above; WAC 220-56-310, reduces possession limit of scallop. Minimal effect on sport skin divers; WAC 220-56-320, eliminates telephone number requirement, no effect; provides for alternate escape mechanism for shellfish pots, helping anglers who have collapsible gear; requires shellfish pots to be under water at all times, which will prevent wastage; WAC 220-56-330, changes date of crab opening one day; minimal effect; WAC 220-56-350, changes certain clam closures to prevent harvest in areas that need time to rebuild clam stocks. Minimal effect; WAC 220-56-380, changes certain oyster closures to allow rebuilding of oyster stocks. Minimal effect; WAC 220-56-400, makes hand or abalone iron the only methods to take abalone, which will prevent use of gear that injures the abalone. Minimal effect; chapter 220-57 WAC, changes in this chapter reflect anticipated preseason expectations of salmon returns during 1990, except that the alternate proposals for the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with the Ringold fishery in the Columbia, reflect a range of possibilities for management of the fisheries in these Columbia River tributaries, and are being presented for public comments as to preference. Dam closures on the Columbia are for clarification and should have no effect. The closed area on the Stillaguamish is for salmon protection, and should have minimal effect; WAC 220-57A-080, Lake Goodwin is closed to salmon angling because there are no salmon in the lake; and WAC 220-57A-180, the closure in the Lake Washington Ship Canal is unchanged; this is only a clarification and should have no effect.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, 753-6585.

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

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No impact. These proposals are not expected to effect 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses.

Hearing Location: Saturday, February 24, 1990, at 10:00 a.m. at: North Seattle Community College, Room RC 1141, 9600 College Way North, Seattle; Clark College, Hanna Hall, Room 121, 1800 East McLoughlin Boulevard, Vancouver; and Yakima Valley Community College, Anthon Hall, Room A-102, 16th and Nob Hill Boulevard, Yakima.

Saturday, February 24, 1990, at 11:00 a.m. at the Friday Harbor High School, Music Hall, 45 Blair Street, Friday Harbor.

Submit Written Comments to: Hearings Officer, Washington Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, by February 23, 1990.

Date of Intended Adoption: February 27, 1990.

January 3, 1990

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-16-440 SAN JUAN ISLANDS MARINE PRESERVE AREA. The following tidal and submerged lands are included within the definition of the "San Juan Islands Marine Preserve Area":

(1) False Bay: The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Harbor, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula.

(2) Friday Harbor: Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards north of Point Caution, thence 500 yards offshore, thence south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100 feet north of the north entrance of the floating breakwater of the Port of Friday Harbor and projected towards Reid Island, thence along said line to shore on San Juan Island.

(3) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

(4) Yellow and Low Islands: All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.

(5) Shaw Island: Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hicks Bay, 122 degrees, 58 minutes, 15 seconds west longitude, thence due south 500 yards, thence north and west at a distance of 500 yards from shore to the intersection with a line projected 261 degrees true from a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, thence along said line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of said line.

NEW SECTION

WAC 220-16-450 LIGHT 26 LINE. The "Light 26 Line" is defined as a line in the Columbia River from the landward end of the Chinook Jetty following the jetty to Chinook Jetty Light No. 7, then southerly in a straight line to Desdemona Sands Light, then southeasterly in a straight line through Light 26 to the Oregon shore.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chehalis River - U.P. Railway Bridge in Aberdeen.
- Chinook River - The tide gates at the Highway 101 Bridge.
- Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
- Duwamish River - First Avenue South Bridge.
- Elk River - Highway 105 Bridge.
- Entiat River - Highway 97 Bridge.
- Germany Creek - Highway 4 Bridge.
- Hoquiam River - Highway 101 Bridge.
- Humtulpis River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.
- Kennedy Creek - Highway 101 Bridge.
- Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Mill Creek - Highway 4 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - Kenmore Highway Bridge.
- Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Tucannon River - State Highway 261 Bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Highway 14 Bridge.
- Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.
- Willapa River - Highway 101 Bridge.
- Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line while angling in freshwater.

(b) It is lawful to use two lures per line while angling in marine waters for food fish other than salmon or baitfish.

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu river, Georgia Strait, the San Juan Islands, and Puget Sound.

(2) It shall be unlawful for any person to take, fish for or possess ~~((food fish))~~ salmon taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel ~~((not utilizing power to retract the line in either case;))~~ except as ~~((provided in subsections (3), (4), and (5) of this section:))~~ follows:

~~((3))~~ (a) It ~~((shall be))~~ is lawful ~~((; while angling for food fish from shore, piers, jetties or docks, for an individual))~~ to ~~((:~~

~~((a))~~ leave the pole in a pole holder while playing or landing the fish ~~((:))~~ if the pole ~~((holder may be affixed to a bench, pier railing, wheelchair or other solid object))~~ is capable of being readily removed from the pole holder.

~~((b))~~ It is lawful to use ~~((a))~~ an electric power-operated reel designed for sport fishing attached to a pole.

~~((4))~~ It is lawful, while in possession of a disability power reel permit, to use a power-operated reel while angling for food fish from a vessel, and leave the pole in a pole holder while playing or landing the fish. A disability power reel permit for boat angling will be issued by the department's licensing division to any person who is physically handicapped to the extent the person is unable to engage in angling using a hand-operated reel. For purposes of this section, physically handicapped means an obvious permanent disability involving the loss or incapacity of one hand.

The disability power reel permit must be with the angler while the power-operated reel is being used and must be presented to authorized officials of the department upon request.

~~((5))~~ (c) It ~~((shall be unlawful))~~ is lawful to ~~((take;))~~ fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

~~((6))~~ (3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-125 UNLAWFUL PROVISIONS—SHILSHOLE BAY. (1) It ~~((shall be))~~ is unlawful to use artificial lures to ~~((take;))~~ fish for ~~((or possess))~~ food fish in that portion of Shilshole Bay ~~((upstream))~~ east of a line which is parallel to the Burlington Northern Railroad Bridge and approximately 175 feet ~~((seaward))~~ westerly of the bridge, and which runs through the wooden piling tower structure near the south shore ~~((to the))~~ (west of the Chittenden Locks).

(2) It ~~((shall be))~~ is unlawful to take, or fish for food fish, for personal use, from a boat in that portion of Shilshole Bay ~~((upstream))~~ easterly of the Burlington Northern Railroad Bridge ~~((; to the Chittenden Locks))~~.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-126 UNLAWFUL PROVISIONS—DUWAMISH WATERWAY. During the period ~~((October))~~ September 1 through October 15, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:

(1) It is unlawful to take, fish for or possess salmon using any gear other than that gear that meets the requirements of this subsection:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must

not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a ((nonbuoyant)) lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

NEW SECTION

WAC 220-56-127 UNLAWFUL PROVISIONS—BUDD INLET. During the period July 16 through October 31, in those waters of Budd Inlet south of a line projected true west from the KGY Radio Station Tower to the western shore of the inlet and northerly of a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building (excluding waters of the embayment west of the railroad bridge):

(1) It is unlawful to take, fish for, or possess food fish using any gear other than that gear which meets the requirements of this subsection:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures, other than natural bait lures, must have no more than one single hook, and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may use either one or two single hooks, none of which may exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater, and they may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to take, fish for, or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-128 FOOD FISH FISHING—CLOSED AREAS. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal within a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery are closed December 1 through October 31. Those waters within 50 feet of the confluence are closed from November 1 through November 30.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay ((for salmon, the closed)) waters ((are the waters below)) east of the Burlington Northern Railroad Bridge are closed to salmon angling. For ((bottomfish or other)) food fish other than salmon, ((the closed waters are)) those waters ((400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31, and below)) easterly of the Burlington Northern Railroad Bridge ((all year)) are closed June 1 through September 30. During the period October 1 through May 31 it is lawful to fish for food fish other than salmon up to the mouth of the Lake Washington Ship Canal.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) ((Those waters of Elliott Bay southerly and upstream from lines described as a 1,000 foot radius north of a point midway between Port of Seattle Pier 37 and the Crowley Maritime Corporation Pier 18 and a 1,000 foot radius north of a point midway between the Todd Shipyard Pier 13 and the Lockheed Shipyard Pier 4 to the First Avenue South Bridge are closed August 1 through September 30:

(13) Those waters of the Duwamish River downstream from the Highway 99 Bridge (the Pacific Highway South Bridge) to the First Avenue South Bridge are closed July 1 through September 30.) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-160 SPEARFISHING. It shall be lawful to take, fish for and possess food fish taken for personal use in saltwater, except salmon ((or crabs, taken for personal use in saltwater)) and sturgeon, if such food fish are taken with underwater spearfishing gear commonly used in the sport of "skin diving." ((unless otherwise provided:))

AMENDATORY SECTION (Amending Order 80-45, filed 6/11/80)

WAC 220-56-165 BOW AND ARROW FISHING. It shall be lawful to take, fish for and possess food fish, except salmon, shad, or sturgeon, ((and shellfish:)) for personal use ((in marine waters)) by bow and arrow fishing((; unless otherwise restricted)).

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than ((+0)) 12 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than ((+0)) 12 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than ((+0)) 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the bag limit is four salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag

limit may be chinook (~~(, except the daily bag limit in Catch Record Card Area 12 is three salmon of any species)~~).

(7) Code I: In waters having this code designation, the bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington wildlife commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8) The possession limit in all waters regulated under Bag Limits A, C, D, F, G, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington wildlife commission.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound:

(a) Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, and 12 - Bag Limit H - open the entire year.

(b) Catch Record Card Areas 10, 11, and 13 - Bag Limit G - open the entire year.

(c) In the above waters there are specified closures as provided for in WAC 220-56-128, 220-56-130, and 220-56-195.

(2) Strait of Juan de Fuca from the mouth of the Sekiu River to the Bonilla-Tatoosh Line - Bag Limit F except during the period April 16 through June 15 maximum size limit of 30 inches on chinook salmon if the waters described in this subsection are open - open concurrently with the ocean, and these waters will remain open through October 31 or until the ocean salmon quota for any species is taken.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 - Bag Limit F - when opened by emergency regulation.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty including the waters of the Westport Boat Basin) - (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean (~~(, but not to extend beyond August 15, unless otherwise provided)~~). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters, (b) Bag Limit A - August 16 through January 31: Waters of the Westport Boat Basin only.

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) - (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, (b) Bag Limit A - August 16 through January 31.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-195 CLOSED AREAS—SALTWATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Poinell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April 16 through ~~((May 31))~~ June 15.

(2) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo

Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 16 through July 15.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from April 16 through ~~((August 15))~~ July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

(c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 16 through June 15.

(4) Dabob Bay: Those waters north of a line projected true east from Pulali Point are closed to salmon angling April 16 through August 15.

(5) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulakala Point are closed to salmon angling April 16 through June 30.

(6) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

~~(7) ((Elliott Bay: Waters easterly of a line projected 187 degrees true from Pier 91 through the Duwamish Head Light to Duwamish Head are closed to salmon angling August 1 through September 9.~~

~~(8))~~ Port Susan: Those waters of Port Susan north of a line projected 53 degrees true from Camano Head to a white fishing boundary marker on the shore north of Tulalip Bay (approximately 1.4 miles northwest of Hermosa Point) are closed to salmon angling ~~((April 16))~~ July 1 through August 31.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-197 CLOSED AREAS—COHO SALMON ANGLING. ~~((It is unlawful to take or possess coho salmon taken for personal use during the period September 1 through October 31 from those waters of Skagit Bay lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Poinell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough:))~~ Coho only closures—None.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-205 HOOK REGULATIONS—FRESHWATER SALMON ANGLING. It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below or less than 12 inches above a ~~((nonbuoyant))~~ lure.

(4) All hooks must be attached within three inches of the bait or lure.

NEW SECTION

WAC 220-56-230 BOTTOMFISH—CLOSED AREAS. It is unlawful to fish for or possess bottomfish taken for personal use from the San Juan Islands Marine Preserve Area.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

(1) Coastal (Punch Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish in Punch Card Areas 1 through 3 and Area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point;

(ii) 2 fish in Punch Card Area 4 east of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point.

(b) Rockfish - 15 fish.

(c) All other species - no limit.

(2) Puget Sound:

(a) East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of a line between west point on Whidbey Island and Reservation Head on Fidalgo Island. (Punch Card Areas 5 through 7) - 15 fish in the aggregate of all species of bottomfish, no more than 2 of which may be lingcod and no more than 10 of which may be rockfish or surfperch. It is unlawful to possess lingcod less than 22 inches in length taken by angling. The daily bag limit taken by spear fishing may include no more than one lingcod in the 15 fish aggregate, with no size restriction.

(b) All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (Punch Card Areas 8-1 through 13) - 15 fish in the aggregate of all species of bottomfish, no more than 1 of which may be lingcod, no more than 5 of which may be rockfish and no more than 10 of which may be surfperch ((σ)), Pacific cod or walleye pollock. It is unlawful to possess lingcod less than 22 inches in length taken by angling. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-240 BAG LIMITS—OTHER FOOD FISH. It is unlawful for any one person to take in any one day more than the following quantities and sizes of food fish taken for personal use:

(1) Sturgeon: 2 fish not less than 36 inches nor more than 72 inches in length state-wide, except:

(a) 1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) 2 fish not less than 40 inches nor more than 72 inches in length in Grays Harbor and Willapa Bay and all rivers and streams draining into each.

(c) 2 fish not less than 40 inches nor more than 72 inches in length in the Columbia River and tributaries downstream from a line perpendicular to the river flow where the river becomes the Oregon/Washington boundary approximately 17.3 miles above McNary Dam.

(d) The possession limit is two daily bag limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(e) There is an annual personal use bag limit of 15 sturgeon.

(f) Effective January 1, 1991, the personal use daily bag limit and size limits for sturgeon are as follows:

Sturgeon: Except as provided for in subsection (1)(a) of this section, the state-wide daily limit for sturgeon is two fish in total, with the following size restrictions:

(i) Minimum size is 40 inches in length;

(ii) Maximum size is 72 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

(2) Smelt: 20 pounds. The daily bag limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-282 STURGEON—LAWFUL GEAR. (1) It is unlawful to fish for sturgeon with other than natural bait, (~~using no more~~) and it is unlawful to use other than ((two)) single barbless hooks.

(2) It is unlawful to fish for sturgeon using barbed hooks in Grays Harbor and Willapa Bay and all rivers and streams draining into each, and in those waters of the Columbia River and tributaries upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam.

NEW SECTION

WAC 220-56-307 SHELLFISH—CLOSED AREAS. It is unlawful to fish for or possess shellfish taken for personal use from the San Juan Islands Marine Preserve Area, except that it is lawful to take crab for personal use from Parks Bay, using personal use crab gear.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-310 SHELLFISH—DAILY BAG LIMITS. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: ((\neq)) 10 pounds or ((\neq)) 5 quarts in the shell.

(9) Shrimp: 10 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: 12 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS.

(1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name(~~(-telephone number;)~~) and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the recreational license form. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess crab or shrimp taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-330 CRAB—AREAS AND SEASONS. (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July ((+5)) 16, but if not previously opened by emergency regulation will open July ((+5)) 16 through April 15. The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) Except as provided in subsection (1) of this section, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-350 HARDSHELL CLAMS, COCKLES, MUSSELS—AREAS AND SEASONS. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that it is unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) Garrison Bay: All state-owned and federally-owned tidelands of Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.

(c) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

(d) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams from (~~June 16~~) July 1 through December 31.

(e) Kayak Point County Park—All county-owned tidelands at Kayak Point County Park are closed except county tidelands north of the county fishing pier are open January 1 to June 15 of even-numbered years and county tidelands south of the pier are open January 1 to June 15 of odd-numbered years.

(f) The following areas are closed to clam digging through April 15, 1991:

(i) All state-owned tidelands at Bywater Bay.

(ii) All state-owned tidelands at Point Whitney.

(iii) All state-owned tidelands at Eagle Creek.

(g) Camano Island State Park—All state-owned tidelands at Camano Island State Park are closed April 1, 1990, through May 31, 1990, and July 1, 1990, through April 15, 1991.

or

All state-owned tidelands at Camano Island State Park are closed to clam digging Sunday through Friday of each week.

(h) Penrose Point State Park—All state-owned tidelands at Penrose Point State Park are closed August 1, 1990, through August 31, 1990.

(i) Puget Sound state oyster reserves are closed to clam digging the entire year except the following areas are open for personal use clam harvest:

(i) Oakland Bay—The state-owned oyster reserve tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

(ii) Case Inlet—The state-owned oyster reserve tidelands on the east side of North Bay at the north end of the inlet.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July 16 through September 15. In addition, it is unlawful to take or possess oysters taken from the following areas except during the periods indicated:

(a) Hood Canal south of a line from Misery Point to Quatsap Point - October 1 through June 30.

(b) (~~Seal Rock Forest Service campground - May 16~~) The following areas are closed through ((July 15)) April 15, 1991:

(i) Bywater Bay State Tidelands—All state-owned tidelands.

(ii) Point Whitney—All state-owned tidelands.

(c) Kitsap Memorial State Park - May 16 through June 15.

(d) Scenic Beach State Park April 16 through May 15.

(e) Department of fisheries tidelands at Hoodport Salmon Hatchery - ((May 1 through June 30)) closed year round.

(f) ((State tidelands at Bywater Bay - May 16 through July 15)) Eagle Creek - April 1 through April 30.

(g) Brown Point - April 1 through May 15.

(h) Twanoh State Park - January 1 through June 30. Open to harvest Thursday through Sunday of each week.

(3) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-400 ABALONE. (1) It is unlawful to remove undersized abalone from the water, and any undersized abalone must be replaced immediately with the shell outward to the site from which is was removed.

(2) The first five legal size abalone taken must be retained, and it is unlawful to detach abalones once the daily bag limit has been taken.

(3) It is unlawful to possess in the field any abalone taken for personal use which has the shell removed.

(4) Abalone harvest is limited to use of hands or abalone irons. Abalone irons must be less than 24 inches in length, straight, wider than

3/4 inch and thicker than 1/16 inch. All edges must be rounded. Use of curved irons, knives, or other sharp instruments is prohibited.

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-56-175 SALMON (~~(AND)~~), STURGEON, AND HALIBUT CATCH RECORD CARDS. It is unlawful for any person to fail to comply with the (~~(salmon or sturgeon)~~) catch record requirements as provided for in this section:

(1) In order to take or possess for personal use anadromous salmon (~~(or)~~), Columbia River, Grays Harbor, or Willapa Harbor sturgeon (including sturgeon taken from any tributary) or halibut a fisherman must obtain and have in his possession the appropriate catch record card (also referred to as punch card in chapter 75.25 RCW) as described in WAC 220-69-237 (~~(and)~~), 220-69-238, and 220-69-239 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, when obtaining a catch record card shall completely, accurately, and legibly complete all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card.

(3) Immediately upon catching and possessing a salmon (~~(or)~~), sturgeon or halibut, the angler shall enter in the appropriate space the place, date of catch, species (catch type), and, for sturgeon, length.

(4) Every person possessing a catch record card shall by January 31 of the year following the year printed on the card return such card to the department of fisheries.

(5) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized fisheries department employee, exhibit said card to such officer or employee for inspection.

(6) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-140 CHEHALIS RIVER. (1) Bag Limit A - May 1 through June 30: Downstream from the Porter Bridge.

(2) Bag Limit A - July 1 through January 31: Downstream from the Fuller Bridge to the Union Pacific Railroad Bridge in Aberdeen.

(3) Bag Limit A - September 1 through September 30: Downstream from Porter Bridge to the Fuller Bridge. Coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 89-56, filed 7/12/89)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the (~~(upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the))~~ west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.

(b) Wells Dam - waters between the upstream line of Wells Dam (~~(and a point))~~ to boundary markers 400 feet below the spawning channel discharge (~~(stream))~~ on the Chelan County side and the fish ladder on the Douglas County side.

(2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit D - June 1 through September 15; Bag Limit A September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and (~~(points))~~ boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and (~~(a point 400))~~ boundary markers 650 feet (~~(downstream))~~ below the fish ladders.

(b) Jackson (Moran) Creek - All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located (~~(approximately 500))~~ 100 feet (~~(both))~~ upstream and 400 feet downstream of the mouth of the hatchery outlet.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - June 16 through August 15; Bag Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through December 31. Additionally, Bag Limit A - April 1 through July 31: Bank fishing only from the hatchery side of the Columbia River from the WDF marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a WDF boundary marker approximately 1/4 mile downstream of Ringold waterway outlet.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Bag Limit A - January 1 through March 15; Bag Limit C - March 16 through March 31; Bag Limit D - June 1 through July 31; Bag Limit A - August 1 through December 31.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Bag Limit A - January 1 through March 31; Bag Limit D - May 16 through July 31; Bag Limit A - August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Bag Limit ((F)) A - (~~(August 14))~~ October 1 through (~~(September 4, 1989. Special Bag Limit of three salmon - September 5, 1989, through March 31, 1990. Chinook salmon must not be less than~~

24 inches in length and coho salmon must be not less than 16 inches in length and there is no size limit for other salmon)) March 31.

(b) Bag Limit F – August 1 through August 15 except waters west-erly of the Light 26 Line are closed.

(c) Bag Limit F – August 16 through Labor Day.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the conservation zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the bag limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-220 DUWAMISH RIVER. Bag Limit A – (~~October~~) July 1 through November 30: (~~All chinook salmon must be released immediately~~) Downstream from the Highway 405 Bridge.

NEW SECTION

WAC 220-57-242 ENTIAT RIVER. Bag Limit A – May 16 through June 15: Downstream from markers 200 feet below the Entiat Hatchery fishway to the Highway 97 Bridge.

–or–

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

–or–

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

–or–

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

–or–

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-260 GREEN RIVER (KING COUNTY). Bag Limit A – July 1 through October 15: Downstream from the Auburn Eighth Street N.E. Bridge to the Highway 405 Bridge. Bag Limit A – October ((+)) 16 through November 30: Downstream from the downstream side of the Highway 18 Bridge to the Highway 405 Bridge. (~~All chinook salmon must be released immediately~~.)

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-270 HOH RIVER. (1) Bag Limit C – May 16 through November 30: Downstream from the mouth of the south fork Hoh to ((the mouth of Willoughby Creek)) Morgan's Crossing boat launch site.

(2) Bag Limit A – May 16 through November 30: Downstream from ((the mouth of Willoughby Creek)) Morgan's Crossing boat launch site.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-290 ICICLE RIVER. (~~Closed to salmon angling the entire year~~) Special Bag Limit: Two salmon per day – May 16

through June 30: Downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.

–or–

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

–or–

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

–or–

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

–or–

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-315 KLICKITAT RIVER. (1) Bag Limit A – April 1 through January 31: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth, except open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

–or–

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

–or–

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

–or–

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

–or–

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

(2) Bag Limit C – May 30 through July 31 – downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

–or–

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

(3) Bag Limit A - August 1 through January 31: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

NEW SECTION

WAC 220-57-328 METHOW RIVER. Bag Limit A - May 16 through June 15: Downstream from the Highway 20 Bridge at Winthrop to the Highway 97 Bridge.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-465 STILLAGUAMISH RIVER. Bag Limit A - August ((16)) 1 through December 31: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream. ((Chinook salmon must be released immediately:))

NEW SECTION

WAC 220-57-497 WENATCHEE RIVER. Special Bag Limit: 2 salmon per day - May 16 through June 15. Downstream from the mouth of the Icicle River to the Highway 2 Bridge at Leavenworth.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-505 WHITE SALMON RIVER. (1) Bag Limit C - January 1 through December 31: Upstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge to a line 400 feet downstream from Condit Dam.

(2) Bag Limit A - January 1 through December 31: Downstream from a ((set of markers approximately 1/2 mile north of Highway 14 Bridge)) line 400 feet downstream from Condit Dam.

(3) (Little White Salmon River (Drano Lake): Bag Limit A - August 1 through December 31: Downstream from markers on point of land downstream and across from Federal Salmon Hatchery.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-515 WIND RIVER. Bag Limit A - August 1 through October 31: Downstream from the Burlington Northern Railroad Bridge to the mouth.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

NEW SECTION

WAC 220-57-530 YAKIMA RIVER. Bag Limit A - May 1 through June 16: Downstream from the boat launch on Ringer (or Datin) Road approximately 1 mile above the mouth of Wilson Creek to markers located approximately 1,500 feet above Rosa Dam.

-or-

Special Bag Limit of one salmon per day regardless of size. (Same time and area)

-or-

Special Bag Limit of two salmon per day regardless of size and anglers must immediately cease fishing upon landing two salmon. (Same time and area)

-or-

Seasonal Bag Limit of 5 salmon (or 10 salmon) in total taken from the Columbia River tributaries of the Entiat, Icicle, Klickitat, Little White, Methow, Wenatchee, Wind and Yakima rivers, together with that portion of the Columbia River at the Ringold Hatchery. (All time, area, and daily bag limit restrictions for each tributary and Ringold remain the same; the combined catch during the season may not contain more than an aggregate of the above number of salmon.)

-or-

(Same season and bag limit.) Each angler is limited to fishing on either odd-numbered days of the month or even-numbered days of the month. The determination of on which day of the month the angler may fish depends on the angler's birth year. Anglers born in a year ending in zero or an even number may only fish on a day of the month ending in zero or an even number; anglers born in a year ending in an odd number may only fish on a day of the month ending in an odd number.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57A-080 GOODWIN LAKE (SNOHOMISH COUNTY). (~~Bag Limit 1.~~) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). Bag Limit A - August ~~((+6))~~ 1 through December 31: West of University Bridge, to a north-south line (~~(perpendicular to the north wing wall)~~) located 400 east of the eastern end of the north wingwall of the Chittenden Locks. Sockeye salmon must be released immediately. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge

~~((and waters between the line 400 east of eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks)) are closed to salmon angling at all times.~~

Table of WAC Sections Affected as of 12/31/89

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

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.

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1-12-005	REP-P	89-09-068	1-12-180	REP-P	89-09-068	1-13-100	REP-P	89-09-068
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1-12-010	REP-P	89-09-068	1-12-190	REP-P	89-09-068	1-13-110	REP-P	89-09-068
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1-12-020	REP	89-12-028	1-12-191	REP	89-12-028	1-13-120	REP	89-12-028
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1-12-033	REP	89-12-028	1-12-220	REP	89-12-028	1-13-140	REP	89-12-028
1-12-034	REP-P	89-09-068	1-12-910	REP-P	89-09-068	1-13-150	REP-P	89-09-068
1-12-034	REP	89-12-028	1-12-910	REP	89-12-028	1-13-150	REP	89-12-028
1-12-035	REP-P	89-09-068	1-12-930	REP-P	89-09-068	1-13-155	REP-P	89-09-068
1-12-035	REP	89-12-028	1-12-930	REP	89-12-028	1-13-155	REP	89-12-028
1-12-040	REP-P	89-09-068	1-12-940	REP-P	89-09-068	1-13-160	REP-P	89-09-068
1-12-040	REP	89-12-028	1-12-940	REP	89-12-028	1-13-160	REP	89-12-028
1-12-045	REP-P	89-09-068	1-12-950	REP-P	89-09-068	1-13-170	REP-P	89-09-068
1-12-045	REP	89-12-028	1-12-950	REP	89-12-028	1-13-170	REP	89-12-028
1-12-050	REP-P	89-09-068	1-13-005	REP-P	89-09-068	1-13-180	REP-P	89-09-068
1-12-050	REP	89-12-028	1-13-005	REP	89-12-028	1-13-180	REP	89-12-028
1-12-060	REP-P	89-09-068	1-13-010	REP-P	89-09-068	1-13-190	REP-P	89-09-068
1-12-060	REP	89-12-028	1-13-010	REP	89-12-028	1-13-190	REP	89-12-028
1-12-070	REP-P	89-09-068	1-13-020	REP-P	89-09-068	1-13-200	REP-P	89-09-068
1-12-070	REP	89-12-028	1-13-020	REP	89-12-028	1-13-200	REP	89-12-028
1-12-080	REP-P	89-09-068	1-13-030	REP-P	89-09-068	1-13-210	REP-P	89-09-068
1-12-080	REP	89-12-028	1-13-030	REP	89-12-028	1-13-210	REP	89-12-028
1-12-090	REP-P	89-09-068	1-13-032	REP-P	89-09-068	1-13-230	REP-P	89-09-068
1-12-090	REP	89-12-028	1-13-032	REP	89-12-028	1-13-230	REP	89-12-028
1-12-100	REP-P	89-09-068	1-13-033	REP-P	89-09-068	1-13-240	REP-P	89-09-068
1-12-100	REP	89-12-028	1-13-033	REP	89-12-028	1-13-240	REP	89-12-028
1-12-110	REP-P	89-09-068	1-13-034	REP-P	89-09-068	1-13-910	REP-P	89-09-068
1-12-110	REP	89-12-028	1-13-034	REP	89-12-028	1-13-910	REP	89-12-028
1-12-120	REP-P	89-09-068	1-13-035	REP-P	89-09-068	1-13-930	REP-P	89-09-068
1-12-120	REP	89-12-028	1-13-035	REP	89-12-028	1-13-930	REP	89-12-028
1-12-125	REP-P	89-09-068	1-13-040	REP-P	89-09-068	1-13-940	REP-P	89-09-068
1-12-125	REP	89-12-028	1-13-040	REP	89-12-028	1-13-940	REP	89-12-028
1-12-130	REP-P	89-09-068	1-13-045	REP-P	89-09-068	1-13-950	REP-P	89-09-068
1-12-130	REP	89-12-028	1-13-045	REP	89-12-028	1-13-950	REP	89-12-028
1-12-140	REP-P	89-09-068	1-13-050	REP-P	89-09-068	1-21-005	NEW-P	89-09-068
1-12-140	REP	89-12-028	1-13-050	REP	89-12-028	1-21-005	NEW	89-12-028
1-12-150	REP-P	89-09-068	1-13-060	REP-P	89-09-068	1-21-010	NEW-P	89-09-068
1-12-150	REP	89-12-028	1-13-060	REP	89-12-028	1-21-010	NEW	89-12-028
1-12-155	REP-P	89-09-068	1-13-070	REP-P	89-09-068	1-21-020	NEW-P	89-09-068
1-12-155	REP	89-12-028	1-13-070	REP	89-12-028	1-21-020	NEW	89-12-028
1-12-160	REP-P	89-09-068	1-13-080	REP-P	89-09-068	1-21-030	NEW-P	89-09-068
1-12-160	REP	89-12-028	1-13-080	REP	89-12-028	1-21-030	NEW	89-12-028
1-12-170	REP-P	89-09-068	1-13-090	REP-P	89-09-068	1-21-040	NEW-P	89-09-068
1-12-170	REP	89-12-028	1-13-090	REP	89-12-028	1-21-040	NEW	89-12-028

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
1-21-050	NEW-P	89-09-068	10-08-210	AMD-P	89-10-035	16-156-050	AMD-E	89-23-068
1-21-050	NEW	89-12-028	10-08-210	AMD	89-13-036	16-156-050	AMD	90-02-001
1-21-060	NEW-P	89-09-068	10-08-211	NEW-P	89-10-035	16-156-060	AMD-P	89-20-035
1-21-060	NEW	89-12-028	10-08-211	NEW	89-13-036	16-156-060	AMD-E	89-23-068
1-21-070	NEW-P	89-09-068	10-08-215	NEW-P	89-10-035	16-156-060	AMD	90-02-001
1-21-070	NEW	89-12-028	10-08-215	NEW	89-13-036	16-212-087	NEW-P	89-08-019
1-21-080	NEW-P	89-09-068	10-08-215	NEW	89-10-035	16-212-087	NEW	89-11-092
1-21-080	NEW	89-12-028	10-08-230	NEW-P	89-10-035	16-212-110	AMD-P	89-08-019
1-21-090	NEW-P	89-09-068	10-08-230	NEW	89-13-036	16-212-110	AMD	89-11-092
1-21-090	NEW	89-12-028	10-08-250	NEW-P	89-10-035	16-212-230	AMD-P	89-08-019
1-21-100	NEW-P	89-09-068	10-08-250	NEW	89-13-036	16-212-230	AMD	89-11-092
1-21-100	NEW	89-12-028	10-08-251	NEW-P	89-10-035	16-224-010	AMD-P	89-08-019
1-21-110	NEW-P	89-09-068	10-08-251	NEW	89-13-036	16-224-010	AMD	89-11-092
1-21-110	NEW	89-12-028	10-08-252	NEW-P	89-10-035	16-224-010	AMD	89-11-092
1-21-120	NEW-P	89-09-068	10-08-252	NEW	89-13-036	16-225-001	REP-P	89-08-019
1-21-120	NEW	89-12-028	10-08-260	NEW-P	89-10-035	16-225-001	REP	89-11-092
1-21-130	NEW-P	89-09-068	10-08-260	NEW	89-13-036	16-225-010	REP-P	89-08-019
1-21-130	NEW	89-12-028	10-08-261	NEW-P	89-10-035	16-225-010	REP	89-11-092
1-21-140	NEW-P	89-09-068	10-08-261	NEW	89-13-036	16-225-020	REP-P	89-08-019
1-21-140	NEW	89-12-028	16-22-040	AMD-P	89-10-065	16-225-020	REP	89-11-092
1-21-150	NEW-P	89-09-068	16-22-040	AMD	89-14-020	16-225-030	REP-P	89-08-019
1-21-150	NEW	89-12-028	16-30-010	AMD-P	89-02-056	16-225-030	REP	89-11-092
1-21-160	NEW-P	89-09-068	16-30-010	AMD	89-06-014	16-225-040	REP-P	89-08-019
1-21-160	NEW	89-12-028	16-30-020	AMD-P	89-02-056	16-225-040	REP	89-11-092
1-21-170	NEW-P	89-09-068	16-30-020	AMD	89-06-014	16-225-040	REP	89-11-092
1-21-170	NEW	89-12-028	16-30-025	NEW-P	89-02-056	16-225-050	REP-P	89-08-019
4-25-040	AMD	89-03-062	16-30-025	NEW	89-06-014	16-225-050	REP	89-11-092
4-25-040	AMD-P	89-10-012	16-30-030	AMD-P	89-02-056	16-228	AMD-C	89-06-006
4-25-040	AMD	89-19-004	16-30-030	AMD	89-06-014	16-228	AMD-C	90-01-147
4-25-080	AMD-P	89-10-013	16-30-050	AMD-P	89-02-056	16-228-010	AMD-P	89-20-067
4-25-080	AMD-P	89-12-073	16-30-050	AMD	89-06-014	16-228-010	AMD	89-24-029
4-25-180	REP	89-03-062	16-30-060	AMD-P	89-02-056	16-228-115	AMD-P	89-20-067
4-25-191	NEW	89-03-062	16-30-060	AMD	89-06-014	16-228-115	AMD	89-24-029
10-04-020	AMD-P	89-10-035	16-30-070	AMD-P	89-02-056	16-228-116	NEW-P	89-20-067
10-04-020	AMD	89-13-036	16-30-070	AMD	89-06-014	16-228-116	NEW	89-24-029
10-04-060	AMD-P	89-10-035	16-30-090	AMD-P	89-02-056	16-228-117	NEW-P	89-18-081
10-04-060	AMD	89-13-036	16-30-090	AMD	89-06-014	16-228-117	NEW	89-22-074
10-08-001	NEW-P	89-10-035	16-30-100	AMD-P	89-02-056	16-228-143	NEW-P	89-20-067
10-08-001	NEW	89-13-036	16-30-100	AMD	89-06-014	16-228-143	NEW	89-24-029
10-08-010	REP-P	89-10-035	16-54-082	AMD-E	89-21-005	16-228-145	AMD-P	89-20-067
10-08-010	REP	89-13-036	16-54-082	AMD-P	89-21-074	16-228-145	AMD	89-24-029
10-08-020	REP-P	89-10-035	16-54-082	AMD	89-24-021	16-228-155	AMD-P	89-20-067
10-08-020	REP	89-13-036	16-59	AMD	89-06-007	16-228-155	AMD	89-24-029
10-08-030	REP-P	89-10-035	16-59-030	AMD	89-06-007	16-228-157	AMD-P	89-20-067
10-08-030	REP	89-13-036	16-144-090	NEW-P	90-02-021	16-228-157	AMD	89-24-029
10-08-035	NEW-P	89-10-035	16-144-100	NEW-P	90-02-021	16-228-160	AMD-P	89-20-067
10-08-035	NEW	89-13-036	16-144-110	NEW-P	90-02-021	16-228-160	AMD	89-24-029
10-08-040	AMD-P	89-10-035	16-144-120	NEW-P	90-02-021	16-228-162	AMD	89-07-006
10-08-040	AMD	89-13-036	16-144-130	NEW-P	90-02-021	16-228-164	NEW	89-07-006
10-08-045	NEW-P	89-10-035	16-144-140	NEW-P	90-02-021	16-228-164	AMD-P	89-20-067
10-08-045	NEW	89-13-036	16-148-010	AMD-P	90-02-020	16-228-164	AMD	89-24-029
10-08-050	AMD-P	89-10-035	16-148-020	AMD-P	90-02-020	16-228-165	REP	89-07-006
10-08-050	AMD	89-13-036	16-148-030	AMD-P	90-02-020	16-228-166	NEW	89-07-006
10-08-060	REP-P	89-10-035	16-156-001	AMD-P	90-02-020	16-228-168	AMD-P	89-20-067
10-08-060	REP	89-13-036	16-156	AMD-P	89-20-035	16-228-168	AMD	89-24-029
10-08-090	AMD-P	89-10-035	16-156	AMD-E	89-23-068	16-228-170	AMD-P	89-20-067
10-08-090	AMD	89-13-036	16-156-001	AMD	90-02-001	16-228-170	AMD	89-24-029
10-08-110	AMD-P	89-10-035	16-156-001	AMD-E	89-20-035	16-228-180	AMD-P	89-20-067
10-08-110	AMD	89-13-036	16-156-005	AMD	89-23-068	16-228-180	AMD	89-24-029
10-08-120	AMD-P	89-10-035	16-156-005	AMD-P	90-02-001	16-228-185	AMD-P	89-20-067
10-08-120	AMD	89-13-036	16-156-005	AMD-E	89-20-035	16-228-185	AMD	89-24-029
10-08-130	AMD-P	89-10-035	16-156-010	AMD	90-02-001	16-228-190	AMD-P	89-20-067
10-08-130	AMD	89-13-036	16-156-010	AMD-P	89-20-035	16-228-190	AMD-W	89-21-063
10-08-140	AMD-P	89-10-035	16-156-020	AMD-E	89-23-068	16-228-190	AMD-P	89-23-116
10-08-140	AMD	89-13-036	16-156-020	AMD	90-02-001	16-228-213	NEW-P	89-20-067
10-08-150	AMD-P	89-10-035	16-156-020	AMD-P	89-20-035	16-228-213	NEW	89-24-029
10-08-150	AMD	89-13-036	16-156-020	AMD-E	89-23-068	16-228-215	AMD-P	89-20-067
10-08-160	AMD-P	89-10-035	16-156-030	AMD	90-02-001	16-228-215	AMD	89-24-029
10-08-160	AMD	89-13-036	16-156-030	AMD-P	89-20-035	16-228-220	AMD-P	89-20-067
10-08-170	AMD-P	89-10-035	16-156-030	AMD-E	89-23-068	16-228-220	AMD	89-24-029
10-08-170	AMD	89-13-036	16-156-035	AMD	90-02-001	16-228-223	NEW-P	89-20-067
10-08-180	AMD-P	89-10-035	16-156-035	NEW-P	89-20-035	16-228-223	NEW	89-24-029
10-08-180	AMD	89-13-036	16-156-040	NEW-E	89-23-068	16-228-225	AMD-P	89-20-067
10-08-190	AMD-P	89-10-035	16-156-040	NEW	90-02-001	16-228-225	AMD	89-24-029
10-08-190	AMD	89-13-036	16-156-040	AMD-P	89-20-035	16-228-233	NEW-P	89-20-067
10-08-200	AMD-P	89-10-035	16-156-040	AMD-E	89-23-068	16-228-233	NEW	89-24-029
10-08-200	AMD	89-13-036	16-156-050	AMD	90-02-001	16-228-400	NEW-E	89-09-012
				AMD-P	89-20-035	16-228-410	NEW-E	89-09-012
						16-228-420	NEW-E	89-09-012

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16-228-430	NEW-E	89-09-012	16-232-425	NEW-E	89-05-004
16-228-440	NEW-E	89-09-012	16-232-425	REP-E	89-08-006
16-228-450	NEW-E	89-09-012	16-232-435	NEW-E	89-05-004
16-228-460	NEW-E	89-09-012	16-232-435	REP-E	89-08-006
16-228-470	NEW-E	89-09-012	16-232-440	NEW-E	89-08-006
16-228-480	NEW-E	89-09-012	16-232-440	NEW-E	89-14-016
16-228-490	NEW-E	89-09-012	16-232-440	REP-E	89-16-057
16-228-500	NEW-E	89-09-012	16-232-445	NEW-E	89-05-004
16-228-510	NEW-E	89-09-012	16-232-445	REP-E	89-08-006
16-228-520	NEW-E	89-09-012	16-232-450	NEW-E	89-08-006
16-228-520	REP-E	89-09-017	16-232-450	NEW-E	89-14-016
16-228-521	NEW-E	89-09-017	16-232-450	REP-E	89-16-057
16-228-610	NEW-E	89-12-002	16-232-455	NEW-E	89-05-004
16-228-610	NEW-E	89-18-008	16-232-455	REP-E	89-08-006
16-228-615	NEW-E	89-12-002	16-232-460	NEW-E	89-08-006
16-228-615	NEW-E	89-18-008	16-232-460	NEW-E	89-14-016
16-228-620	NEW-E	89-12-002	16-232-460	REP-E	89-16-057
16-228-620	NEW-E	89-18-008	16-232-465	NEW-E	89-05-004
16-228-625	NEW-E	89-12-002	16-232-465	REP-E	89-08-006
16-228-625	NEW-E	89-18-008	16-232-470	NEW-E	89-08-006
16-228-630	NEW-E	89-12-002	16-232-470	NEW-E	89-14-016
16-228-650	NEW-E	89-12-046	16-232-470	REP-E	89-16-057
16-228-660	NEW-E	89-12-046	16-232-480	NEW-E	89-08-006
16-228-670	NEW-E	89-12-046	16-232-480	NEW-E	89-14-016
16-228-700	NEW-P	90-01-146	16-232-480	REP-E	89-16-057
16-228-700	NEW-C	90-02-005	16-232-490	NEW-E	89-08-006
16-228-705	NEW-P	90-01-146	16-232-490	NEW-E	89-14-016
16-228-705	NEW-C	90-02-005	16-232-490	REP-E	89-16-057
16-228-710	NEW-P	90-01-146	16-232-500	NEW-E	89-16-057
16-228-710	NEW-C	90-02-005	16-232-505	NEW-E	89-16-057
16-228-715	NEW-P	90-01-146	16-232-510	NEW-E	89-16-057
16-228-715	NEW-C	90-02-005	16-232-515	NEW-E	89-16-057
16-228-720	NEW-P	90-01-146	16-232-520	NEW-E	89-16-057
16-228-720	NEW-C	90-02-005	16-232-525	NEW-E	89-16-057
16-228-900	AMD-P	89-20-067	16-232-530	NEW-E	89-16-057
16-228-900	AMD	89-24-029	16-232-535	NEW-E	89-16-057
16-230	NEW-C	89-04-056	16-232-540	NEW-E	89-16-057
16-230	NEW-C	89-07-051	16-232-545	NEW-E	89-16-057
16-230-800	NEW-P	89-03-065	16-232-550	NEW-E	89-16-057
16-230-800	NEW-P	89-11-093	16-232-555	NEW-E	89-16-057
16-230-800	NEW	89-16-073	16-232-560	NEW-E	89-16-057
16-230-805	NEW-P	89-03-065	16-232-565	NEW-E	89-16-057
16-230-805	NEW-P	89-11-093	16-300-010	AMD-E	89-07-029
16-230-805	NEW	89-16-073	16-300-010	AMD-P	89-07-074
16-230-810	NEW-P	89-03-065	16-300-010	AMD	89-11-078
16-230-810	NEW-P	89-11-093	16-300-020	AMD-E	89-12-001
16-230-810	NEW	89-16-073	16-304-040	AMD-P	89-07-074
16-230-815	NEW-P	89-03-065	16-304-040	AMD	89-11-078
16-230-815	NEW-P	89-11-093	16-316-160	AMD-P	89-07-074
16-230-815	NEW	89-16-073	16-316-160	AMD	89-11-078
16-230-820	NEW-P	89-03-065	16-316-165	AMD-E	89-12-001
16-230-820	NEW-P	89-11-093	16-316-185	AMD-P	89-07-074
16-230-820	NEW	89-16-073	16-316-185	AMD	89-11-078
16-230-825	NEW-P	89-03-065	16-316-230	AMD-P	89-07-074
16-230-825	NEW-P	89-11-093	16-316-230	AMD	89-11-078
16-230-825	NEW	89-16-073	16-316-245	AMD-E	89-12-001
16-230-830	NEW-P	89-03-065	16-316-270	AMD-P	89-07-074
16-230-830	NEW-P	89-11-093	16-316-270	AMD	89-11-078
16-230-830	NEW	89-16-073	16-316-315	AMD-P	89-07-074
16-230-835	NEW-P	89-11-093	16-316-315	AMD	89-11-078
16-230-835	NEW	89-16-073	16-316-350	AMD-P	89-07-074
16-230-840	NEW-P	89-11-093	16-316-350	AMD-E	89-09-013
16-230-840	NEW	89-16-073	16-316-350	AMD	89-11-078
16-230-845	NEW-P	89-11-093	16-316-360	AMD-P	89-07-074
16-230-845	NEW	89-16-073	16-316-360	AMD	89-11-078
16-230-850	NEW-P	89-11-093	16-316-370	AMD-P	89-07-074
16-230-850	NEW	89-16-073	16-316-375	NEW-E	89-12-001
16-230-855	NEW-P	89-11-093	16-316-380	NEW-E	89-12-001
16-230-855	NEW	89-16-073	16-316-385	NEW-E	89-12-001
16-230-860	NEW-P	89-11-093	16-316-390	NEW-E	89-12-001
16-230-860	NEW	89-16-073	16-316-395	NEW-E	89-12-001
16-230-865	NEW-P	89-11-093	16-316-440	AMD-P	89-07-074
16-230-865	NEW	89-16-073	16-316-440	AMD	89-11-078
16-232-405	NEW-E	89-05-004	16-316-455	AMD-E	89-12-001
16-232-405	REP-E	89-08-006	16-316-474	AMD-P	89-07-074
16-232-415	NEW-E	89-05-004	16-316-474	AMD	89-11-078
16-232-415	REP-E	89-08-006	16-316-525	AMD-P	89-07-074
16-316-525	AMD	89-11-078			
16-316-620	AMD-E	89-12-001			
16-316-660	AMD-P	89-07-074			
16-316-660	AMD	89-11-078			
16-316-800	AMD-P	89-07-074			
16-316-800	AMD	89-11-078			
16-316-810	AMD-P	89-07-074			
16-316-810	AMD	89-11-078			
16-316-820	AMD-P	89-07-074			
16-316-820	AMD	89-11-078			
16-316-830	AMD-E	89-12-001			
16-317-040	AMD-P	89-24-066			
16-317-050	AMD-P	89-24-066			
16-317-060	AMD-P	89-24-066			
16-317-090	REP-P	89-24-066			
16-318-040	AMD-P	89-23-099			
16-318-040	AMD-E	90-02-059			
16-318-065	NEW-P	89-23-099			
16-318-065	NEW-E	90-02-059			
16-318-200	NEW-P	89-23-099			
16-318-200	NEW-E	90-02-059			
16-318-205	NEW-P	89-23-099			
16-318-205	NEW-E	90-02-059			
16-318-210	NEW-P	89-23-099			
16-318-210	NEW-E	90-02-059			
16-318-215	NEW-P	89-23-099			
16-318-215	NEW-E	90-02-059			
16-318-220	NEW-P	89-23-099			
16-318-220	NEW-E	90-02-059			
16-318-225	NEW-P	89-23-099			
16-318-225	NEW-E	90-02-059			
16-318-230	NEW-P	89-23-099			
16-318-230	NEW-E	90-02-059			
16-318-235	NEW-P	89-23-099			
16-318-235	NEW-E	90-02-059			
16-318-240	NEW-P	89-23-099			
16-318-240	NEW-E	90-02-059			
16-318-300	NEW-P	89-23-099			
16-318-305	NEW-P	89-23-099			
16-318-310	NEW-P	89-23-099			
16-318-315	NEW-P	89-23-099			
16-318-320	NEW-P	89-23-099			
16-318-325	NEW-P	89-23-099			
16-318-330	NEW-P	89-23-099			
16-318-335	NEW-P	89-23-099			
16-318-340	NEW-P	89-23-099			
16-318-345	NEW-P	89-23-099			
16-318-350	NEW-P	89-23-099			
16-318-355	NEW-P	89-23-099			
16-318-360	NEW-P	89-23-099			
16-318-365	NEW-P	89-23-099			
16-318-370	NEW-P	89-23-099			
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16-318-385	NEW-P	89-23-099			
16-318-390	NEW-P	89-23-099			
16-318-395	NEW-P	89-23-099			
16-318-400	NEW-P	89-23-099			
16-318-405	NEW-P	89-23-099			
16-318-410	NEW-P	89-23-099			
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16-324-445	AMD-P	89-19-064			
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16-324-600	AMD	89-23-073			
16-324-605	AMD-P	89-19-064			
16-324-605	AMD	89-23-073			
16-324-610	AMD-P	89-19-064			
16-324-610	AMD	89-23-073			
16-324-620	AMD-P	89-19-064			

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16-324-620	AMD	89-23-073	16-622-030	NEW-E	90-01-039	44-10-055	REP-P	89-12-030
16-324-630	AMD-P	89-19-064	16-622-035	NEW-P	90-01-038	44-10-055	REP-E	89-12-031
16-324-630	AMD	89-23-073	16-622-035	NEW-E	90-01-039	44-10-055	REP	89-16-024
16-324-660	AMD-P	89-19-064	16-622-040	NEW-P	90-01-038	44-10-060	AMD-P	89-12-030
16-324-660	AMD	89-23-073	16-622-040	NEW-E	90-01-039	44-10-060	AMD-E	89-12-031
16-324-670	AMD-P	89-19-064	16-622-045	NEW-P	90-01-038	44-10-060	AMD	89-16-024
16-324-670	AMD	89-23-073	16-622-045	NEW-E	90-01-039	44-10-100	AMD-P	89-12-030
16-324-680	AMD-P	89-19-064	16-622-050	NEW-P	90-01-038	44-10-100	AMD-E	89-12-031
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16-557-070	NEW-S	89-24-074	25-48-070	AMD-P	89-17-116	50-56-040	NEW-P	89-21-045
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67-35-090	AMD 89-21-046	106-116-210	AMD 90-01-006	132D-10-012	REP 89-11-022
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132D-18-060	REP	89-11-024	132D-20-150	REP-P	89-07-070	132D-108-050	NEW-P	90-02-031
132D-18-070	REP-P	89-07-062	132D-20-150	REP	89-11-025	132D-108-060	NEW-E	90-01-098
132D-18-070	REP	89-11-024	132D-20-160	REP-P	89-05-012	132D-108-060	NEW-P	90-02-031
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132D-18-120	REP	89-11-024	132D-20-180	REP-P	89-07-070	132D-122-020	NEW	89-09-039
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132D-20-010	REP-P	89-05-012	132D-20-200	REP-W	89-05-046	132D-130-030	NEW-E	90-01-098
132D-20-010	REP-W	89-05-046	132D-20-200	REP-P	89-07-070	132D-130-030	NEW-P	90-02-031
132D-20-010	REP-P	89-07-070	132D-20-200	REP	89-11-025	132D-130-035	NEW-E	90-01-098
132D-20-010	REP	89-11-025	132D-20-210	REP-P	89-05-012	132D-130-035	NEW-P	90-02-031
132D-20-020	REP-P	89-05-012	132D-20-210	REP-W	89-05-046	132D-130-040	NEW-E	90-01-098
132D-20-020	REP-W	89-05-046	132D-20-210	REP-P	89-07-070	132D-130-040	NEW-P	90-02-031
132D-20-020	REP-P	89-07-070	132D-20-210	REP	89-11-025	132D-130-045	NEW-E	90-01-098
132D-20-020	REP	89-11-025	132D-20-220	REP-P	89-05-012	132D-130-045	NEW-P	90-02-031
132D-20-030	REP-P	89-05-012	132D-20-220	REP-W	89-05-046	132D-130-050	NEW-E	90-01-098
132D-20-030	REP-W	89-05-046	132D-20-220	REP-P	89-07-070	132D-130-050	NEW-P	90-02-031
132D-20-030	REP-P	89-07-070	132D-20-230	REP	89-11-025	132D-130-055	NEW-E	90-01-098
132D-20-030	REP	89-11-025	132D-20-230	REP-P	89-05-012	132D-130-055	NEW-P	90-02-031
132D-20-040	REP-P	89-05-012	132D-20-230	REP-W	89-05-046	132D-130-060	NEW-E	90-01-098
132D-20-040	REP-W	89-05-046	132D-20-230	REP-P	89-07-070	132D-130-060	NEW-P	90-02-031
132D-20-040	REP-P	89-07-070	132D-20-230	REP	89-11-025	132D-130-070	NEW-E	90-01-098
132D-20-040	REP	89-11-025	132D-20-240	REP-P	89-05-012	132D-130-070	NEW-P	90-02-031
132D-20-050	REP-P	89-05-012	132D-20-240	REP-W	89-05-046	132D-130-075	NEW-E	90-01-098
132D-20-050	REP-W	89-05-046	132D-20-240	REP-P	89-07-070	132D-130-075	NEW-P	90-02-031
132D-20-050	REP-P	89-07-070	132D-20-240	REP	89-11-025	132D-130-080	NEW-E	90-01-098
132D-20-050	REP	89-11-025	132D-20-250	REP-P	89-05-012	132D-130-080	NEW-P	90-02-031
132D-20-060	REP-P	89-05-012	132D-20-250	REP-W	89-05-046	132D-130-085	NEW-E	90-01-098
132D-20-060	REP-W	89-05-046	132D-20-250	REP-P	89-07-070	132D-130-085	NEW-P	90-02-031
132D-20-060	REP-P	89-07-070	132D-20-250	REP	89-11-025	132D-130-090	NEW-E	90-01-098
132D-20-060	REP	89-11-025	132D-20-260	REP-P	89-05-012	132D-130-090	NEW-P	90-02-031
132D-20-070	REP-P	89-05-012	132D-20-260	REP-W	89-05-046	132D-130-095	NEW-E	90-01-098
132D-20-070	REP-W	89-05-046	132D-20-260	REP-P	89-07-070	132D-130-095	NEW-P	90-02-031
132D-20-070	REP-P	89-07-070	132D-20-260	REP	89-11-025	132D-130-100	NEW-E	90-01-098
132D-20-070	REP	89-11-025	132D-20-270	REP-P	89-05-012	132D-130-100	NEW-P	90-02-031
132D-20-080	REP-P	89-05-012	132D-20-270	REP-W	89-05-046	132D-133-020	NEW-E	90-01-098
132D-20-080	REP-W	89-05-046	132D-20-270	REP-P	89-07-070	132D-133-020	NEW-P	90-02-031
132D-20-080	REP-P	89-07-070	132D-20-270	REP	89-11-025	132D-140-010	NEW	89-06-012
132D-20-080	REP	89-11-025	132D-20-280	REP-P	89-05-012	132D-140-020	NEW	89-06-012
132D-20-090	REP-P	89-05-012	132D-20-280	REP-W	89-05-046	132D-140-030	NEW	89-06-012
132D-20-090	REP-W	89-05-046	132D-20-280	REP-P	89-07-070	132D-140-040	NEW	89-06-012
132D-20-090	REP-P	89-07-070	132D-20-280	REP	89-11-025	132D-140-050	NEW	89-06-012
132D-20-090	REP	89-11-025	132D-20-290	REP-P	89-05-012	132D-140-060	NEW	89-06-012
132D-20-100	REP-P	89-05-012	132D-20-290	REP-W	89-05-046	132D-140-070	NEW	89-06-012
132D-20-100	REP-W	89-05-046	132D-20-290	REP-P	89-07-070	132D-140-080	NEW	89-06-012
132D-20-100	REP-P	89-07-070	132D-20-290	REP	89-11-025	132D-276-010	NEW-P	89-07-062
132D-20-100	REP	89-11-025	132D-36-010	REP-P	89-05-048	132D-276-010	NEW	89-11-024
132D-20-110	REP-P	89-05-012	132D-36-010	REP	89-09-042	132D-276-020	NEW-P	89-07-062
132D-20-110	REP-W	89-05-046	132D-104-010	NEW-P	89-07-061	132D-276-020	NEW	89-11-024
132D-20-110	REP-P	89-07-070	132D-104-010	NEW	89-11-023	132D-276-030	NEW-P	89-07-062
132D-20-110	REP	89-11-025	132D-104-020	NEW-P	89-07-061	132D-276-030	NEW	89-11-024
132D-20-120	REP-P	89-05-012	132D-104-020	NEW	89-11-023	132D-276-040	NEW-P	89-07-062
132D-20-120	REP-W	89-05-046	132D-104-030	NEW-P	89-07-061	132D-276-040	NEW	89-11-024
132D-20-120	REP-P	89-07-070	132D-104-030	NEW	89-11-023	132D-276-050	NEW-P	89-07-062
132D-20-120	REP	89-11-025	132D-104-040	NEW-P	89-07-061	132D-276-050	NEW	89-11-024
132D-20-130	REP-P	89-05-012	132D-104-040	NEW	89-11-023	132D-276-060	NEW-P	89-07-062
132D-20-130	REP-W	89-05-046	132D-108-010	NEW-E	90-01-098	132D-276-060	NEW	89-11-024
132D-20-130	REP-P	89-07-070	132D-108-010	NEW-P	90-02-031	132D-276-070	NEW-P	89-07-062
132D-20-130	REP	89-11-025	132D-108-020	NEW-E	90-01-098	132D-276-070	NEW	89-11-024
132D-20-140	REP-P	89-05-012	132D-108-020	NEW-P	90-02-031	132D-276-080	NEW-P	89-07-062
132D-20-140	REP-W	89-05-046	132D-108-030	NEW-E	90-01-098	132D-276-080	NEW	89-11-024
132D-20-140	REP-P	89-07-070	132D-108-030	NEW-P	90-02-031	132D-276-090	NEW-P	89-07-062

Table of WAC Sections Affected as of 12/31/89

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132D-276-090	NEW	89-11-024	132I-136-080	REP	89-11-091	132R-02-070	NEW	90-02-016
132D-276-100	NEW-P	89-07-062	132I-136-100	NEW-P	89-08-015	132R-02-080	NEW-P	89-22-052
132D-276-100	NEW	89-11-024	132I-136-100	NEW	89-11-091	132R-02-080	NEW	90-02-016
132D-276-110	NEW-P	89-07-062	132I-136-110	NEW-P	89-08-015	132R-02-090	NEW-P	89-22-052
132D-276-110	NEW	89-11-024	132I-136-110	NEW	89-11-091	132R-02-090	NEW	90-02-016
132D-276-120	NEW-P	89-07-062	132I-136-120	NEW-P	89-08-015	132R-04-010	AMD-P	89-22-054
132D-276-120	NEW	89-11-024	132I-136-120	NEW	89-11-091	132R-04-010	AMD	90-02-019
132D-276-130	NEW-P	89-07-062	132I-136-130	NEW-P	89-08-015	132R-05-010	NEW-P	89-22-052
132D-276-130	NEW	89-11-024	132I-136-130	NEW	89-11-091	132R-05-010	NEW	90-02-017
132D-276-140	NEW-P	89-07-062	132I-136-140	NEW-P	89-08-015	132R-08-010	REP-P	89-22-053
132D-276-140	NEW	89-11-024	132I-136-140	NEW	89-11-091	132R-08-010	REP	90-01-018
132D-280-010	NEW-P	89-07-063	132I-136-150	NEW-P	89-08-015	132R-08-020	REP-P	89-22-053
132D-280-010	NEW	89-11-044	132I-136-150	NEW	89-11-091	132R-08-020	REP	90-01-018
132D-280-020	NEW-P	89-07-063	132I-136-160	NEW-P	89-08-015	132R-08-030	REP-P	89-22-053
132D-280-020	NEW	89-11-044	132I-136-160	NEW	89-11-091	132R-08-030	REP	90-01-018
132D-280-025	NEW-P	89-07-063	132I-136-170	NEW-P	89-08-015	132R-08-040	REP-P	89-22-053
132D-280-025	NEW	89-11-044	132I-136-170	NEW	89-11-091	132R-08-040	REP	90-01-018
132D-280-030	NEW-P	89-07-063	132I-136-170	NEW-E	90-01-080	132R-08-050	REP-P	89-22-053
132D-280-030	NEW	89-11-044	132I-400-010	NEW-E	90-01-080	132R-08-050	REP	90-01-018
132D-280-030	NEW-P	89-07-063	132I-400-020	NEW-E	90-01-080	132R-08-050	REP	90-01-018
132D-280-035	NEW	89-11-044	132I-400-030	NEW-E	90-01-080	132R-08-060	REP-P	89-22-053
132D-280-035	NEW-P	89-07-063	132I-400-040	NEW-E	90-01-080	132R-08-060	REP	90-01-018
132D-280-035	NEW	89-11-044	132I-400-050	NEW-E	90-01-080	132R-08-070	REP-P	89-22-053
132D-280-040	NEW-P	89-07-063	132L-20-090	REP-P	89-24-092	132R-08-070	REP	90-01-018
132D-280-040	NEW	89-11-044	132L-108-010	NEW-P	89-24-093	132R-08-080	REP-P	89-22-053
132D-300-010	NEW-P	89-07-058	132L-108-020	NEW-P	89-24-093	132R-08-080	REP	90-01-018
132D-300-010	NEW	89-11-038	132L-108-030	NEW-P	89-24-093	132R-12-010	AMD-P	89-22-054
132D-300-020	NEW-P	89-07-058	132L-108-040	NEW-P	89-24-093	132R-12-010	AMD	90-02-019
132D-300-020	NEW	89-11-038	132L-108-050	NEW-P	89-24-093	132R-17-010	REP-P	89-22-053
132D-300-030	NEW-P	89-07-058	132L-108-060	NEW-P	89-24-093	132R-17-010	REP	90-02-018
132D-300-030	NEW	89-11-038	132L-108-070	NEW-P	89-24-093	132R-17-020	REP-P	89-22-053
132D-325-010	NEW-P	89-05-048	132L-108-080	NEW-P	89-24-093	132R-17-020	REP	90-02-018
132D-325-010	NEW	89-09-042	132L-133-020	NEW-P	89-24-093	132R-17-030	REP-P	89-22-053
132D-350-010	NEW-P	89-07-064	132L-280-010	NEW-P	89-24-092	132R-17-030	REP	90-02-018
132D-350-010	NEW	89-11-026	132L-280-015	NEW-P	89-24-092	132R-17-040	REP-P	89-22-053
132D-350-020	NEW-P	89-07-064	132L-280-020	NEW-P	89-24-092	132R-17-040	REP	90-02-018
132D-350-020	NEW	89-11-026	132L-280-030	NEW-P	89-24-092	132R-17-050	REP-P	89-22-053
132D-350-030	NEW-P	89-07-064	132L-280-040	NEW-P	89-24-092	132R-17-050	REP	90-02-018
132D-350-030	NEW	89-11-026	132L-280-050	NEW-P	89-24-092	132R-17-060	REP-P	89-22-053
132D-350-040	NEW-P	89-07-064	132L-280-060	NEW-P	89-24-092	132R-17-060	REP	90-02-018
132D-350-040	NEW	89-11-026	132L-280-070	NEW-P	89-24-092	132R-17-070	REP-P	89-22-053
132D-350-050	NEW-P	89-07-064	132L-280-080	NEW-P	89-24-092	132R-17-070	REP	90-02-018
132D-350-050	NEW	89-11-026	132L-280-090	NEW-P	89-24-092	132R-17-080	REP-P	89-22-053
132D-400-010	NEW-E	90-01-098	132L-280-100	NEW-P	89-24-092	132R-17-080	REP	90-02-018
132D-400-010	NEW-P	90-02-031	132L-280-110	NEW-P	89-24-092	132R-17-090	REP-P	89-22-053
132E-400-010	NEW-E	90-02-011	132L-280-120	NEW-P	89-24-092	132R-17-090	REP	90-02-018
132E-400-020	NEW-E	90-02-011	132L-400-010	NEW-P	89-24-094	132R-17-100	REP-P	89-22-053
132E-400-030	NEW-E	90-02-011	132L-400-020	NEW-P	89-24-094	132R-17-100	REP	90-02-018
132E-400-040	NEW-E	90-02-011	132L-400-030	NEW-P	89-24-094	132R-17-110	REP-P	89-22-053
132F-120-090	AMD-P	89-08-069	132L-400-040	NEW-P	89-24-094	132R-17-110	REP	90-02-018
132F-120-090	AMD	89-14-025	132N-276-070	AMD-P	89-04-035	132R-17-120	REP-P	89-22-053
132F-120-090	AMD	89-15-000	132N-276-070	AMD	89-12-024	132R-17-120	REP	90-02-018
132I-120-315	AMD-P	89-04-039	132N-276-080	AMD-P	89-04-035	132R-17-130	REP-P	89-22-053
132I-120-315	AMD	89-08-016	132N-276-080	AMD	89-12-024	132R-17-130	REP	90-02-018
132I-120-400	AMD-P	89-04-039	132N-276-110	AMD-P	89-04-035	132R-17-140	REP-P	89-22-053
132I-120-400	AMD	89-08-016	132N-276-110	AMD	89-12-024	132R-17-140	REP	90-02-018
132I-120-405	AMD-P	89-04-039	132N-276-130	AMD-P	89-04-035	132R-17-150	REP-P	89-22-053
132I-120-405	AMD	89-08-016	132N-276-130	AMD	89-12-024	132R-17-150	REP	90-02-018
132I-120-410	AMD-P	89-04-039	132N-276-150	AMD-P	89-04-035	132R-17-160	REP-P	89-22-053
132I-120-410	AMD	89-08-016	132N-276-150	AMD	89-12-024	132R-17-160	REP	90-02-018
132I-120-425	AMD-P	89-04-039	132Q-04-035	AMD-C	89-04-018	132R-17-170	REP-P	89-22-053
132I-120-425	AMD	89-08-016	132Q-04-035	AMD-C	89-06-023	132R-17-170	REP	90-02-018
132I-120-430	AMD-P	89-04-039	132Q-04-035	AMD	89-07-068	132R-17-180	REP-P	89-22-053
132I-120-430	AMD	89-08-016	132R-01-015	NEW-P	89-22-052	132R-17-180	REP	90-02-018
132I-136-010	REP-P	89-08-015	132R-01-010	NEW	90-02-016	132R-17-190	REP-P	89-22-053
132I-136-010	REP	89-11-091	132R-02-010	NEW-P	89-22-052	132R-17-190	REP	90-02-018
132I-136-020	REP-P	89-08-015	132R-02-010	NEW	90-02-016	132R-17-200	REP-P	89-22-053
132I-136-020	REP	89-11-091	132R-02-020	NEW-P	89-22-052	132R-17-200	REP	90-02-018
132I-136-030	REP-P	89-08-015	132R-02-020	NEW	90-02-016	132R-17-210	REP-P	89-22-053
132I-136-030	REP	89-11-091	132R-02-030	NEW-P	89-22-052	132R-17-210	REP	90-02-018
132I-136-040	REP-P	89-08-015	132R-02-030	NEW	90-02-016	132R-116-040	AMD-P	89-22-054
132I-136-040	REP	89-11-091	132R-02-040	NEW	90-02-016	132R-116-040	AMD	90-02-019
132I-136-050	REP-P	89-08-015	132R-02-040	NEW	90-02-016	132R-116-050	AMD-P	89-22-054
132I-136-050	REP	89-11-091	132R-02-050	NEW-P	89-22-052	132R-116-050	AMD	90-02-019
132I-136-060	REP-P	89-08-015	132R-02-050	NEW	90-02-016	132R-116-060	AMD-P	89-22-054
132I-136-060	REP	89-11-091	132R-02-060	NEW-P	89-22-052	132R-116-060	AMD	90-02-019
132I-136-070	REP-P	89-08-015	132R-02-060	NEW	90-02-016	132R-116-070	AMD-P	89-22-054
132I-136-070	REP	89-11-091	132R-02-070	NEW-P	89-22-052	132R-116-070	AMD	90-02-019
132I-136-080	REP-P	89-08-015						

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132R-116-080	AMD-P	89-22-054	132R-140-030	REP	90-02-018	132R-195-010	REP-P	89-22-053
132R-116-080	AMD	90-02-019	132R-144-010	AMD-P	89-22-054	132R-195-010	REP	90-02-018
132R-116-090	AMD-P	89-22-054	132R-144-010	AMD	90-02-019	132R-200-010	AMD-P	89-22-054
132R-116-090	AMD	90-02-019	132R-150-010	AMD-P	89-22-054	132R-200-010	AMD	90-02-019
132R-116-100	AMD-P	89-22-054	132R-150-010	AMD	90-02-019	132T-104	REP-P	89-23-045
132R-116-100	AMD	90-02-019	132R-150-020	AMD-P	89-22-054	132T-104-010	REP-P	89-23-045
132R-116-110	AMD-P	89-22-054	132R-150-020	AMD	90-02-019	132T-104-020	REP-P	89-23-045
132R-116-110	AMD	90-02-019	132R-156-010	REP-P	89-22-053	132T-104-030	REP-P	89-23-045
132R-116-120	AMD-P	89-22-054	132R-156-010	REP	90-02-018	132T-104-040	REP-P	89-23-045
132R-116-120	AMD	90-02-019	132R-156-020	REP-P	89-22-053	132T-104-060	REP-P	89-23-045
132R-116-130	AMD-P	89-22-054	132R-156-020	REP	90-02-018	132T-104-070	REP-P	89-23-045
132R-116-130	AMD	90-02-019	132R-156-030	REP-P	89-22-053	132T-104-080	REP-P	89-23-045
132R-116-140	AMD-P	89-22-054	132R-156-030	REP	90-02-018	132T-104-090	REP-P	89-23-045
132R-116-140	AMD	90-02-019	132R-158-010	AMD-P	89-22-054	132T-104-100	REP-P	89-23-045
132R-116-150	AMD-P	89-22-054	132R-158-010	AMD	90-02-019	132T-104-110	REP-P	89-23-045
132R-116-150	AMD	90-02-019	132R-158-020	REP-P	89-22-054	132T-104-120	REP-P	89-23-045
132R-116-160	REP-P	89-22-054	132R-158-020	REP	90-02-019	132T-104-121	REP-P	89-23-045
132R-116-160	REP	90-02-019	132R-158-030	REP-P	89-22-054	132T-104-130	REP-P	89-23-045
132R-116-170	REP-P	89-22-054	132R-158-030	REP	90-02-019	132T-104-200	REP-P	89-23-045
132R-116-170	REP	90-02-019	132R-158-040	REP-P	89-22-054	132T-104-210	REP-P	89-23-045
132R-116-180	REP-P	89-22-054	132R-158-040	REP	90-02-019	132T-104-240	REP-P	89-23-045
132R-116-180	REP	90-02-019	132R-158-050	REP-P	89-22-054	132T-104-250	REP-P	89-23-045
132R-116-190	REP-P	89-22-054	132R-158-050	REP	90-02-019	132T-104-260	REP-P	89-23-045
132R-116-190	REP	90-02-019	132R-158-060	REP-P	89-22-054	132T-104-265	REP-P	89-23-045
132R-116-200	REP-P	89-22-054	132R-158-060	REP	90-02-019	132T-104-270	REP-P	89-23-045
132R-116-200	REP	90-02-019	132R-158-070	REP-P	89-22-054	132T-104-280	REP-P	89-23-045
132R-116-210	REP-P	89-22-054	132R-158-070	REP	90-02-019	132U-03-010	NEW-E	90-01-097
132R-116-210	REP	90-02-019	132R-158-080	REP-P	89-22-054	132U-03-010	NEW-P	90-02-032
132R-116-220	REP-P	89-22-054	132R-158-080	REP	90-02-019	132U-03-020	NEW-E	90-01-097
132R-116-220	REP	90-02-019	132R-158-090	REP-P	89-22-054	132U-03-020	NEW-P	90-02-032
132R-116-230	REP-P	89-22-054	132R-158-090	REP	90-02-019	132U-03-030	NEW-E	90-01-097
132R-116-230	REP	90-02-019	132R-158-100	REP-P	89-22-054	132U-03-030	NEW-P	90-02-032
132R-116-240	REP-P	89-22-054	132R-158-100	REP	90-02-019	132U-108-010	NEW-E	90-01-097
132R-116-240	REP	90-02-019	132R-158-110	REP-P	89-22-054	132U-108-010	NEW-P	90-02-032
132R-116-250	REP-P	89-22-054	132R-158-110	REP	90-02-019	132U-108-020	NEW-E	90-01-097
132R-116-250	REP	90-02-019	132R-158-120	REP-P	89-22-054	132U-108-020	NEW-P	90-02-032
132R-116-260	REP-P	89-22-054	132R-158-120	REP	90-02-019	132U-108-021	NEW-E	90-01-097
132R-116-260	REP	90-02-019	132R-158-130	REP-P	89-22-054	132U-108-021	NEW-P	90-02-032
132R-116-270	REP-P	89-22-054	132R-158-130	REP	90-02-019	132U-108-030	NEW-E	90-01-097
132R-116-270	REP	90-02-019	132R-158-140	REP-P	89-22-054	132U-108-030	NEW-P	90-02-032
132R-116-280	REP-P	89-22-054	132R-158-140	REP	90-02-019	132U-116-030	AMD-E	90-01-097
132R-116-280	REP	90-02-019	132R-158-150	REP-P	89-22-054	132U-116-030	AMD-P	90-02-032
132R-116-290	REP-P	89-22-054	132R-158-150	REP	90-02-019	132U-400-010	NEW-E	90-01-097
132R-116-290	REP	90-02-019	132R-158-160	REP-P	89-22-054	132U-400-010	NEW-P	90-02-032
132R-118-010	AMD-P	89-22-054	132R-158-160	REP	90-02-019	132V-15	NEW-C	89-17-005
132R-118-010	AMD	90-02-019	132R-158-170	REP-P	89-22-054	132V-15-010	NEW-P	89-13-072
132R-118-020	AMD-P	89-22-054	132R-158-170	REP	90-02-019	132V-15-010	NEW	89-20-013
132R-118-020	AMD	90-02-019	132R-158-180	REP-P	89-22-054	132V-15-020	NEW-P	89-13-072
132R-118-030	AMD-P	89-22-054	132R-158-180	REP	90-02-019	132V-15-020	NEW	89-20-013
132R-118-030	AMD	90-02-019	132R-158-190	REP-P	89-22-054	132V-15-030	NEW-P	89-13-072
132R-118-040	AMD-P	89-22-054	132R-158-190	REP	90-02-019	132V-15-030	NEW	89-20-013
132R-118-040	AMD	90-02-019	132R-160-010	REP-P	89-22-053	132V-15-040	NEW-P	89-13-072
132R-118-050	AMD-P	89-22-054	132R-160-010	REP	90-02-018	132V-15-040	NEW	89-20-013
132R-118-050	AMD	90-02-019	132R-160-020	REP-P	89-22-053	132V-15-050	NEW-P	89-13-072
132R-118-060	REP-P	89-22-054	132R-160-020	REP	90-02-018	132V-15-050	NEW	89-20-013
132R-118-060	REP	90-02-019	132R-160-030	REP-P	89-22-053	132V-15-060	NEW-P	89-13-072
132R-130-010	REP-P	89-22-053	132R-160-030	REP	90-02-018	132V-15-060	NEW	89-20-013
132R-130-010	REP	90-02-018	132R-160-040	REP-P	89-22-053	132V-15-070	NEW-P	89-13-072
132R-132-010	REP-P	89-22-053	132R-160-040	REP	90-02-018	132V-15-070	NEW	89-20-013
132R-132-010	REP	90-02-018	132R-185-010	REP-P	89-22-053	132V-15-080	NEW-P	89-13-072
132R-132-020	REP-P	89-22-053	132R-185-010	REP	90-02-018	132V-15-080	NEW	89-20-013
132R-132-020	REP	90-02-018	132R-185-020	REP-P	89-22-053	132V-15-090	NEW-P	89-13-072
132R-136-010	AMD-P	89-22-054	132R-185-020	REP	90-02-018	132V-15-090	NEW	89-20-013
132R-136-010	AMD	90-02-019	132R-185-030	REP-P	89-22-053	132V-15-100	NEW-P	89-13-072
132R-136-020	AMD-P	89-22-054	132R-185-030	REP	90-02-018	132V-15-100	NEW	89-20-013
132R-136-020	AMD	90-02-019	132R-185-040	REP-P	89-22-053	132V-15-110	NEW-P	89-13-072
132R-136-030	AMD-P	89-22-054	132R-185-040	REP	90-02-018	132V-15-110	NEW	89-20-013
132R-136-030	AMD	90-02-019	132R-185-050	REP-P	89-22-053	132V-15-120	NEW-P	89-13-072
132R-136-040	AMD-P	89-22-054	132R-185-050	REP	90-02-018	132V-15-120	NEW	89-20-013
132R-136-040	AMD	90-02-019	132R-185-060	REP-P	89-22-053	132Y-300-001	NEW	89-04-008
132R-136-050	REP-P	89-22-054	132R-185-060	REP	90-02-018	132Y-300-002	NEW	89-04-008
132R-136-050	REP	90-02-019	132R-185-070	REP-P	89-22-053	132Y-300-003	NEW	89-04-008
132R-140-010	REP-P	89-22-053	132R-185-070	REP	90-02-018	132Y-300-004	NEW	89-04-008
132R-140-010	REP	90-02-018	132R-185-080	REP-P	89-22-053	132Y-310-010	NEW-P	89-08-023
132R-140-020	REP-P	89-22-053	132R-185-080	REP	90-02-018	132Y-310-010	NEW	89-12-056
132R-140-020	REP	90-02-018	132R-190-010	AMD-P	89-22-054	132Y-310-020	NEW-P	89-08-023
132R-140-030	REP-P	89-22-053	132R-190-010	AMD	90-02-019	132Y-310-020	NEW	89-12-056

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132Y-310-030	NEW-P 89-08-023	136-40-052	REP-P 90-01-033	137-44-100	NEW-P 89-11-029
132Y-310-030	NEW 89-12-056	136-40-060	NEW-P 90-01-033	137-44-110	NEW-P 89-11-029
132Y-310-040	NEW-P 89-08-023	136-40-100	REP-P 90-01-033	137-44-120	NEW-P 89-11-029
132Y-310-040	NEW 89-12-056	136-40-104	REP-P 90-01-033	137-44-130	NEW-P 89-11-029
132Y-320-010	NEW-P 89-08-022	136-40-108	REP-P 90-01-033	137-44-140	NEW-P 89-11-029
132Y-320-010	NEW 89-12-057	136-40-112	REP-P 90-01-033	137-44-150	NEW-P 89-11-029
132Y-320-020	NEW-P 89-08-022	136-40-116	REP-P 90-01-033	137-44-160	NEW-P 89-11-029
132Y-320-020	NEW 89-12-057	136-40-120	REP-P 90-01-033	137-44-170	NEW-P 89-11-029
132Y-320-030	NEW-P 89-08-022	136-40-124	REP-P 90-01-033	137-44-180	NEW-P 89-11-029
132Y-320-030	NEW 89-12-057	136-40-128	REP-P 90-01-033	137-44-190	NEW-P 89-11-029
132Y-320-040	NEW-P 89-08-022	136-40-132	REP-P 90-01-033	137-44-200	NEW-P 89-11-029
132Y-320-040	NEW 89-12-057	136-40-136	REP-P 90-01-033	137-44-210	NEW-P 89-11-029
132Y-320-050	NEW-P 89-08-022	136-40-140	REP-P 90-01-033	137-44-220	NEW-P 89-11-029
132Y-320-050	NEW 89-12-057	136-40-200	REP-P 90-01-033	137-44-230	NEW-P 89-11-029
132Y-320-060	NEW-P 89-08-022	136-40-204	REP-P 90-01-033	137-44-240	NEW-P 89-11-029
132Y-320-060	NEW 89-12-057	136-40-208	REP-P 90-01-033	137-44-250	NEW-P 89-11-029
132Y-320-070	NEW-P 89-08-022	136-40-212	REP-P 90-01-033	137-44-260	NEW-P 89-11-029
132Y-320-070	NEW 89-12-057	136-40-300	REP-P 90-01-033	137-56-010	AMD-P 89-02-058
132Y-320-080	NEW-P 89-08-022	136-40-304	REP-P 90-01-033	137-56-010	AMD-C 89-07-083
132Y-320-080	NEW 89-12-057	136-40-308	REP-P 90-01-033	137-56-015	AMD-P 89-02-058
132Y-320-090	NEW-P 89-08-022	136-40-312	REP-P 90-01-033	137-56-015	AMD-C 89-07-083
132Y-320-090	NEW 89-12-057	136-40-316	REP-P 90-01-033	137-56-030	AMD-P 89-02-058
132Y-320-100	NEW-P 89-08-022	136-40-320	REP-P 90-01-033	137-56-030	AMD-C 89-07-083
132Y-320-100	NEW 89-12-057	136-40-324	REP-P 90-01-033	137-56-040	AMD-P 89-02-058
132Y-320-110	NEW-P 89-08-022	136-40-400	REP-P 90-01-033	137-56-040	AMD-C 89-07-083
132Y-320-110	NEW 89-12-057	136-40-404	REP-P 90-01-033	137-56-050	AMD-P 89-02-058
132Y-320-120	NEW-P 89-08-022	136-40-408	REP-P 90-01-033	137-56-050	AMD-C 89-07-083
132Y-320-120	NEW 89-12-057	136-40-412	REP-P 90-01-033	137-56-060	AMD-P 89-02-058
132Y-320-130	NEW-P 89-08-022	136-40-416	REP-P 90-01-033	137-56-060	AMD-C 89-07-083
132Y-320-130	NEW 89-12-057	136-40-500	REP-P 90-01-033	137-56-070	AMD-P 89-02-058
132Y-320-990	NEW-P 89-08-022	136-40-504	REP-P 90-01-033	137-56-070	AMD-C 89-07-083
132Y-320-990	NEW 89-12-057	136-40-508	REP-P 90-01-033	137-56-080	AMD-P 89-02-058
136-01-010	AMD-P 90-01-026	136-40-512	REP-P 90-01-033	137-56-080	AMD-C 89-07-083
136-01-030	AMD-P 90-01-026	136-40-600	REP-P 90-01-033	137-56-090	AMD-P 89-02-058
136-01-040	REP-P 90-01-026	136-40-604	REP-P 90-01-033	137-56-090	AMD-C 89-07-083
136-04-020	AMD-P 90-01-027	136-40-608	REP-P 90-01-033	137-56-095	AMD-P 89-02-058
136-04-030	AMD-P 90-01-027	136-40-612	REP-P 90-01-033	137-56-095	AMD-C 89-07-083
136-04-040	AMD-P 90-01-027	136-40-616	REP-P 90-01-033	137-56-100	AMD-P 89-02-058
136-04-060	AMD-P 90-01-027	136-40-620	REP-P 90-01-033	137-56-100	AMD-C 89-07-083
136-04-080	AMD-P 90-01-027	136-40-624	REP-P 90-01-033	137-56-110	AMD-P 89-02-058
136-04-090	AMD-P 90-01-027	136-40-700	REP-P 90-01-033	137-56-110	AMD-C 89-07-083
136-04-100	AMD-P 90-01-027	136-40-704	REP-P 90-01-033	137-56-120	AMD-P 89-02-058
136-10-010	AMD-P 90-01-028	136-40-708	REP-P 90-01-033	137-56-120	AMD-C 89-07-083
136-10-020	AMD-P 90-01-028	136-40-712	REP-P 90-01-033	137-56-140	AMD-P 89-02-058
136-10-030	AMD-P 90-01-028	136-40-800	REP-P 90-01-033	137-56-140	AMD-C 89-07-083
136-10-040	AMD-P 90-01-028	136-40-804	REP-P 90-01-033	137-56-150	AMD-P 89-02-058
136-10-050	AMD-P 90-01-028	136-40-808	REP-P 90-01-033	137-56-150	AMD-C 89-07-083
136-10-060	AMD-P 90-01-028	136-40-812	REP-P 90-01-033	137-56-160	AMD-P 89-02-058
136-12-010	AMD-P 90-01-029	137-25-010	NEW-P 89-04-031	137-56-160	AMD-C 89-07-083
136-12-020	AMD-P 90-01-029	137-25-010	NEW-E 89-06-010	137-56-170	AMD-P 89-02-058
136-12-030	AMD-P 90-01-029	137-25-020	NEW-P 89-04-031	137-56-170	AMD-C 89-07-083
136-12-060	AMD-P 90-01-029	137-25-020	NEW-E 89-06-010	137-56-180	AMD-P 89-02-058
136-12-070	AMD-P 90-01-029	137-25-030	NEW-P 89-04-031	137-56-180	AMD-C 89-07-083
136-12-080	AMD-P 90-01-029	137-25-030	NEW-E 89-06-010	137-56-190	AMD-P 89-02-058
136-14-010	AMD-P 90-01-030	137-25-040	NEW-P 89-04-031	137-56-190	AMD-C 89-07-083
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136-14-030	AMD-P 90-01-030	137-28-006	AMD 89-04-032	137-56-200	AMD-C 89-07-083
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136-14-050	AMD-P 90-01-030	137-28-030	AMD 89-04-032	137-56-210	AMD-C 89-07-083
136-14-060	AMD-P 90-01-030	137-28-035	AMD 89-04-032	137-56-220	AMD-P 89-02-058
136-16-010	AMD-P 90-01-031	137-28-080	AMD 89-04-032	137-56-220	AMD-C 89-07-083
136-16-018	AMD-P 90-01-031	137-28-090	AMD 89-04-032	137-56-230	AMD-P 89-02-058
136-16-022	AMD-P 90-01-031	137-28-094	NEW 89-04-032	137-56-230	AMD-C 89-07-083
136-16-042	AMD-P 90-01-031	137-28-097	AMD 89-04-032	137-56-240	AMD-P 89-02-058
136-16-050	AMD-P 90-01-031	137-28-107	NEW 89-04-032	137-56-240	AMD-C 89-07-083
136-36-010	REP-P 90-01-032	137-36-020	AMD-E 89-04-029	137-56-250	AMD-P 89-02-058
136-36-020	REP-P 90-01-032	137-36-030	AMD-E 89-04-029	137-56-250	AMD-C 89-07-083
136-36-030	REP-P 90-01-032	137-36-040	AMD-E 89-04-029	137-70-040	AMD-P 89-07-075
136-36-040	REP-P 90-01-032	137-44-010	NEW-P 89-11-029	137-70-040	AMD 89-12-003
136-40-010	AMD-P 90-01-033	137-44-020	NEW-P 89-11-029	137-78-010	NEW-P 89-11-108
136-40-020	AMD-P 90-01-033	137-44-030	NEW-P 89-11-029	137-78-010	NEW 89-15-059
136-40-030	AMD-P 90-01-033	137-44-040	NEW-P 89-11-029	137-78-020	NEW-P 89-11-108
136-40-040	AMD-P 90-01-033	137-44-050	NEW-P 89-11-029	137-78-020	NEW 89-15-059
136-40-040	REP-P 90-01-033	137-44-060	NEW-P 89-11-029	137-78-030	NEW-P 89-11-108
136-40-044	REP-P 90-01-033	137-44-070	NEW-P 89-11-029	137-78-030	NEW 89-15-059
136-40-048	REP-P 90-01-033	137-44-080	NEW-P 89-11-029	137-78-040	NEW-P 89-11-108
136-40-050	NEW-P 90-01-033	137-44-090	NEW-P 89-11-029	137-78-040	NEW 89-15-059

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137-78-050	NEW	89-15-059	154-16-010	REP	89-11-010	162-08-093	RE-AD-P	89-17-098
137-78-060	NEW-P	89-11-108	154-16-020	REP-P	89-07-090	162-08-093	RE-AD	89-23-020
137-78-060	NEW	89-15-059	154-16-020	REP-E	89-11-008	162-08-094	RE-AD-P	89-17-098
137-78-070	NEW-P	89-11-108	154-16-020	REP	89-11-010	162-08-094	RE-AD	89-23-020
137-78-070	NEW	89-15-059	154-20-010	REP-P	89-07-090	162-08-09501	NEW-P	89-17-098
139-05-200	AMD-P	89-07-049	154-20-010	REP-E	89-11-008	162-08-09501	NEW	89-23-020
139-05-200	AMD-E	89-07-050	154-20-010	REP	89-11-010	162-08-096	RE-AD-P	89-17-098
139-05-200	AMD	89-13-024	154-20-020	REP-P	89-07-090	162-08-096	RE-AD	89-23-020
139-05-230	AMD-P	89-07-048	154-20-020	REP-E	89-11-008	162-08-097	NEW-P	89-17-098
139-05-230	AMD	89-13-023	154-20-020	REP	89-11-010	162-08-097	NEW	89-23-020
143-06-990	REP	89-05-007	154-24-010	AMD-P	89-07-090	162-08-098	RE-AD-P	89-17-098
154-04-040	REP-P	89-07-090	154-24-010	AMD-E	89-11-008	162-08-098	RE-AD	89-23-020
154-04-040	REP-E	89-11-008	154-24-010	AMD	89-11-010	162-08-099	RE-AD-P	89-17-098
154-04-040	REP	89-11-010	154-32-010	AMD-P	89-07-090	162-08-099	RE-AD	89-23-020
154-04-060	REP-P	89-07-090	154-32-010	AMD-E	89-11-008	162-08-101	RE-AD-P	89-17-098
154-04-060	REP-E	89-11-008	154-32-010	AMD	89-11-010	162-08-101	RE-AD	89-23-020
154-04-060	REP	89-11-010	154-32-020	AMD-P	89-07-090	162-08-106	RE-AD-P	89-17-098
154-04-065	NEW-P	89-07-090	154-32-020	AMD-E	89-11-008	162-08-106	RE-AD	89-23-020
154-04-065	NEW-E	89-11-008	154-32-020	AMD	89-11-010	162-08-108	REP-P	89-17-098
154-04-065	NEW	89-11-010	154-68-020	AMD-P	89-07-090	162-08-108	REP	89-23-020
154-04-090	REP-P	89-07-090	154-68-020	AMD-E	89-11-008	162-08-109	RE-AD-P	89-17-098
154-04-090	REP-E	89-11-008	154-68-020	AMD	89-11-010	162-08-109	RE-AD	89-23-020
154-04-090	REP	89-11-010	154-120-015	AMD-P	89-07-089	162-08-109	REP-P	89-17-098
154-12-010	AMD-P	89-07-090	154-120-015	AMD-E	89-11-009	162-08-111	REP	89-23-020
154-12-010	AMD-E	89-11-008	154-120-015	AMD	89-11-011	162-08-114	REP-P	89-17-098
154-12-010	AMD	89-11-010	154-130-020	AMD-P	89-15-061	162-08-114	REP	89-23-020
154-12-010	AMD-P	89-16-100	154-130-020	AMD	89-20-022	162-08-116	REP-P	89-17-098
154-12-010	AMD	89-20-021	154-130-030	AMD-P	89-15-061	162-08-116	REP	89-23-020
154-12-015	AMD-P	89-16-100	154-130-030	AMD	89-20-022	162-08-121	REP-P	89-17-098
154-12-015	AMD	89-20-021	154-140-030	AMD-P	89-15-061	162-08-121	REP	89-23-020
154-12-020	AMD-P	89-07-090	154-140-030	AMD	89-20-022	162-08-131	REP-P	89-17-098
154-12-020	AMD-E	89-11-008	162-04-010	AMD-P	89-17-115	162-08-131	REP	89-23-020
154-12-020	AMD	89-11-010	162-04-010	AMD	89-23-019	162-08-135	REP-P	89-17-098
154-12-030	AMD-P	89-07-090	162-04-020	AMD-P	89-17-115	162-08-135	REP	89-23-020
154-12-030	AMD-E	89-11-008	162-04-020	AMD	89-23-019	162-08-141	REP-P	89-17-098
154-12-030	AMD	89-11-010	162-04-026	AMD-P	89-17-115	162-08-141	REP	89-23-020
154-12-040	AMD-P	89-07-090	162-04-026	AMD	89-23-019	162-08-151	REP-P	89-17-098
154-12-040	AMD-E	89-11-008	162-04-030	AMD-P	89-17-115	162-08-151	REP	89-23-020
154-12-040	AMD	89-11-010	162-04-030	AMD	89-23-019	162-08-155	REP-P	89-17-098
154-12-050	AMD-P	89-07-090	162-04-035	NEW-P	89-17-115	162-08-155	REP	89-23-020
154-12-050	AMD-E	89-11-008	162-04-035	NEW	89-23-019	162-08-161	REP-P	89-17-098
154-12-050	AMD	89-11-010	162-04-040	AMD-P	89-17-115	162-08-161	REP	89-23-020
154-12-060	REP-P	89-07-090	162-04-040	AMD	89-23-019	162-08-171	REP-P	89-17-098
154-12-060	REP-E	89-11-008	162-04-050	AMD-P	89-17-115	162-08-171	REP	89-23-020
154-12-060	REP	89-11-010	162-04-050	AMD	89-23-019	162-08-190	RE-AD-P	89-17-098
154-12-070	AMD-P	89-07-090	162-04-060	AMD-P	89-17-115	162-08-190	RE-AD	89-23-020
154-12-070	AMD-E	89-11-008	162-04-060	AMD	89-23-019	162-08-201	RE-AD-P	89-17-098
154-12-070	AMD	89-11-010	162-04-070	AMD-P	89-17-115	162-08-201	RE-AD	89-23-020
154-12-075	NEW-P	89-07-090	162-04-070	AMD	89-23-019	162-08-211	RE-AD-P	89-17-098
154-12-075	NEW-E	89-11-008	162-08-011	RE-AD-P	89-17-098	162-08-211	RE-AD	89-23-020
154-12-075	NEW	89-11-010	162-08-011	RE-AD	89-23-020	162-08-212	REP-P	89-17-098
154-12-080	AMD-P	89-07-090	162-08-013	RE-AD-P	89-17-098	162-08-212	REP	89-23-020
154-12-080	AMD-E	89-11-008	162-08-013	RE-AD	89-23-020	162-08-215	REP-P	89-17-098
154-12-080	AMD	89-11-010	162-08-015	RE-AD-P	89-17-098	162-08-215	REP	89-23-020
154-12-085	NEW-P	89-07-090	162-08-015	RE-AD	89-23-020	162-08-217	REP-P	89-17-098
154-12-085	NEW-E	89-11-008	162-08-017	RE-AD-P	89-17-098	162-08-217	REP	89-23-020
154-12-085	NEW	89-11-010	162-08-017	RE-AD	89-23-020	162-08-221	RE-AD-P	89-17-098
154-12-086	NEW-P	89-07-090	162-08-019	RE-AD-P	89-17-098	162-08-221	RE-AD	89-23-020
154-12-086	NEW-E	89-11-008	162-08-019	RE-AD	89-23-020	162-08-231	RE-AD-P	89-17-098
154-12-086	NEW	89-11-010	162-08-021	RE-AD-P	89-17-098	162-08-231	RE-AD	89-23-020
154-12-087	NEW-P	89-07-090	162-08-021	RE-AD	89-23-020	162-08-241	RE-AD-P	89-17-098
154-12-087	NEW-E	89-11-008	162-08-041	RE-AD-P	89-17-098	162-08-241	RE-AD	89-23-020
154-12-087	NEW	89-11-010	162-08-041	RE-AD	89-23-020	162-08-251	RE-AD-P	89-17-098
154-12-090	AMD-P	89-07-090	162-08-051	RE-AD-P	89-17-098	162-08-251	RE-AD	89-23-020
154-12-090	AMD-E	89-11-008	162-08-051	RE-AD	89-23-020	162-08-253	NEW-P	89-17-098
154-12-090	AMD	89-11-010	162-08-061	RE-AD-P	89-17-098	162-08-253	NEW	89-23-020
154-12-100	REP-P	89-07-090	162-08-061	RE-AD	89-23-020	162-08-255	NEW-P	89-17-098
154-12-100	REP-E	89-11-008	162-08-062	RE-AD-P	89-17-098	162-08-255	NEW	89-23-020
154-12-100	REP	89-11-010	162-08-062	RE-AD	89-23-020	162-08-261	RE-AD-P	89-17-098
154-12-107	NEW-P	89-07-090	162-08-071	RE-AD-P	89-17-098	162-08-261	RE-AD	89-23-020
154-12-107	NEW-E	89-11-008	162-08-071	RE-AD	89-23-020	162-08-263	NEW-P	89-17-098
154-12-107	NEW	89-11-010	162-08-072	RE-AD-P	89-17-098	162-08-263	NEW	89-23-020
154-12-110	AMD-P	89-07-090	162-08-072	RE-AD	89-23-020	162-08-265	RE-AD-P	89-17-098
154-12-110	AMD-E	89-11-008	162-08-081	RE-AD-P	89-17-098	162-08-265	RE-AD	89-23-020
154-12-110	AMD	89-11-010	162-08-081	RE-AD	89-23-020	162-08-268	RE-AD-P	89-17-098
154-16-010	REP-P	89-07-090	162-08-091	RE-AD-P	89-17-098	162-08-268	RE-AD	89-23-020

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162-08-271	RE-AD 89-23-020	173-19-420	AMD-P 90-01-095	173-98-120	NEW-P 89-11-082
162-08-275	REP-P 89-17-098	173-19-4501	AMD-P 89-08-113	173-98-120	NEW 89-18-019
162-08-275	REP 89-23-020	173-19-4501	AMD-C 89-14-129	173-158-030	AMD-C 89-05-003
162-08-278	REP-P 89-17-098	173-19-4501	AMD-W 89-17-032	173-158-030	AMD 89-07-022
162-08-278	REP 89-23-020	173-19-4501	AMD-P 89-17-033	173-158-060	AMD-C 89-05-003
162-08-282	RE-AD-P 89-17-098	173-19-4501	AMD-W 89-17-154	173-158-060	AMD 89-07-022
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162-08-284	REP-P 89-17-098	173-19-4501	AMD-C 89-22-137	173-160-215	AMD-P 89-12-058
162-08-284	REP 89-23-020	173-19-4501	AMD 89-23-127	173-160-215	AMD 89-15-017
162-08-286	RE-AD-P 89-17-098	173-19-4507	AMD 89-03-010	173-201	PREP 89-21-059
162-08-286	RE-AD 89-23-020	173-19-4507	AMD-P 90-01-096	173-216-125	NEW-P 89-04-051
162-08-288	RE-AD-P 89-17-098	173-20-700	AMD-W 89-07-025	173-216-125	NEW-W 89-09-015
162-08-288	RE-AD 89-23-020	173-50	NEW-C 89-07-032	173-220-210	AMD-P 89-04-051
162-08-291	RE-AD-P 89-17-098	173-50-010	NEW-P 89-04-052	173-220-210	AMD-W 89-09-015
162-08-291	RE-AD 89-23-020	173-50-010	NEW 89-10-001	173-223	REP-C 89-12-016
162-08-292	RE-AD-P 89-17-098	173-50-020	NEW-P 89-04-052	173-223-015	AMD 89-05-026
162-08-292	RE-AD 89-23-020	173-50-020	NEW 89-10-001	173-223-015	AMD-E 89-06-053
162-08-294	RE-AD-P 89-17-098	173-50-030	NEW-P 89-04-052	173-223-015	REP-P 89-07-088
162-08-294	RE-AD 89-23-020	173-50-030	NEW 89-10-001	173-223-015	REP 89-12-027
162-08-295	REP-P 89-17-098	173-50-040	NEW-P 89-04-052	173-223-020	REP-P 89-07-088
162-08-295	REP 89-23-020	173-50-040	NEW 89-10-001	173-223-020	REP 89-12-027
162-08-296	REP-P 89-17-098	173-50-050	NEW-P 89-04-052	173-223-030	AMD 89-05-026
162-08-296	REP 89-23-020	173-50-050	NEW 89-10-001	173-223-030	AMD-E 89-06-053
162-08-298	RE-AD-P 89-17-098	173-50-060	NEW-P 89-04-052	173-223-030	REP-P 89-07-088
162-08-298	RE-AD 89-23-020	173-50-060	NEW 89-10-001	173-223-030	REP 89-12-027
162-08-301	RE-AD-P 89-17-098	173-50-070	NEW-P 89-04-052	173-223-040	AMD 89-05-026
162-08-301	RE-AD 89-23-020	173-50-070	NEW 89-10-001	173-223-040	AMD-E 89-06-053
162-08-305	RE-AD-P 89-17-098	173-50-080	NEW-P 89-04-052	173-223-040	REP-P 89-07-088
162-08-305	RE-AD 89-23-020	173-50-080	NEW 89-10-001	173-223-040	REP 89-12-027
162-08-311	RE-AD-P 89-17-098	173-50-090	NEW-P 89-04-052	173-223-050	AMD 89-05-026
162-08-311	RE-AD 89-23-020	173-50-090	NEW 89-10-001	173-223-050	AMD-E 89-06-053
162-08-600	RE-AD-P 89-17-098	173-50-100	NEW-P 89-04-052	173-223-050	REP-P 89-07-088
162-08-600	RE-AD 89-23-020	173-50-100	NEW 89-10-001	173-223-050	REP 89-12-027
162-08-610	RE-AD-P 89-17-098	173-50-110	NEW-P 89-04-052	173-223-060	REP-P 89-07-088
162-08-610	RE-AD 89-23-020	173-50-110	NEW 89-10-001	173-223-060	REP 89-12-027
162-08-621	REP-P 89-17-098	173-50-120	NEW-P 89-04-052	173-223-070	AMD 89-05-026
162-08-621	REP 89-23-020	173-50-120	NEW 89-10-001	173-223-070	AMD-E 89-06-053
162-08-700	RE-AD-P 89-17-098	173-50-130	NEW-P 89-04-052	173-223-070	REP-P 89-07-088
162-08-700	RE-AD 89-23-020	173-50-130	NEW 89-10-001	173-223-070	REP 89-12-027
173-06-030	AMD-E 89-04-013	173-50-140	NEW-P 89-04-052	173-223-080	REP-P 89-07-088
173-06-030	AMD-P 89-08-078	173-50-140	NEW 89-10-001	173-223-080	REP 89-12-027
173-06-030	AMD-E 89-08-079	173-50-150	NEW-P 89-04-052	173-223-080	REP 89-12-027
173-06-030	AMD 89-11-021	173-50-150	NEW 89-10-001	173-223-090	AMD 89-05-026
173-18-090	AMD-P 89-23-125	173-50-160	NEW-P 89-04-052	173-223-090	AMD-E 89-06-053
173-18-090	AMD-E 89-24-067	173-50-160	NEW 89-10-001	173-223-090	REP-P 89-07-088
173-18-200	AMD-P 89-23-125	173-50-170	NEW-P 89-04-052	173-223-090	REP 89-12-027
173-18-200	AMD-E 89-24-067	173-50-170	NEW 89-10-001	173-223-100	REP-P 89-07-088
173-19-110	AMD-W 89-03-012	173-50-180	NEW-P 89-04-052	173-223-100	REP 89-12-027
173-19-1104	AMD-P 89-21-087	173-50-180	NEW 89-10-001	173-223-110	REP-P 89-07-088
173-19-130	AMD-P 89-17-152	173-50-190	NEW-P 89-04-052	173-223-110	REP 89-12-027
173-19-130	AMD 89-22-139	173-50-190	NEW 89-10-001	173-224	NEW-C 89-12-016
173-19-220	AMD-P 90-01-094	173-50-200	NEW-P 89-04-052	173-224-015	NEW-P 89-07-088
173-19-240	AMD 89-08-012	173-50-200	NEW 89-10-001	173-224-015	NEW 89-12-027
173-19-2401	AMD 89-08-035	173-50-210	NEW-P 89-04-052	173-224-020	NEW-P 89-07-088
173-19-2503	AMD-P 89-08-112	173-50-210	NEW 89-10-001	173-224-020	NEW 89-12-027
173-19-2503	AMD-C 89-12-087	173-50-210	NEW-P 89-04-052	173-224-030	NEW-P 89-07-088
173-19-2503	AMD-C 89-16-028	173-98-010	NEW 89-11-082	173-224-030	NEW 89-12-027
173-19-2503	AMD 89-20-016	173-98-010	NEW 89-18-019	173-224-040	NEW-P 89-07-088
173-19-2505	AMD-P 89-09-076	173-98-020	NEW-P 89-11-082	173-224-040	NEW 89-12-027
173-19-2505	AMD-W 89-14-128	173-98-020	NEW 89-18-019	173-224-050	NEW-P 89-07-088
173-19-2505	AMD-P 89-22-136	173-98-030	NEW-P 89-11-082	173-224-050	NEW 89-12-027
173-19-2505	AMD-C 89-23-126	173-98-030	NEW 89-18-019	173-224-060	NEW-P 89-07-088
173-19-2505	AMD-C 90-01-093	173-98-040	NEW-P 89-11-082	173-224-060	NEW 89-12-027
173-19-2512	AMD 89-03-009	173-98-040	NEW 89-18-019	173-224-070	NEW-P 89-07-088
173-19-2512	AMD-P 89-17-153	173-98-050	NEW-P 89-11-082	173-224-070	NEW 89-12-027
173-19-2515	AMD 89-03-011	173-98-050	NEW 89-18-019	173-224-080	NEW-P 89-07-088
173-19-2519	AMD-P 89-09-075	173-98-060	NEW-P 89-11-082	173-224-080	NEW 89-12-027
173-19-2519	AMD-W 89-12-071	173-98-060	NEW 89-18-019	173-224-090	NEW-P 89-07-088
173-19-2519	AMD-P 89-21-086	173-98-070	NEW-P 89-11-082	173-224-090	NEW 89-12-027
173-19-3503	AMD-P 89-15-044	173-98-070	NEW 89-18-019	173-224-100	NEW-P 89-07-088
173-19-3503	AMD 89-22-138	173-98-080	NEW-P 89-11-082	173-224-100	NEW 89-12-027
173-19-360	AMD 89-09-077	173-98-080	NEW 89-18-019	173-224-110	NEW-P 89-07-088
173-19-390	AMD 89-07-026	173-98-090	NEW-P 89-11-082	173-224-110	NEW 89-12-027
173-19-390	AMD-P 89-08-114	173-98-090	NEW 89-18-019	173-224-120	NEW-P 89-07-088
173-19-390	AMD 89-14-130	173-98-100	NEW-P 89-11-082	173-224-120	NEW 89-12-027
173-19-3910	AMD-P 89-08-115	173-98-100	NEW 89-18-019	173-303	PREP 90-01-071
		173-98-110	NEW-P 89-11-082	173-303-040	AMD 89-02-059

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173-303-070	AMD	89-02-059	173-314-340	NEW	89-03-047	173-322-030	NEW-P	90-01-079
173-303-071	AMD	89-02-059	173-315-010	NEW-E	89-06-061	173-322-040	NEW-P	90-01-079
173-303-080	AMD	89-02-059	173-315-010	NEW-P	89-11-087	173-322-050	NEW-P	90-01-079
173-303-110	AMD	89-02-059	173-315-010	NEW-E	89-12-020	173-322-060	NEW-P	90-01-079
173-303-161	AMD	89-02-059	173-315-010	NEW	89-17-072	173-322-070	NEW-P	90-01-079
173-303-200	AMD	89-02-059	173-315-010	AMD-P	90-01-124	173-322-080	NEW-P	90-01-079
173-303-202	NEW	89-02-059	173-315-020	NEW-E	89-06-061	173-322-090	NEW-P	90-01-079
173-303-400	AMD	89-02-059	173-315-020	NEW-P	89-11-087	173-322-100	NEW-P	90-01-079
173-303-505	AMD	89-02-059	173-315-020	NEW-E	89-12-020	173-322-110	NEW-P	90-01-079
173-303-515	AMD	89-02-059	173-315-020	NEW	89-17-072	173-322-120	NEW-P	90-01-079
173-303-550	AMD	89-02-059	173-315-030	NEW-E	89-06-061	173-336-010	REP-P	89-20-059
173-303-610	AMD	89-02-059	173-315-030	NEW-P	89-11-087	173-336-020	REP-P	89-20-059
173-303-620	AMD	89-02-059	173-315-030	NEW-E	89-12-020	173-336-030	REP-P	89-20-059
173-303-640	AMD	89-02-059	173-315-030	NEW	89-17-072	173-338-010	REP-P	89-20-059
173-303-645	AMD	89-02-059	173-315-040	NEW-E	89-06-061	173-338-020	REP-P	89-20-059
173-303-805	AMD	89-02-059	173-315-040	NEW-P	89-11-087	173-338-030	REP-P	89-20-059
173-303-806	AMD	89-02-059	173-315-040	NEW-E	89-12-020	173-338-040	REP-P	89-20-059
173-303-830	AMD	89-02-059	173-315-040	NEW	89-17-072	173-338-050	REP-P	89-20-059
173-303-902	NEW-P	89-15-047	173-315-040	AMD-P	90-01-124	173-340	AMD-P	89-20-059
173-303-902	NEW-E	89-19-030	173-315-050	NEW-E	89-06-061	173-340-010	REP-P	89-20-059
173-303-902	NEW	89-21-071	173-315-050	NEW-P	89-11-087	173-340-020	REP-P	89-20-059
173-303-9903	AMD	89-02-059	173-315-050	NEW-E	89-12-020	173-340-030	REP-P	89-20-059
173-303-9904	AMD	89-02-059	173-315-050	NEW	89-17-072	173-340-040	REP-P	89-20-059
173-303-9905	AMD	89-02-059	173-315-050	AMD-P	90-01-124	173-340-050	REP-P	89-20-059
173-306-010	NEW-P	89-19-069	173-315-060	NEW-E	89-06-061	173-340-100	NEW-P	89-20-059
173-306-050	NEW-P	89-19-069	173-315-060	NEW-P	89-11-087	173-340-110	NEW-P	89-20-059
173-306-100	NEW-P	89-19-069	173-315-060	NEW-E	89-12-020	173-340-120	NEW-P	89-20-059
173-306-150	NEW-P	89-19-069	173-315-060	NEW	89-17-072	173-340-130	NEW-P	89-20-059
173-306-200	NEW-P	89-19-069	173-315-070	NEW-E	89-06-061	173-340-140	NEW-P	89-20-059
173-306-300	NEW-P	89-19-069	173-315-070	NEW-P	89-11-087	173-340-200	NEW-P	89-20-059
173-306-310	NEW-P	89-19-069	173-315-070	NEW-E	89-12-020	173-340-210	NEW-P	89-20-059
173-306-320	NEW-P	89-19-069	173-315-070	NEW	89-17-072	173-340-300	NEW-P	89-20-059
173-306-330	NEW-P	89-19-069	173-315-080	NEW-E	89-06-061	173-340-310	NEW-P	89-20-059
173-306-340	NEW-P	89-19-069	173-315-090	NEW-E	89-06-061	173-340-320	NEW-P	89-20-059
173-306-345	NEW-P	89-19-069	173-318	NEW-C	89-16-102	173-340-330	NEW-P	89-20-059
173-306-350	NEW-P	89-19-069	173-318-010	NEW-E	89-09-005	173-340-340	NEW-P	89-20-059
173-306-400	NEW-P	89-19-069	173-318-010	NEW-P	89-12-065	173-340-350	NEW-P	89-20-059
173-306-405	NEW-P	89-19-069	173-318-010	NEW	89-18-070	173-340-360	NEW-P	89-20-059
173-306-410	NEW-P	89-19-069	173-318-020	NEW-E	89-09-005	173-340-400	NEW-P	89-20-059
173-306-440	NEW-P	89-19-069	173-318-020	NEW-P	89-12-065	173-340-410	NEW-P	89-20-059
173-306-450	NEW-P	89-19-069	173-318-020	NEW	89-18-070	173-340-420	NEW-P	89-20-059
173-306-470	NEW-P	89-19-069	173-318-030	NEW-E	89-09-005	173-340-430	NEW-P	89-20-059
173-306-480	NEW-P	89-19-069	173-318-030	NEW-P	89-12-065	173-340-500	NEW-P	89-20-059
173-306-490	NEW-P	89-19-069	173-318-030	NEW	89-18-070	173-340-510	NEW-P	89-20-059
173-306-495	NEW-P	89-19-069	173-318-040	NEW-E	89-09-005	173-340-520	NEW-P	89-20-059
173-306-500	NEW-P	89-19-069	173-318-040	NEW-P	89-12-065	173-340-530	NEW-P	89-20-059
173-306-900	NEW-P	89-19-069	173-318-040	NEW	89-18-070	173-340-540	NEW-P	89-20-059
173-306-9901	NEW-P	89-19-069	173-318-050	NEW-E	89-09-005	173-340-550	NEW-P	89-20-059
173-313-010	NEW-E	89-06-060	173-318-050	NEW-P	89-12-065	173-340-560	NEW-P	89-20-059
173-313-010	NEW-P	89-11-086	173-318-050	NEW	89-18-070	173-340-600	NEW-P	89-20-059
173-313-010	NEW-E	89-12-021	173-318-060	NEW-E	89-09-005	173-340-610	NEW-P	89-20-059
173-313-010	NEW	89-17-073	173-318-060	NEW-P	89-12-065	173-340-700	NEW-P	89-20-059
173-313-020	NEW-E	89-06-060	173-318-060	NEW	89-18-070	173-340-800	NEW-P	89-20-059
173-313-020	NEW-P	89-11-086	173-318-070	NEW-E	89-09-005	173-340-810	NEW-P	89-20-059
173-313-020	NEW-E	89-12-021	173-318-070	NEW-P	89-12-065	173-340-820	NEW-P	89-20-059
173-313-020	NEW	89-17-073	173-318-070	NEW	89-18-070	173-340-830	NEW-P	89-20-059
173-313-030	NEW-E	89-06-060	173-318-080	NEW-E	89-09-005	173-340-840	NEW-P	89-20-059
173-313-030	NEW-P	89-11-086	173-318-080	NEW-P	89-12-065	173-340-850	NEW-P	89-20-059
173-313-030	NEW-E	89-12-021	173-318-080	NEW	89-18-070	173-340-860	NEW-P	89-20-059
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173-313-040	NEW-E	89-06-060	173-321-010	NEW	89-21-072	173-340-880	NEW-P	89-20-059
173-313-040	NEW-P	89-11-086	173-321-020	NEW-P	89-15-046	173-340-890	NEW-P	89-20-059
173-313-040	NEW-E	89-12-021	173-321-020	NEW	89-21-072	173-342-010	NEW-P	89-20-060
173-313-040	NEW	89-17-073	173-321-030	NEW-P	89-15-046	173-342-020	NEW-P	89-20-060
173-313-050	NEW-E	89-06-060	173-321-030	NEW	89-21-072	173-342-030	NEW-P	89-20-060
173-313-050	NEW-P	89-11-086	173-321-040	NEW-P	89-15-046	173-342-040	NEW-P	89-20-060
173-313-050	NEW-E	89-12-021	173-321-040	NEW	89-21-072	173-342-050	NEW-P	89-20-060
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173-314-010	NEW	89-03-047	173-321-050	NEW	89-21-072	173-400-010	AMD-W	90-01-099
173-314-100	NEW	89-03-047	173-321-060	NEW-P	89-15-046	173-400-020	AMD-P	89-23-128
173-314-200	NEW	89-03-047	173-321-060	NEW	89-21-072	173-400-020	AMD-W	90-01-099
173-314-210	NEW	89-03-047	173-321-070	NEW-P	89-15-046	173-400-030	AMD-P	89-23-128
173-314-220	NEW	89-03-047	173-321-070	NEW	89-21-072	173-400-030	AMD-W	90-01-099
173-314-300	NEW	89-03-047	173-321-080	NEW-P	89-15-046	173-400-040	AMD-P	89-23-128
173-314-310	NEW	89-03-047	173-321-080	NEW	89-21-072	173-400-040	AMD-W	90-01-099
173-314-320	NEW	89-03-047	173-322-010	NEW-P	90-01-079	173-400-050	AMD-P	89-23-128

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173-400-060	AMD-P 89-23-128	173-403-141	REP-W 90-01-099	173-415-045	AMD-P 89-23-128
173-400-060	AMD-W 90-01-099	173-403-145	REP-P 89-23-128	173-415-045	AMD-W 90-01-099
173-400-070	AMD-P 89-23-128	173-403-145	REP-W 90-01-099	173-415-050	AMD-P 89-23-128
173-400-070	AMD-W 90-01-099	173-403-150	REP-P 89-23-128	173-415-050	AMD-W 90-01-099
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173-400-120	AMD-P 89-23-128	173-405-021	AMD-P 89-23-128	173-422-035	NEW-P 89-21-075
173-400-120	AMD-W 90-01-099	173-405-021	AMD-W 90-01-099	173-422-040	AMD-P 89-21-075
173-400-131	NEW-P 89-23-128	173-405-033	AMD-P 89-23-128	173-422-060	AMD-P 89-21-075
173-400-131	NEW-W 90-01-099	173-405-033	AMD-W 90-01-099	173-422-070	AMD-P 89-21-075
173-400-136	NEW-P 89-23-128	173-405-035	AMD-P 89-23-128	173-422-090	AMD-P 89-21-075
173-400-136	NEW-W 90-01-099	173-405-035	AMD-W 90-01-099	173-422-100	AMD-P 89-21-075
173-400-141	NEW-P 89-23-128	173-405-040	AMD-P 89-23-128	173-422-130	AMD-P 89-21-075
173-400-141	NEW-W 90-01-099	173-405-040	AMD-W 90-01-099	173-422-140	AMD-P 89-21-075
173-400-151	NEW-P 89-23-128	173-405-041	REP-P 89-23-128	173-422-145	AMD-P 89-21-075
173-400-151	NEW-W 90-01-099	173-405-041	AMD-W 90-01-099	173-422-160	AMD-P 89-21-075
173-400-161	NEW-P 89-23-128	173-405-045	AMD-P 89-23-128	173-422-170	AMD-P 89-21-075
173-400-161	NEW-W 90-01-099	173-405-045	AMD-W 90-01-099	173-422-190	NEW-P 89-21-075
173-400-171	NEW-P 89-23-128	173-405-061	AMD-P 89-23-128	173-422-195	NEW-P 89-21-075
173-400-171	NEW-W 90-01-099	173-405-061	AMD-W 90-01-099	173-425-030	AMD 89-02-055
173-400-180	NEW-P 89-23-128	173-405-072	AMD-P 89-23-128	173-425-035	REP 89-02-055
173-400-180	NEW-W 90-01-099	173-405-072	AMD-W 90-01-099	173-425-036	NEW 89-02-055
173-400-190	NEW-P 89-23-128	173-405-077	AMD-P 89-23-128	173-425-045	AMD 89-02-055
173-400-190	NEW-W 90-01-099	173-405-077	AMD-W 90-01-099	173-425-065	AMD 89-02-055
173-400-200	NEW-P 89-23-128	173-405-078	AMD 89-02-055	173-425-075	AMD 89-02-055
173-400-200	NEW-W 90-01-099	173-405-078	AMD-P 89-23-128	173-425-085	AMD 89-02-055
173-400-205	NEW-P 89-23-128	173-405-078	AMD-W 90-01-099	173-425-095	AMD 89-02-055
173-400-205	NEW-W 90-01-099	173-405-086	AMD-P 89-23-128	173-425-130	AMD 89-02-055
173-400-210	NEW-P 89-23-128	173-405-086	AMD-W 90-01-099	173-433-030	AMD 89-02-054
173-400-210	NEW-W 90-01-099	173-405-087	AMD-P 89-23-128	173-433-100	AMD 89-02-054
173-400-220	NEW-P 89-23-128	173-405-087	AMD-W 90-01-099	173-433-120	AMD 89-02-054
173-400-220	NEW-W 90-01-099	173-405-091	AMD-P 89-23-128	173-433-130	NEW 89-02-054
173-400-230	NEW-P 89-23-128	173-405-091	AMD-W 90-01-099	173-433-170	NEW 89-02-054
173-400-230	NEW-W 90-01-099	173-410-012	AMD-P 89-23-128	173-434-050	AMD 89-02-055
173-400-240	NEW-P 89-23-128	173-410-012	AMD-W 90-01-099	173-434-200	AMD 89-02-055
173-400-240	NEW-W 90-01-099	173-410-021	AMD-P 89-23-128	173-435-010	AMD 89-02-055
173-400-250	NEW-P 89-23-128	173-410-021	AMD-W 90-01-099	173-435-015	NEW 89-02-055
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173-403-010	REP-P 89-23-128	173-410-035	AMD-W 90-01-099	173-435-030	AMD 89-02-055
173-403-010	REP-W 90-01-099	173-410-040	AMD-P 89-23-128	173-435-040	AMD 89-02-055
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173-403-090	REP-P 89-23-128	173-410-100	NEW-W 90-01-099	173-490-071	REP-P 89-23-128
173-403-090	REP-W 90-01-099	173-415-010	AMD-P 89-23-128	173-490-071	REP-W 90-01-099
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173-403-110	REP-P 89-23-128	173-415-020	AMD-W 90-01-099	173-490-090	AMD-P 89-23-128
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173-403-120	REP-P 89-23-128	173-415-030	AMD-W 90-01-099	173-490-120	REP-P 89-23-128
173-403-120	REP-W 90-01-099	173-415-040	AMD-P 89-23-128	173-490-120	REP-W 90-01-099
173-403-130	REP-P 89-23-128	173-415-040	AMD-W 90-01-099	173-490-130	REP-P 89-23-128
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173-490-135	REP-W	90-01-099	174-128-064	REP-P	89-22-031
173-490-140	REP-P	89-23-128	174-128-066	REP-P	89-22-031
173-490-140	REP-W	90-01-099	174-128-070	REP-P	89-22-031
173-490-150	REP-P	89-23-128	174-128-080	REP-P	89-22-031
173-490-150	REP-W	90-01-099	174-128-090	REP-P	89-22-031
173-490-200	AMD-P	89-23-128	174-128-990	REP-P	89-22-031
173-490-200	AMD-W	90-01-099	174-130-010	NEW-P	89-22-031
173-490-201	AMD-P	89-23-128	174-130-020	NEW-P	89-22-031
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173-490-202	AMD-P	89-23-128	174-132	AMD-P	89-22-031
173-490-202	AMD-W	90-01-099	174-132-010	AMD-P	89-22-031
173-490-203	AMD-P	89-23-128	174-132-020	REP-P	89-22-031
173-490-203	AMD-W	90-01-099	174-132-030	REP-P	89-22-031
173-490-204	AMD-P	89-23-128	174-132-040	REP-P	89-22-031
173-490-204	AMD-W	90-01-099	174-132-050	REP-P	89-22-031
173-490-205	AMD-P	89-23-128	174-132-060	REP-P	89-22-031
173-490-205	AMD-W	90-01-099	174-132-070	REP-P	89-22-031
173-490-207	AMD-P	89-23-128	174-132-080	REP-P	89-22-031
173-490-207	AMD-W	90-01-099	174-132-090	REP-P	89-22-031
173-490-208	AMD-P	89-23-128	174-132-100	REP-P	89-22-031
173-490-208	AMD-W	90-01-099	174-132-110	REP-P	89-22-031
173-802-050	AMD-P	89-08-078	174-132-120	REP-P	89-22-031
173-802-050	AMD-E	89-08-079	174-133-010	NEW-P	89-22-031
173-802-050	AMD	89-11-021	174-133-020	NEW-P	89-22-031
174-108	AMD-P	89-22-031	174-135-010	NEW-P	89-22-031
174-108-170	REP-P	89-22-031	174-136-010	REP-P	89-22-031
174-108-180	REP-P	89-22-031	174-136-011	REP-P	89-22-031
174-108-190	REP-P	89-22-031	174-136-012	REP-P	89-22-031
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174-108-260	REP-P	89-22-031	174-136-019	REP-P	89-22-031
174-108-900	REP-P	89-22-031	174-136-02001	REP-P	89-22-031
174-108-90001	REP-P	89-22-031	174-136-021	REP-P	89-22-031
174-108-90002	REP-P	89-22-031	174-136-022	REP-P	89-22-031
174-108-910	NEW-P	89-22-031	174-136-040	REP-P	89-22-031
174-112-130	REP-P	89-22-031	174-136-042	REP-P	89-22-031
174-112-140	REP-P	89-22-031	174-136-060	REP-P	89-22-031
174-112-150	REP-P	89-22-031	174-136-080	REP-P	89-22-031
174-120-010	AMD-P	89-18-089	174-136-090	REP-P	89-22-031
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174-120-080	AMD	89-21-073	174-136-320	REP-P	89-22-031
174-121-010	NEW-P	89-18-089	174-136-330	REP-P	89-22-031
174-121-010	NEW	89-21-073	174-157-600	REP-P	89-22-031
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174-122-030	NEW-P	89-22-031	174-157-990	REP-P	89-22-031
174-122-040	NEW-P	89-22-031	174-160-010	REP-P	89-22-031
174-126-010	REP-P	89-22-031	174-160-020	REP-P	89-22-031
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174-276-080	NEW-P	89-22-031	174-276-080	NEW-P	89-22-031
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174-276-100	NEW-P	89-22-031	174-276-100	NEW-P	89-22-031
174-276-110	NEW-P	89-22-031	174-276-110	NEW-P	89-22-031
174-276-120	NEW-P	89-22-031	174-276-120	NEW-P	89-22-031
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174-280-035	NEW-P	89-22-031	174-280-035	NEW-P	89-22-031
174-280-040	NEW-P	89-22-031	174-280-040	NEW-P	89-22-031
174-280-045	NEW-P	89-22-031	174-280-045	NEW-P	89-22-031
174-400-010	NEW-P	89-23-053	174-400-010	NEW-P	89-23-053
180-08-003	RE-AD-E	89-16-076	180-08-003	RE-AD-E	89-16-076
180-08-003	RE-AD-P	89-17-107	180-08-003	RE-AD-P	89-17-107
180-08-003	AMD	89-22-010	180-08-005	RE-AD-E	89-16-076
180-08-005	RE-AD-E	89-16-076	180-08-005	RE-AD-P	89-17-107
180-08-005	AMD	89-22-010	180-08-005	AMD	89-22-010
180-16-220	AMD-P	89-21-078	180-16-220	AMD	90-01-137
180-16-220	AMD	90-01-137	180-24-205	NEW-E	89-16-039
180-24-205	NEW-E	89-16-039	180-24-205	NEW-P	89-17-100
180-24-205	NEW-P	89-17-100	180-24-205	NEW	89-22-005
180-24-205	NEW	89-22-005	180-25-025	AMD-E	90-01-077
180-25-025	AMD-E	90-01-077	180-25-025	AMD-P	90-01-135
180-25-025	AMD-P	90-01-135	180-25-060	NEW-P	89-21-079
180-25-060	NEW-P	89-21-079	180-25-060	NEW	90-01-075
180-25-060	NEW	90-01-075	180-25-065	NEW-P	89-21-079
180-25-065	NEW-P	89-21-079	180-25-065	NEW	90-01-075
180-25-070	NEW-P	89-21-079	180-25-070	NEW-P	89-21-079
180-25-070	NEW	90-01-075	180-25-070	NEW	90-01-075
180-25-075	NEW-P	89-21-079	180-25-075	NEW-P	89-21-079
180-25-075	NEW	90-01-075	180-25-075	NEW	90-01-075
180-25-080	NEW-P	89-21-079	180-25-080	NEW-P	89-21-079
180-25-080	NEW	90-01-075	180-25-080	NEW	90-01-075
180-25-085	NEW-P	89-21-079	180-25-085	NEW-P	89-21-079
180-25-085	NEW	90-01-075	180-25-085	NEW	90-01-075
180-25-090	NEW-P	89-21-079	180-25-090	NEW-P	89-21-079
180-25-090	NEW	90-01-075	180-25-090	NEW	90-01-075
180-25-300	NEW-P	89-05-066	180-25-300	NEW-P	89-05-066
180-25-300	NEW-E	89-06-018	180-25-300	NEW-E	89-06-018
180-25-300	NEW	89-08-086	180-25-300	NEW	89-08-086
180-25-300	AMD-E	89-13-011	180-25-300	AMD-E	89-13-011
180-25-300	AMD-E	89-16-040	180-25-300	AMD-E	89-16-040
180-25-300	AMD-P	89-17-102	180-25-300	AMD-P	89-17-102
180-25-300	AMD	89-22-006	180-25-300	AMD	89-22-006
180-25-300	REP-E	90-01-078	180-25-300	REP-E	90-01-078
180-25-300	REP-P	90-01-136	180-25-300	REP-P	90-01-136
180-26-055	AMD-P	89-05-065	180-26-055	AMD-P	89-05-065
180-26-055	AMD-E	89-06-017	180-26-055	AMD-E	89-06-017
180-26-055	AMD	89-08-085	180-26-055	AMD	89-08-085
180-27-015	AMD-P	89-21-080	180-27-015	AMD-P	89-21-080
180-27-015	AMD	90-01-076	180-27-015	AMD	90-01-076
180-27-017	NEW-P	89-21-080	180-27-017	NEW-P	89-21-080
180-27-017	NEW	90-01-076	180-27-017	NEW	90-01-076
180-27-018	NEW	90-01-076	180-27-018	NEW	90-01-076
180-27-019	NEW-P	89-21-080	180-27-019	NEW-P	89-21-080
180-27-019	NEW	90-01-076	180-27-019	NEW	90-01-076
180-27-023	NEW-P	89-21-080	180-27-023	NEW-P	89-21-080
180-27-023	NEW	90-01-076	180-27-023	NEW	90-01-076
180-27-050	AMD-E	90-01-077	180-27-050	AMD-E	90-01-077
180-27-050	AMD-P	90-01-135	180-27-050	AMD-P	90-01-135
180-27-057	AMD-E	89-13-015	180-27-057	AMD-E	89-13-015
180-27-057	AMD-E	89-16-041	180-27-057	AMD-E	89-16-041
180-27-057	AMD-P	89-17-101	180-27-057	AMD-P	89-17-101
180-27-057	AMD	89-22-007	180-27-057	AMD	89-22-007
180-27-058	AMD-E	90-01-077	180-27-058	AMD-E	90-01-077

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
180-27-058	AMD-P	90-01-135	180-75-005	AMD-P	89-21-082
180-27-115	AMD-P	89-21-080	180-75-005	RE-AD	89-22-010
180-27-115	AMD	90-01-076	180-75-017	RE-AD-E	89-16-076
180-27-400	NEW-P	89-21-080	180-75-017	RE-AD-P	89-17-107
180-27-400	NEW	90-01-076	180-75-017	RE-AD	89-22-010
180-27-405	NEW-P	89-21-080	180-75-018	RE-AD-E	89-16-076
180-27-405	NEW	90-01-076	180-75-018	RE-AD-P	89-17-107
180-27-410	NEW-P	89-21-080	180-75-018	REP-P	89-21-082
180-27-410	NEW	90-01-076	180-75-018	RE-AD	89-22-010
180-27-415	NEW-P	89-21-080	180-75-019	RE-AD-E	89-16-076
180-27-415	NEW	90-01-076	180-75-019	RE-AD-P	89-17-107
180-27-420	NEW-P	89-21-080	180-75-019	REP-P	89-21-082
180-27-420	NEW	90-01-076	180-75-019	RE-AD	89-22-010
180-27-425	NEW-E	90-01-077	180-75-020	RE-AD-E	89-16-076
180-27-425	NEW-P	90-01-135	180-75-020	RE-AD-P	89-17-107
180-29-108	AMD-E	89-16-042	180-75-020	REP-P	89-21-082
180-29-108	AMD-P	89-17-104	180-75-020	RE-AD	89-22-010
180-29-108	AMD	89-22-008	180-75-025	RE-AD-E	89-16-076
180-29-300	NEW-P	89-05-067	180-75-025	RE-AD-P	89-17-107
180-29-300	NEW-E	89-06-019	180-75-025	REP-P	89-21-082
180-29-300	NEW	89-08-087	180-75-025	RE-AD	89-22-010
180-29-300	AMD-E	89-13-014	180-75-026	RE-AD-E	89-16-076
180-29-300	AMD-E	89-16-043	180-75-026	RE-AD-P	89-17-107
180-29-300	AMD-P	89-17-103	180-75-026	REP-P	89-21-082
180-29-300	AMD	89-22-009	180-75-026	RE-AD	89-22-010
180-29-300	REP-E	90-01-078	180-75-027	RE-AD-E	89-16-076
180-29-300	REP-P	90-01-136	180-75-027	RE-AD-P	89-17-107
180-51-025	AMD-P	89-05-060	180-75-027	REP-P	89-21-082
180-51-025	AMD-C	89-08-080	180-75-027	RE-AD	89-22-010
180-51-025	AMD	89-12-061	180-75-030	RE-AD-E	89-16-076
180-53-025	AMD-P	89-21-081	180-75-030	RE-AD-P	89-17-107
180-53-025	AMD	90-01-138	180-75-030	REP-P	89-21-082
180-53-050	AMD-P	89-21-081	180-75-030	AMD	89-22-010
180-53-050	AMD	90-01-138	180-75-033	RE-AD-E	89-16-076
180-53-055	AMD-P	89-21-081	180-75-033	RE-AD-P	89-17-107
180-53-055	AMD	90-01-138	180-75-033	REP-P	89-21-082
180-59	NEW-C	89-05-061	180-75-033	RE-AD	89-22-010
180-59-005	NEW	89-09-044	180-75-034	RE-AD-E	89-16-076
180-59-010	NEW	89-09-044	180-75-034	RE-AD-P	89-17-107
180-59-015	NEW	89-09-044	180-75-034	REP-P	89-21-082
180-59-020	NEW	89-09-044	180-75-034	RE-AD	89-22-010
180-59-025	NEW	89-09-044	180-75-035	RE-AD-E	89-16-076
180-59-030	NEW	89-09-044	180-75-035	RE-AD-P	89-17-107
180-59-032	NEW	89-09-044	180-75-035	REP-P	89-21-082
180-59-035	NEW	89-09-044	180-75-035	RE-AD	89-22-010
180-59-037	NEW	89-09-044	180-75-037	RE-AD-E	89-16-076
180-59-040	NEW	89-09-044	180-75-037	RE-AD-P	89-17-107
180-59-045	NEW	89-09-044	180-75-037	REP-P	89-21-082
180-59-047	NEW	89-09-044	180-75-037	RE-AD	89-22-010
180-59-050	NEW	89-09-044	180-75-038	RE-AD-E	89-16-076
180-59-055	NEW	89-09-044	180-75-038	RE-AD-P	89-17-107
180-59-060	NEW	89-09-044	180-75-038	REP-P	89-21-082
180-59-065	NEW	89-09-044	180-75-038	RE-AD	89-22-010
180-59-070	NEW	89-09-044	180-75-039	RE-AD-E	89-16-076
180-59-075	NEW	89-09-044	180-75-039	RE-AD-P	89-17-107
180-59-080	NEW	89-09-044	180-75-039	REP-P	89-21-082
180-59-090	NEW	89-09-044	180-75-039	RE-AD	89-22-010
180-59-095	NEW	89-09-044	180-75-040	RE-AD-E	89-16-076
180-59-100	NEW	89-09-044	180-75-040	RE-AD-P	89-17-107
180-59-105	NEW	89-09-044	180-75-040	REP-P	89-21-082
180-59-110	NEW	89-09-044	180-75-040	RE-AD	89-22-010
180-59-115	NEW	89-09-044	180-75-042	RE-AD-E	89-16-076
180-59-120	NEW	89-09-044	180-75-042	RE-AD-P	89-17-107
180-59-125	NEW	89-09-044	180-75-042	REP-P	89-21-082
180-59-130	NEW	89-09-044	180-75-042	AMD	89-22-010
180-59-135	NEW	89-09-044	180-75-043	RE-AD-E	89-16-076
180-59-140	NEW	89-09-044	180-75-043	RE-AD-P	89-17-107
180-59-145	NEW	89-09-044	180-75-043	REP-P	89-21-082
180-59-150	NEW	89-09-044	180-75-043	RE-AD	89-22-010
180-59-155	NEW	89-09-044	180-75-044	RE-AD-E	89-16-076
180-59-160	NEW	89-09-044	180-75-044	RE-AD-P	89-17-107
180-59-165	NEW	89-09-044	180-75-044	REP-P	89-21-082
180-75-003	RE-AD-E	89-16-076	180-75-044	RE-AD	89-22-010
180-75-003	RE-AD-P	89-17-107	180-75-045	RE-AD-E	89-16-076
180-75-003	RE-AD	89-22-010	180-75-045	RE-AD-P	89-17-107
180-75-005	RE-AD-E	89-16-076	180-75-045	AMD-P	89-21-082
180-75-005	RE-AD-P	89-17-107	180-75-045	RE-AD	89-22-010
180-75-047	RE-AD-E	89-16-076	180-75-047	RE-AD-P	89-17-107
180-75-047	RE-AD-P	89-17-107	180-75-047	RE-AD	89-22-010
180-75-047	RE-AD	89-22-010	180-75-048	RE-AD-E	89-16-076
180-75-048	RE-AD-E	89-16-076	180-75-048	RE-AD-P	89-17-107
180-75-048	RE-AD	89-22-010	180-75-048	RE-AD	89-22-010
180-75-050	RE-AD-E	89-16-076	180-75-050	RE-AD-E	89-16-076
180-75-050	RE-AD-P	89-17-107	180-75-050	RE-AD-P	89-17-107
180-75-050	RE-AD	89-22-010	180-75-055	RE-AD-E	89-16-076
180-75-055	RE-AD-E	89-16-076	180-75-055	RE-AD-P	89-17-107
180-75-055	RE-AD-P	89-17-107	180-75-060	RE-AD	89-22-010
180-75-060	RE-AD-E	89-16-076	180-75-060	RE-AD-E	89-16-076
180-75-060	RE-AD-P	89-17-107	180-75-060	RE-AD-P	89-17-107
180-75-060	RE-AD	89-22-010	180-75-061	RE-AD	89-22-010
180-75-061	RE-AD-E	89-16-076	180-75-061	RE-AD-E	89-16-076
180-75-061	RE-AD-P	89-17-107	180-75-061	RE-AD-P	89-17-107
180-75-061	RE-AD	89-22-010	180-75-065	RE-AD-E	89-16-076
180-75-065	RE-AD-E	89-16-076	180-75-065	RE-AD-P	89-17-107
180-75-065	RE-AD-P	89-17-107	180-75-065	RE-AD	89-22-010
180-75-065	RE-AD	89-22-010	180-75-070	RE-AD-E	89-16-076
180-75-070	RE-AD-E	89-16-076	180-75-070	RE-AD-P	89-17-107
180-75-070	RE-AD-P	89-17-107	180-75-070	RE-AD	89-22-010
180-75-070	RE-AD	89-22-010	180-75-080	RE-AD-E	89-16-076
180-75-080	RE-AD-E	89-16-076	180-75-080	RE-AD-P	89-17-107
180-75-080	RE-AD-P	89-17-107	180-75-080	RE-AD	89-22-010
180-75-080	RE-AD	89-22-010	180-75-081	RE-AD-E	89-16-076
180-75-081	RE-AD-E	89-16-076	180-75-081	RE-AD-P	89-17-107
180-75-081	AMD-P	89-21-082	180-75-081	AMD-P	89-21-082
180-75-081	RE-AD	89-22-010	180-75-082	RE-AD	89-22-010
180-75-082	RE-AD-E	89-16-076	180-75-082	RE-AD-E	89-16-076
180-75-082	RE-AD-P	89-17-107	180-75-082	RE-AD-P	89-17-107
180-75-082	RE-AD	89-22-010	180-75-082	RE-AD	89-22-010
180-75-083	RE-AD-E	89-16-076	180-75-083	RE-AD-E	89-16-076
180-75-083	RE-AD-P	89-17-107	180-75-083	RE-AD-P	89-17-107
180-75-083	RE-AD	89-22-010	180-75-083	RE-AD	89-22-010
180-75-084	RE-AD-E	89-16-076	180-75-084	RE-AD-E	89-16-076
180-75-084	RE-AD-P	89-17-107	180-75-084	RE-AD-P	89-17-107
180-75-084	REP-P	89-21-082	180-75-084	REP-P	89-21-082
180-75-084	RE-AD	89-22-010	180-75-084	RE-AD	89-22-010
180-75-085	AMD-P	89-08-082	180-75-085	AMD-P	89-08-082
180-75-085	AMD-E	89-12-025	180-75-085	AMD	89-12-025
180-75-085	RE-AD-E	89-16-076	180-75-085	RE-AD-E	89-16-076
180-75-085	RE-AD-P	89-17-107	180-75-085	RE-AD-P	89-17-107
180-75-085	RE-AD	89-22-010	180-75-085	RE-AD	89-22-010
180-75-086	RE-AD-E	89-16-076	180-75-086	RE-AD-E	89-16-076
180-75-086	RE-AD-P	89-17-107	180-75-086	RE-AD-P	89-17-107
180-75-086	REP-P	89-21-082	180-75-086	REP-P	89-21-082
180-75-086	RE-AD	89-22-010	180-75-086	RE-AD	89-22-010
180-75-087	RE-AD-E	89-16-076	180-75-087	RE-AD-E	89-16-076
180-75-087	RE-AD-P	89-17-107	180-75-087	RE-AD-P	89-17-107
180-75-087	RE-AD	89-22-010	180-75-087	RE-AD	89-22-010
180-75-088	RE-AD-E	89-16-076	180-75-088	RE-AD-E	89-16-076
180-75-088	RE-AD-P	89-17-107	180-75-088	RE-AD-P	89-17-107
180-75-088	RE-AD	89-22-010	180-75-088	RE-AD	89-22-010
180-75-090	RE-AD-E	89-16-076	180-75-090	RE-AD-E	89-16-076
180-75-090	RE-AD-P	89-17-107	180-75-090	RE-AD-P	89-17-107
180-75-090	RE-AD	89-22-010	180-75-090	RE-AD	89-22-010
180-75-091	RE-AD-E	89-16-076	180-75-091	RE-AD-E	89-16-076
180-75-091	RE-AD-P	89-17-107	180-75-091	RE-AD-P	89-17-107
180-75-091	RE-AD	89-22-010	180-75-091	RE-AD	89-22-010
180-75-092	RE-AD-E	89-16-076	180-75-092	RE-AD-E	89-16-076
180-75-092	RE-AD-P	89-17-107	180-75-092	RE-AD-P	89-17-107
180-75-092	RE-AD	89-22-010	180-75-092	RE-AD	89-22-010
180-75-100	RE-AD-E	89-16-076	180-75-100	RE-AD-E	89-16-076
180-75-100	RE-AD-P	89-17-107	180-75-100	RE-AD-P	89-17-107
180-75-100	RE-AD	89-22-010	180-75-100	RE-AD	89-22-010
180-75-199	RE-AD-E	89-16-076	180-75-199	RE-AD-E	89-16-076
180-75-199	RE-AD-P	89-17-107	180-75-199	RE-AD-P	89-17-107
180-75-199	RE-AD	89-22-010	180-75-199	RE-AD	89-22-010
180-78-191	AMD-P	89-21-083	180-78-191	AMD-P	89-21-083
180-78-192	REP-P	89-21-083	180-78-192	REP-P	89-21-083
180-78-193	REP-P	89-21-083	180-78-193	REP-P	89-21-083
180-78-194	REP-P	89-21-083	180-78-194	REP-P	89-21-083

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-78-195	REP-P	89-21-083	180-115-070	REP-E	89-16-044	192-09-030	AMD	89-03-070
180-78-197	REP-P	89-21-083	180-115-070	REP-P	89-17-105	192-09-030	REP-P	89-19-079
180-78-198	REP-P	89-21-083	180-115-070	REP	89-22-012	192-09-030	REP	89-24-030
180-78-199	REP-P	89-21-083	180-115-081	NEW-E	89-16-044	192-09-035	REP-P	89-17-086
180-79-063	AMD-P	89-17-106	180-115-081	NEW-P	89-17-105	192-09-035	REP-P	89-19-079
180-79-063	AMD	89-22-011	180-115-081	NEW	89-22-012	192-09-035	REP	89-20-064
180-79-230	AMD-P	89-08-081	180-115-085	AMD-E	89-16-044	192-09-035	REP	89-24-030
180-79-230	AMD-E	89-08-083	180-115-085	AMD-P	89-17-105	192-09-040	REP-P	89-17-086
180-79-230	AMD	89-12-026	180-115-085	AMD	89-22-012	192-09-040	REP-P	89-19-079
180-86-003	NEW-P	89-21-084	180-115-090	AMD-E	89-16-044	192-09-040	REP	89-20-064
180-86-005	NEW-P	89-21-084	180-115-090	AMD-P	89-17-105	192-09-040	REP	89-24-030
180-86-010	NEW-P	89-21-084	180-115-090	AMD	89-22-012	192-09-050	REP-P	89-19-079
180-86-015	NEW-P	89-21-084	180-115-105	AMD-E	89-16-044	192-09-050	REP	89-24-030
180-86-020	NEW-P	89-21-084	180-115-105	AMD-P	89-17-105	192-09-060	REP-P	89-19-079
180-86-030	NEW-P	89-21-084	180-115-105	AMD	89-22-012	192-09-060	REP	89-24-030
180-86-035	NEW-P	89-21-084	182-08-165	NEW-P	89-02-070	192-09-062	REP-P	89-19-079
180-86-040	NEW-P	89-21-084	182-08-165	NEW	89-05-013	192-09-062	REP	89-24-030
180-86-050	NEW-P	89-21-084	182-08-190	AMD-P	89-08-005	192-09-063	AMD	89-03-070
180-86-055	NEW-P	89-21-084	182-08-190	AMD-W	89-09-053	192-09-063	REP-P	89-19-079
180-86-065	NEW-P	89-21-084	182-12-115	AMD-P	89-09-054	192-09-063	REP	89-24-030
180-86-070	NEW-P	89-21-084	182-12-115	AMD	89-12-045	192-09-065	REP-P	89-19-079
180-86-075	NEW-P	89-21-084	182-12-127	AMD-P	89-08-005	192-09-065	REP	89-24-030
180-86-085	NEW-P	89-21-084	182-12-127	AMD-W	89-09-053	192-09-070	REP-P	89-19-079
180-86-090	NEW-P	89-21-084	182-12-127	AMD-P	89-09-054	192-09-070	REP	89-24-030
180-86-095	NEW-P	89-21-084	182-12-127	AMD	89-12-045	192-09-100	REP-P	89-19-079
180-86-100	NEW-P	89-21-084	182-12-140	REP-P	89-02-070	192-09-100	REP	89-24-030
180-86-105	NEW-P	89-21-084	182-12-140	REP	89-05-013	192-09-105	REP-P	89-19-079
180-86-110	NEW-P	89-21-084	182-12-210	AMD-P	89-08-005	192-09-105	REP	89-24-030
180-86-115	NEW-P	89-21-084	182-12-210	AMD-W	89-09-053	192-09-110	REP-P	89-19-079
180-86-120	NEW-P	89-21-084	182-12-210	AMD-P	89-09-054	192-09-110	REP	89-24-030
180-86-130	NEW-P	89-21-084	182-12-210	AMD	89-12-045	192-09-115	REP-P	89-19-079
180-86-135	NEW-P	89-21-084	192-04-010	NEW-P	89-19-079	192-09-115	REP	89-24-030
180-86-140	NEW-P	89-21-084	192-04-010	NEW	89-24-030	192-09-120	REP-P	89-19-079
180-86-145	NEW-P	89-21-084	192-04-020	NEW-P	89-19-079	192-09-120	REP	89-24-030
180-86-150	NEW-P	89-21-084	192-04-020	NEW	89-24-030	192-09-125	REP-P	89-19-079
180-86-155	NEW-P	89-21-084	192-04-030	NEW-P	89-19-079	192-09-125	REP	89-24-030
180-86-160	NEW-P	89-21-084	192-04-030	NEW	89-24-030	192-09-130	REP-P	89-19-079
180-86-165	NEW-P	89-21-084	192-04-040	NEW-P	89-17-086	192-09-130	REP	89-24-030
180-86-170	NEW-P	89-21-084	192-04-040	NEW	89-20-064	192-09-135	REP-P	89-19-079
180-86-175	NEW-P	89-21-084	192-04-050	NEW-P	89-19-079	192-09-135	REP	89-24-030
180-86-180	NEW-P	89-21-084	192-04-050	NEW	89-24-030	192-09-140	REP-P	89-19-079
180-86-185	NEW-P	89-21-084	192-04-060	NEW-P	89-19-079	192-09-140	REP	89-24-030
180-87-001	NEW-P	89-21-085	192-04-060	NEW	89-24-030	192-09-145	REP-P	89-19-079
180-87-003	NEW-P	89-21-085	192-04-070	NEW-P	89-19-079	192-09-145	REP	89-24-030
180-87-005	NEW-P	89-21-085	192-04-070	NEW	89-24-030	192-09-150	REP-P	89-19-079
180-87-010	NEW-P	89-21-085	192-04-080	NEW-P	89-19-079	192-09-150	REP	89-24-030
180-87-015	NEW-P	89-21-085	192-04-080	NEW	89-24-030	192-09-155	REP-P	89-19-079
180-87-020	NEW-P	89-21-085	192-04-090	NEW-P	89-19-079	192-09-155	REP	89-24-030
180-87-025	NEW-P	89-21-085	192-04-090	NEW	89-24-030	192-09-160	REP-P	89-19-079
180-87-030	NEW-P	89-21-085	192-04-100	NEW-P	89-19-079	192-09-160	REP	89-24-030
180-87-035	NEW-P	89-21-085	192-04-100	NEW	89-24-030	192-09-165	REP-P	89-19-079
180-87-040	NEW-P	89-21-085	192-04-110	NEW-P	89-19-079	192-09-165	REP	89-24-030
180-87-045	NEW-P	89-21-085	192-04-110	NEW	89-24-030	192-09-170	REP-P	89-19-079
180-87-050	NEW-P	89-21-085	192-04-120	NEW-P	89-19-079	192-09-170	REP	89-24-030
180-87-055	NEW-P	89-21-085	192-04-120	NEW	89-24-030	192-09-200	REP-P	89-19-079
180-87-060	NEW-P	89-21-085	192-04-130	NEW-P	89-19-079	192-09-200	REP	89-24-030
180-87-065	NEW-P	89-21-085	192-04-130	NEW	89-24-030	192-09-205	REP-P	89-19-079
180-87-070	NEW-P	89-21-085	192-04-140	NEW-P	89-19-079	192-09-205	REP	89-24-030
180-87-080	NEW-P	89-21-085	192-04-140	NEW	89-24-030	192-09-210	REP-P	89-19-079
180-87-085	NEW-P	89-21-085	192-04-150	NEW-P	89-19-079	192-09-210	REP	89-24-030
180-87-090	NEW-P	89-21-085	192-04-150	NEW	89-24-030	192-09-215	REP-P	89-19-079
180-87-095	NEW-P	89-21-085	192-04-160	NEW-P	89-19-079	192-09-215	REP	89-24-030
180-115-010	AMD-E	89-16-044	192-04-160	NEW	89-24-030	192-09-220	REP-P	89-19-079
180-115-010	AMD-P	89-17-105	192-04-170	NEW-P	89-19-079	192-09-220	REP	89-24-030
180-115-010	AMD	89-22-012	192-04-170	NEW	89-24-030	192-09-225	REP-P	89-19-079
180-115-020	AMD-E	89-16-044	192-04-180	NEW-P	89-19-079	192-09-225	REP	89-24-030
180-115-020	AMD-P	89-17-105	192-04-180	NEW	89-24-030	192-09-230	REP-P	89-19-079
180-115-020	AMD	89-22-012	192-04-190	NEW-P	89-19-079	192-09-230	REP	89-24-030
180-115-035	AMD-E	89-16-044	192-04-190	NEW	89-24-030	192-09-235	REP-P	89-19-079
180-115-035	AMD-P	89-17-105	192-04-200	NEW-P	89-19-079	192-09-235	REP	89-24-030
180-115-035	AMD	89-22-012	192-04-200	NEW	89-24-030	192-09-240	REP-P	89-19-079
180-115-045	AMD-E	89-16-044	192-04-210	NEW-P	89-19-079	192-09-240	REP	89-24-030
180-115-045	AMD-P	89-17-105	192-04-210	NEW	89-24-030	192-09-300	REP-P	89-19-079
180-115-045	AMD	89-22-012	192-09-010	NEW-P	89-19-079	192-09-300	REP	89-24-030
180-115-060	AMD-E	89-16-044	192-09-010	REP	89-24-030	192-09-305	REP-P	89-19-079
180-115-060	AMD-P	89-17-105	192-09-020	REP-P	89-19-079	192-09-305	REP	89-24-030
180-115-060	AMD	89-22-012	192-09-020	REP	89-24-030	192-09-310	REP-P	89-19-079

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
192-09-310	REP	89-24-030	192-40-080	AMD	89-24-030	204-65-050	AMD	89-12-018
192-09-315	AMD	89-03-070	192-40-090	AMD-P	89-19-079	204-65-060	AMD-E	89-09-023
192-09-315	REP-P	89-19-079	192-40-090	AMD	89-24-030	204-65-060	AMD-P	89-09-024
192-09-315	REP	89-24-030	192-40-100	AMD-P	89-19-079	204-65-060	AMD	89-12-018
192-09-400	REP-P	89-19-079	192-40-100	AMD	89-24-030	204-76-99001	AMD-P	89-09-025
192-09-400	REP	89-24-030	192-42-010	AMD-P	89-17-121	204-76-99001	AMD	89-12-019
192-09-405	REP-P	89-19-079	192-42-010	AMD-C	89-22-064	204-76-99002	AMD-P	89-09-025
192-09-405	REP	89-24-030	192-42-010	AMD	90-01-014	204-76-99002	AMD	89-12-019
192-09-410	REP-P	89-19-079	192-42-020	REP-P	89-17-121	204-82-010	REP-P	89-21-043
192-09-410	REP	89-24-030	192-42-020	REP-C	89-22-064	204-82-010	REP	89-24-023
192-09-415	REP-P	89-19-079	192-42-020	REP	90-01-014	204-82-020	REP-P	89-21-043
192-09-415	REP	89-24-030	192-42-021	NEW-P	89-17-121	204-82-020	REP	89-24-023
192-09-420	REP-P	89-19-079	192-42-021	NEW-C	89-22-064	204-82-030	REP-P	89-21-043
192-09-420	REP	89-24-030	192-42-021	NEW	90-01-014	204-82-030	REP	89-24-023
192-09-425	REP-P	89-19-079	192-42-030	AMD-P	89-17-121	204-82-040	REP-P	89-21-043
192-09-425	REP	89-24-030	192-42-030	AMD-C	89-22-064	204-82-040	REP	89-24-023
192-09-430	REP-P	89-19-079	192-42-030	AMD	90-01-014	204-82-050	REP-P	89-21-043
192-09-430	REP	89-24-030	192-42-035	NEW-P	89-17-121	204-82-050	REP	89-24-023
192-09-435	REP-P	89-19-079	192-42-040	REP-P	89-17-121	204-82-060	REP-P	89-21-043
192-09-435	REP	89-24-030	192-42-040	REP-C	89-22-064	204-82-060	REP	89-24-023
192-09-440	REP-P	89-19-079	192-42-040	REP	90-01-014	204-82A-010	NEW-P	89-21-006
192-09-440	REP	89-24-030	192-42-050	AMD-P	89-17-121	204-82A-010	NEW	89-24-023
192-09-445	REP-P	89-19-079	192-42-050	REP-C	89-22-064	204-82A-020	NEW-P	89-21-006
192-09-445	REP	89-24-030	192-42-050	REP	90-01-014	204-82A-020	NEW	89-24-023
192-09-450	REP-P	89-19-079	192-42-055	NEW-P	89-17-121	204-82A-030	NEW-P	89-21-006
192-09-450	REP	89-24-030	192-42-056	NEW-P	89-22-064	204-82A-030	NEW	89-24-023
192-09-455	REP-P	89-19-079	192-42-056	NEW	90-01-014	204-82A-040	NEW-P	89-21-006
192-09-455	REP	89-24-030	192-42-057	NEW-P	89-22-064	204-82A-040	NEW	89-24-023
192-09-460	REP-P	89-19-079	192-42-057	NEW	90-01-014	204-82A-050	NEW-P	89-21-006
192-09-460	REP	89-24-030	192-42-058	NEW-P	89-17-121	204-82A-050	NEW	89-24-023
192-12-025	AMD	89-03-068	192-42-058	NEW-C	89-22-064	204-82A-060	NEW-P	89-21-006
192-12-050	AMD-P	90-01-102	192-42-058	NEW	90-01-014	204-82A-060	NEW	89-24-023
192-12-180	AMD	89-03-069	192-42-070	REP-P	89-17-121	204-88-030	AMD-P	90-01-087
192-12-182	AMD	89-03-069	192-42-070	REP-C	89-22-064	204-91-010	REP-P	89-10-029
192-12-300	NEW-P	89-17-086	192-42-070	REP	90-01-014	204-91-010	REP	89-14-015
192-12-300	NEW	89-20-064	192-42-071	NEW-P	89-17-121	204-91-020	REP-P	89-10-029
192-12-305	NEW-P	89-17-086	192-42-080	REP-P	89-17-121	204-91-020	REP	89-14-015
192-12-305	NEW	89-20-064	192-42-080	REP-C	89-22-064	204-91-030	REP-P	89-10-029
192-12-310	NEW-P	89-17-086	192-42-080	REP	90-01-014	204-91-030	REP	89-14-015
192-12-310	NEW	89-20-064	192-42-081	NEW-P	89-17-121	204-91-040	REP-P	89-10-029
192-12-320	NEW-P	89-17-086	192-42-081	NEW-C	89-22-064	204-91-040	REP	89-14-015
192-12-320	NEW	89-20-064	192-42-081	NEW	90-01-014	204-91-050	REP-P	89-10-029
192-12-330	NEW-P	89-17-086	194-18-010	NEW-P	89-11-083	204-91-050	REP	89-14-015
192-12-330	NEW	89-20-064	194-18-010	NEW	89-15-013	204-91-060	REP-P	89-10-029
192-12-340	NEW-P	89-17-086	194-18-020	NEW-P	89-11-083	204-91-060	REP	89-14-015
192-12-340	NEW	89-20-064	194-18-020	NEW	89-15-013	204-91-070	REP-P	89-10-029
192-12-350	NEW-P	90-01-102	194-18-030	NEW-P	89-11-083	204-91-070	REP	89-14-015
192-12-355	NEW-P	90-01-102	194-18-030	NEW	89-15-013	204-91-080	REP-P	89-10-029
192-12-360	NEW-P	90-01-102	196-08-030	REP-P	89-24-057	204-91-080	REP	89-14-015
192-12-365	NEW-P	90-01-102	196-16-007	AMD	89-05-021	204-91-100	REP-P	89-10-029
192-16-250	NEW-S	90-01-101	196-16-020	AMD	89-05-021	204-91-100	REP	89-14-015
192-16-300	NEW-P	89-17-085	196-16-031	AMD	89-05-021	204-91-110	REP-P	89-10-029
192-16-300	NEW-S	90-01-101	196-24-080	AMD	89-05-021	204-91-110	REP	89-14-015
192-16-305	NEW-P	89-17-085	196-24-085	AMD	89-05-021	204-91-120	REP-P	89-10-029
192-16-305	NEW-S	90-01-101	196-24-090	AMD-P	89-24-057	204-91-120	REP	89-14-015
192-16-310	NEW-P	89-17-085	196-24-092	NEW-P	89-24-057	204-91-130	REP-P	89-10-029
192-16-310	NEW-S	90-01-101	196-26-020	AMD-E	89-20-044	204-91-130	REP	89-14-015
192-16-315	NEW-S	90-01-101	196-26-020	AMD-P	89-24-015	204-91-140	REP-P	89-10-029
192-16-320	NEW-S	90-01-101	196-27-020	AMD-P	89-24-057	204-91-140	REP	89-14-015
192-16-325	NEW-S	90-01-101	204-29-010	NEW-E	89-10-007	204-91-150	REP-P	89-10-029
192-16-330	NEW-S	90-01-101	204-29-010	NEW	89-10-016	204-91-150	REP	89-14-015
192-16-335	NEW-S	90-01-101	204-44-010	AMD-P	90-01-088	204-91-160	REP-P	89-10-029
192-16-340	NEW-S	90-01-101	204-44-030	AMD-P	90-01-088	204-91-160	REP	89-14-015
192-16-345	NEW-S	90-01-101	204-65-010	AMD-E	89-09-023	204-91-170	REP-P	89-10-029
192-28-135	NEW-P	89-12-084	204-65-010	AMD-P	89-09-024	204-91-170	REP	89-14-015
192-28-135	NEW	89-20-065	204-65-010	AMD	89-12-018	204-91-180	REP-P	89-10-029
192-40-020	AMD-P	89-19-079	204-65-020	AMD-E	89-09-023	204-91-180	REP	89-14-015
192-40-020	AMD	89-24-030	204-65-020	AMD-P	89-09-024	204-91-190	REP-P	89-10-029
192-40-040	AMD-P	89-19-079	204-65-020	AMD	89-12-018	204-91-190	REP	89-14-015
192-40-040	AMD	89-24-030	204-65-030	AMD-E	89-09-023	204-91-200	REP-P	89-10-029
192-40-050	AMD-P	89-19-079	204-65-030	AMD-P	89-09-024	204-91-200	REP	89-14-015
192-40-050	AMD	89-24-030	204-65-030	AMD	89-12-018	204-91A-010	NEW-P	89-10-029
192-40-060	AMD-P	89-19-079	204-65-040	AMD-E	89-09-023	204-91A-010	NEW	89-14-015
192-40-060	AMD	89-24-030	204-65-040	AMD-P	89-09-024	204-91A-020	NEW-P	89-10-029
192-40-070	AMD-P	89-19-079	204-65-040	AMD	89-12-018	204-91A-020	NEW	89-14-015
192-40-070	AMD	89-24-030	204-65-050	AMD-E	89-09-023	204-91A-030	NEW-P	89-10-029
192-40-080	AMD-P	89-19-079	204-65-050	AMD-P	89-09-024	204-91A-030	NEW	89-14-015

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-91A-030	AMD-P	89-18-080	220-24-02000J	REP-E	89-17-143	220-40-015	NEW	89-16-056
204-91A-030	AMD	89-21-044	220-24-02000K	NEW-E	89-17-143	220-40-020	AMD-P	89-12-085
204-91A-040	NEW-P	89-10-029	220-24-02000L	REP-E	89-19-012	220-40-020	AMD	89-16-056
204-91A-040	NEW	89-14-015	220-32-05100P	NEW-E	89-04-046	220-40-021	AMD-P	89-12-085
204-91A-050	NEW-P	89-10-029	220-32-05100P	REP-E	89-07-080	220-40-021	AMD	89-16-056
204-91A-050	NEW	89-14-015	220-32-05100Q	NEW-E	89-07-080	220-40-02100P	NEW-E	89-14-049
204-91A-060	NEW-P	89-10-029	220-32-05100R	NEW-E	89-17-016	220-40-02100Q	NEW-E	89-19-019
204-91A-060	NEW	89-14-015	220-32-05100R	REP-E	89-18-064	220-40-02100Q	REP-E	89-19-029
204-91A-060	AMD-P	89-18-080	220-32-05100S	NEW-E	89-18-064	220-40-02100R	NEW-E	89-19-029
204-91A-060	AMD	89-21-044	220-32-05100S	REP-E	89-19-049	220-40-02100R	REP-E	89-22-042
204-91A-070	NEW-P	89-10-029	220-32-05100T	NEW-E	89-19-049	220-40-02100S	NEW-E	89-22-042
204-91A-070	NEW	89-14-015	220-32-05100T	REP-E	89-19-082	220-40-026	NEW-P	89-12-085
204-91A-070	AMD-P	89-18-080	220-32-05100T	REP-E	89-19-082	220-40-026	NEW	89-16-056
204-91A-070	AMD	89-21-044	220-32-05100U	NEW-E	89-19-082	220-40-026	NEW-P	89-12-085
204-91A-080	NEW-P	89-10-029	220-32-05100U	REP-E	89-20-025	220-40-027	NEW-P	89-12-085
204-91A-080	NEW	89-14-015	220-32-05100V	NEW-E	89-20-025	220-40-027	NEW	89-16-056
204-91A-080	NEW	89-14-015	220-32-05100V	REP-E	89-21-017	220-44-050	AMD-P	89-03-003
204-91A-090	NEW-P	89-10-029	220-32-05100W	NEW-E	89-21-017	220-44-050	AMD	89-06-030
204-91A-090	NEW	89-14-015	220-32-05100W	REP-E	89-21-021	220-44-050	AMD-P	89-11-105
204-91A-100	NEW-P	89-10-029	220-32-05100X	NEW-E	89-21-021	220-44-050	AMD	89-14-069
204-91A-100	NEW	89-14-015	220-32-05100X	REP-E	89-07-080	220-44-05000A	NEW-E	90-01-018
204-91A-100	NEW-P	89-10-029	220-32-05700C	NEW-E	89-07-080	220-44-05000A	REP-E	90-02-010
204-91A-110	NEW	89-14-015	220-32-05700D	NEW-E	89-10-009	220-44-05000B	NEW-E	90-02-010
204-91A-110	NEW	89-14-015	220-32-05900P	NEW-E	89-10-009	220-44-05000B	NEW-E	90-02-010
204-91A-120	NEW-P	89-10-029	220-32-05900P	REP-E	89-10-059	220-44-05000V	NEW-E	89-10-019
204-91A-120	NEW	89-14-015	220-32-05900Q	NEW-E	89-10-059	220-44-05000V	REP-E	89-15-021
204-91A-120	AMD-P	89-18-080	220-32-05900R	NEW-E	89-24-054	220-44-05000W	NEW-E	89-15-021
204-91A-120	AMD	89-21-044	220-33-005	AMD-P	89-06-032	220-44-05000W	REP-E	89-16-038
204-91A-130	NEW-P	89-10-029	220-33-005	AMD	89-09-051	220-44-05000X	NEW-E	89-16-038
204-91A-130	NEW	89-14-015	220-33-01000C	NEW-E	89-04-047	220-44-05000X	REP-E	89-20-045
204-91A-140	NEW-P	89-10-029	220-33-01000C	REP-E	89-07-002	220-44-05000Y	NEW-E	89-20-045
204-91A-140	NEW	89-14-015	220-33-01000D	NEW-E	89-07-002	220-44-05000Y	REP-E	89-23-038
204-91A-140	AMD-P	89-18-080	220-33-01000D	REP-E	89-07-021	220-44-05000Z	NEW-E	89-23-038
204-91A-140	AMD	89-21-044	220-33-01000E	NEW-E	89-07-021	220-44-05000Z	REP-E	90-01-018
204-91A-150	NEW-P	89-10-029	220-33-01000F	NEW-E	89-17-016	220-47-311	AMD-P	89-09-080
204-91A-150	NEW	89-14-015	220-33-01000F	REP-E	89-17-044	220-47-311	AMD	89-13-004
204-91A-160	NEW-P	89-10-029	220-33-01000G	NEW-E	89-17-044	220-47-312	AMD-P	89-09-080
204-91A-160	NEW	89-14-015	220-33-01000G	REP-E	89-17-053	220-47-312	AMD	89-13-004
204-91A-170	NEW-P	89-10-029	220-33-01000H	NEW-E	89-17-053	220-47-313	AMD-P	89-09-080
204-91A-170	NEW	89-14-015	220-33-01000H	REP-E	89-18-039	220-47-313	AMD	89-13-004
204-91A-180	NEW-P	89-10-029	220-33-01000I	NEW-E	89-19-028	220-47-401	AMD-P	89-09-080
204-91A-180	NEW	89-14-015	220-33-01000I	REP-E	89-20-004	220-47-401	AMD	89-13-004
204-91A-180	AMD-P	89-18-080	220-33-01000J	NEW-E	89-20-004	220-47-411	AMD-P	89-09-080
204-91A-180	AMD	89-21-044	220-33-01000J	REP-E	89-21-017	220-47-411	AMD	89-13-004
212-17-140	AMD-P	89-13-019	220-33-01000K	NEW-E	89-21-017	220-47-412	AMD-P	89-09-080
212-17-140	AMD-E	89-13-020	220-33-01000K	REP-E	89-23-040	220-47-412	AMD	89-13-004
212-17-140	AMD	89-17-024	220-33-01000L	NEW-E	89-23-040	220-47-413	AMD-P	89-09-080
212-17-195	AMD-P	89-13-019	220-33-03000A	NEW-E	89-11-050	220-47-413	AMD	89-13-004
212-17-195	AMD-E	89-13-020	220-33-03000A	REP-E	89-14-021	220-47-414	AMD-P	89-09-080
212-17-195	AMD	89-17-024	220-33-03000B	NEW-E	89-14-021	220-47-414	AMD	89-13-004
220-12-010	AMD-P	89-10-068	220-33-03000B	REP-E	89-17-016	220-47-500	NEW-E	89-16-008
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220-16-410	NEW-P	89-12-006	220-36-015	NEW	89-16-056	220-47-504	REP-E	89-17-015
220-16-410	NEW	89-15-032	220-36-020	AMD-P	89-12-085	220-47-505	NEW-E	89-17-015
220-16-410	AMD-P	89-23-114	220-36-020	AMD	89-16-056	220-47-505	REP-E	89-17-045
220-16-420	NEW-P	89-23-114	220-36-021	AMD-P	89-12-085	220-47-506	NEW-E	89-17-045
220-16-430	NEW-P	89-24-100	220-36-021	AMD	89-16-056	220-47-506	REP-E	89-17-082
220-20-017	AMD-P	89-09-080	220-36-02100B	NEW-E	89-14-049	220-47-507	NEW-E	89-17-082
220-20-017	AMD	89-13-004	220-36-02100B	REP-E	89-15-033	220-47-507	REP-E	89-18-012
220-20-020	AMD-P	89-24-100	220-36-02100C	NEW-E	89-15-033	220-47-508	NEW-E	89-18-012
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220-20-055	AMD	89-09-052	220-36-02100D	NEW-E	89-19-001	220-47-509	NEW-E	89-18-016
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220-24-02000F	NEW-E	89-13-022	220-36-02100H	NEW-E	89-22-056	220-47-513	NEW-E	89-18-094
220-24-02000F	REP-E	89-15-034	220-36-02100H	REP-E	89-22-110	220-47-513	REP-E	89-19-011
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220-52-04600U	REP-E 90-02-055	220-56-126	AMD 89-07-060	220-56-310	AMD 89-07-060
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220-55-020	REP 89-07-071	220-56-156	AMD-P 89-11-080	220-56-32500P	REP-E 89-11-066
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220-55-070	AMD 89-07-071	220-56-19000J	NEW-E 89-08-074	220-56-35500B	NEW-E 89-08-074
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220-57-120	AMD-C	89-07-059	220-57-230	AMD	89-07-060
220-57-120	AMD	89-07-060	220-57-240	AMD-P	89-03-075
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220-57-130	AMD-C	89-07-059	220-57-240	AMD	89-07-060
220-57-130	AMD	89-07-060	220-57-260	AMD-P	89-03-075
220-57-135	AMD-P	89-03-075	220-57-260	AMD-C	89-07-059
220-57-135	AMD-C	89-07-059	220-57-260	AMD	89-07-060
220-57-135	AMD	89-07-060	220-57-265	AMD-P	89-03-075
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220-57-137	AMD-C	89-07-059	220-57-265	AMD	89-07-060
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220-57-140	AMD-C	89-07-059	220-57-270	AMD	89-07-060
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220-57-14000K	REP-E	89-21-012	220-57-280	AMD-C	89-07-059
220-57-14000L	NEW-E	89-21-012	220-57-280	AMD	89-07-060
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220-57-181	AMD-C	89-07-059	220-57-327	AMD	89-07-060
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220-57-190	AMD	89-07-060	220-57-340	AMD-P	89-03-075
220-57-195	AMD-P	89-03-075	220-57-340	AMD-C	89-07-059
220-57-195	AMD-C	89-07-059	220-57-340	AMD	89-07-060
220-57-195	AMD	89-07-060	220-57-342	NEW-P	89-03-075
220-57-200	AMD-P	89-03-075	220-57-342	NEW-C	89-07-059
220-57-200	AMD-C	89-07-059	220-57-342	NEW	89-07-060
220-57-200	AMD	89-07-060	220-57-350	AMD-P	89-03-075
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220-57-205	AMD-C	89-07-059	220-57-350	AMD	89-07-060
220-57-205	AMD	89-07-060	220-57-365	AMD-P	89-03-075
220-57-210	AMD-P	89-03-075	220-57-365	AMD-C	89-07-059
220-57-210	AMD-C	89-07-059	220-57-365	AMD	89-07-060
220-57-210	AMD	89-07-060	220-57-370	AMD-P	89-03-075
220-57-215	AMD-P	89-03-075	220-57-370	AMD-C	89-07-059
220-57-215	AMD-C	89-07-059	220-57-370	AMD	89-07-060
220-57-215	AMD	89-07-060	220-57-375	AMD-P	89-03-075
220-57-375	AMD-C	89-07-059	220-57-375	AMD-C	89-07-059
220-57-375	AMD	89-07-060	220-57-380	AMD-P	89-03-075
220-57-380	AMD-C	89-07-059	220-57-380	AMD-C	89-07-059
220-57-380	AMD	89-07-060	220-57-385	AMD-P	89-03-075
220-57-385	AMD-C	89-07-059	220-57-385	AMD-C	89-07-059
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220-57-400	AMD	89-07-060	220-57-400	AMD	89-07-060
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220-57-405	AMD-C	89-07-059	220-57-405	AMD	89-07-060
220-57-410	AMD-P	89-03-075	220-57-410	AMD-P	89-03-075
220-57-410	AMD-C	89-07-059	220-57-410	AMD-C	89-07-059
220-57-410	AMD	89-07-060	220-57-415	AMD-P	89-03-075
220-57-415	AMD-C	89-07-059	220-57-415	AMD-C	89-07-059
220-57-415	AMD	89-07-060	220-57-415	AMD	89-07-060
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220-57-440	AMD-C	89-07-059	220-57-440	AMD	89-07-060
220-57-440	AMD	89-07-060	220-57-445	AMD-P	89-03-075
220-57-445	AMD-C	89-07-059	220-57-445	AMD-C	89-07-059
220-57-445	AMD	89-07-060	220-57-445	AMD	89-07-060
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220-57-460	AMD-C	89-07-059	220-57-460	AMD-C	89-07-059
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220-57-465	AMD-C	89-07-059	220-57-465	AMD-C	89-07-059
220-57-465	AMD	89-07-060	220-57-465	AMD	89-07-060
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220-57-500	AMD-C	89-07-059	220-57-500	AMD-C	89-07-059
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220-57-502	AMD-C	89-07-059	220-57-502	AMD-C	89-07-059
220-57-502	AMD	89-07-060	220-57-502	AMD	89-07-060
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220-57-50500Q	NEW-E	89-11-018	220-57-50500Q	NEW-E	89-11-018
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220-57-510	AMD-C	89-07-059	220-57-510	AMD-C	89-07-059
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220-57-525	AMD-C	89-07-059	230-02-179	NEW-P	89-05-064	230-08-060	NEW-P	89-19-083
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220-57A-030	AMD-C	89-07-059	230-02-182	NEW	89-09-047	230-08-070	AMD	89-07-045
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220-57A-180	AMD-C	89-07-059	230-02-191	NEW	89-09-047	230-08-122	NEW	89-09-047
220-57A-180	AMD	89-07-060	230-02-370	AMD-P	89-03-066	230-08-125	AMD-P	89-05-064
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220-69-237	AMD-P	89-23-114	230-04-010	AMD	89-09-047	230-08-150	PREP	89-17-136
220-69-23700A	NEW-E	89-03-014	230-04-020	AMD-P	89-05-064	230-08-150	AMD-P	89-19-083
220-69-238	AMD-P	89-03-013	230-04-020	AMD	89-09-047	230-08-150	AMD	89-24-002
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222-16-050	AMD-P	89-20-066	230-04-123	REP	89-24-003	230-20-605	PREP	89-17-136
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232-12-267	AMD 89-14-018	232-28-61717	NEW 89-10-026	236-48-061	AMD-P 89-14-013
232-12-271	AMD-W 89-04-034	232-28-61718	NEW-E 89-04-010	236-48-061	AMD 89-17-094
232-12-271	AMD-P 89-08-104	232-28-61719	NEW-E 89-05-002	236-48-071	AMD-P 89-14-013
232-12-271	AMD 89-12-044	232-28-61720	NEW-P 89-06-080	236-48-071	AMD 89-17-094
232-12-285	NEW-P 89-08-105	232-28-61720	NEW 89-10-026	236-48-079	AMD-P 89-14-013
232-12-285	NEW-W 89-12-043	232-28-61720	REP-P 89-17-150	236-48-079	AMD 89-17-094
232-12-297	NEW-P 89-24-082	232-28-61720	REP 90-01-066	236-48-081	AMD-P 89-14-013
232-12-618	NEW-P 89-17-149	232-28-61721	NEW-P 89-06-080	236-48-081	AMD 89-17-094
232-12-618	NEW 90-01-067	232-28-61721	NEW 89-10-026	236-48-082	AMD-P 89-14-013
232-12-800	REP-P 89-14-127	232-28-61721	REP-P 89-17-150	236-48-082	AMD 89-17-094
232-12-800	REP-W 89-24-010	232-28-61721	REP 90-01-066	236-48-083	AMD-P 89-14-013
232-12-804	REP-P 89-14-127	232-28-61722	NEW-P 89-06-081	236-48-083	AMD 89-17-094
232-12-804	REP-W 89-24-010	232-28-61722	NEW 89-10-027	236-48-084	AMD-P 89-14-013
232-12-807	REP-P 89-14-127	232-28-61722	REP-P 89-17-150	236-48-084	AMD 89-17-094
232-12-807	REP-W 89-24-010	232-28-61722	REP 90-01-066	236-48-085	AMD-P 89-14-013
232-12-827	REP-P 89-14-112	232-28-61723	NEW-P 89-06-082	236-48-085	AMD 89-17-094
232-12-827	REP-W 89-24-009	232-28-61723	NEW-E 89-17-054	236-48-093	AMD-P 89-14-013
232-12-828	NEW-E 89-08-034	232-28-61724	NEW-E 89-06-042	236-48-093	AMD 89-17-094
232-12-829	NEW-P 89-08-107	232-28-61725	NEW-E 89-08-011	236-48-095	AMD-P 89-14-013
232-12-829	NEW 89-11-073	232-28-61726	NEW-E 89-08-032	236-48-096	AMD 89-17-094
232-28-110	REP-P 89-08-108	232-28-61727	NEW-E 89-11-052	236-48-096	AMD-P 89-14-013
232-28-110	REP 89-11-063	232-28-61727	REP-E 89-16-020	236-48-098	AMD 89-17-094
232-28-20401	REP-P 89-14-108	232-28-61728	NEW-E 89-23-066	236-48-098	AMD-P 89-14-013
232-28-20401	REP-W 89-24-006	232-28-61728	NEW-P 89-23-112	236-48-099	AMD 89-17-094
232-28-206	REP-P 89-14-108	232-28-61729	NEW-P 89-23-113	236-48-099	AMD-P 89-14-013
232-28-206	REP-W 89-24-006	232-28-618	NEW-P 89-17-151	236-48-101	AMD 89-17-094
232-28-209	REP-P 89-14-108	232-28-618	NEW 90-01-068	236-48-101	AMD-P 89-14-013
232-28-209	REP-W 89-24-006	232-28-61801	NEW-E 89-19-035	236-48-111	AMD 89-17-094
232-28-21201	REP-P 89-14-108	232-28-710	REP 89-06-002	236-48-111	AMD-P 89-14-013
232-28-21201	REP-W 89-24-006	232-28-712	NEW 89-06-002	236-48-121	AMD 89-17-094
232-28-217	REP-P 89-08-108	232-28-712	REP-P 89-24-083	236-48-122	AMD-P 89-14-013
232-28-217	REP 89-11-063	232-28-713	NEW-P 89-24-083	236-48-122	AMD 89-17-094
232-28-218	NEW-P 89-08-108	232-28-810	REP-P 89-06-083	236-48-123	AMD-P 89-14-013
232-28-218	NEW 89-13-029	232-28-810	REP-C 89-09-059	236-48-123	AMD 89-17-094
232-28-21810	NEW-P 89-22-135	232-28-810	REP 89-11-064	236-48-124	AMD-P 89-14-013
232-28-21810	NEW 89-24-084	232-28-811	NEW-P 89-06-083	236-48-124	AMD 89-17-094
232-28-21811	NEW-E 90-02-028	232-28-811	NEW 89-12-041	236-48-131	AMD-P 89-14-013
232-28-404	REP-P 89-14-108	236-22-010	NEW-P 89-13-076	236-48-131	AMD 89-17-094
232-28-404	REP-W 89-24-006	236-22-020	NEW-P 89-13-076	236-48-141	AMD-P 89-14-013
232-28-412	REP-P 89-14-093	236-22-030	NEW-P 89-13-076	236-48-141	AMD 89-17-094
232-28-412	REP 89-18-040	236-22-040	NEW-P 89-13-076	236-48-142	AMD-P 89-14-013
232-28-413	NEW-P 89-14-093	236-48	AMD-P 89-14-013	236-48-142	AMD 89-17-094
232-28-413	NEW 89-18-040	236-48	AMD 89-17-094	236-48-143	AMD-P 89-14-013

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236-48-151	AMD-P	89-14-013	248-08-070	REP-P	89-22-103	248-08-320	REP-E	89-22-092
236-48-151	AMD	89-17-094	248-08-075	REP-E	89-14-096	248-08-320	REP-P	89-22-103
236-48-152	AMD-P	89-14-013	248-08-075	REP-E	89-22-092	248-08-330	REP-E	89-14-096
236-48-152	AMD	89-17-094	248-08-080	REP-E	89-22-103	248-08-330	REP-E	89-22-092
236-48-153	AMD-P	89-14-013	248-08-080	REP-E	89-14-096	248-08-330	REP-P	89-22-103
236-48-153	AMD	89-17-094	248-08-080	REP-E	89-22-092	248-08-340	REP-E	89-14-096
236-48-155	AMD-P	89-14-013	248-08-080	REP-P	89-22-103	248-08-340	REP-E	89-22-092
236-48-155	AMD	89-17-094	248-08-090	REP-E	89-14-096	248-08-340	REP-P	89-22-103
236-48-161	REP-P	89-14-013	248-08-090	REP-E	89-22-092	248-08-350	REP-E	89-14-096
236-48-161	REP	89-17-094	248-08-090	REP-P	89-22-103	248-08-350	REP-E	89-22-092
236-48-162	AMD-P	89-14-013	248-08-100	REP-E	89-14-096	248-08-350	REP-P	89-22-103
236-48-162	AMD	89-17-094	248-08-100	REP-E	89-22-092	248-08-360	REP-E	89-14-096
236-48-163	AMD-P	89-14-013	248-08-100	REP-P	89-22-103	248-08-360	REP-E	89-22-092
236-48-163	AMD	89-17-094	248-08-110	REP-P	89-14-096	248-08-360	REP-P	89-22-103
236-48-164	AMD-P	89-14-013	248-08-110	REP-E	89-22-092	248-08-370	REP-E	89-14-096
236-48-164	AMD	89-17-094	248-08-110	REP-P	89-22-103	248-08-370	REP-E	89-22-092
236-48-165	AMD-P	89-14-013	248-08-120	REP-E	89-14-096	248-08-370	REP-P	89-22-103
236-48-165	AMD	89-17-094	248-08-120	REP-E	89-22-092	248-08-380	REP-E	89-14-096
236-48-166	AMD-P	89-14-013	248-08-120	REP-P	89-22-103	248-08-380	REP-E	89-22-092
236-48-166	AMD	89-17-094	248-08-130	REP-E	89-14-096	248-08-380	REP-P	89-22-103
236-48-167	AMD-P	89-14-013	248-08-130	REP-E	89-22-092	248-08-390	REP-E	89-14-096
236-48-167	AMD	89-17-094	248-08-130	REP-P	89-22-103	248-08-390	REP-E	89-22-092
236-48-1901	NEW-P	89-13-030	248-08-140	REP-E	89-14-096	248-08-390	REP-P	89-22-103
236-48-1901	NEW	89-18-004	248-08-140	REP-E	89-22-092	248-08-400	REP-E	89-14-096
236-48-230	AMD-P	89-14-013	248-08-140	REP-P	89-22-103	248-08-400	REP-E	89-22-092
236-48-230	AMD	89-17-094	248-08-150	REP-E	89-14-096	248-08-400	REP-P	89-22-103
236-48-240	AMD-P	89-14-013	248-08-150	REP-E	89-22-092	248-08-410	AMD-E	89-14-096
236-48-240	AMD	89-17-094	248-08-150	REP-P	89-22-103	248-08-410	AMD-E	89-22-092
236-48-250	AMD-P	89-14-013	248-08-160	REP-E	89-14-096	248-08-410	AMD-P	89-22-103
236-48-250	AMD	89-17-094	248-08-160	REP-E	89-22-092	248-08-413	NEW-E	89-14-096
236-48-251	AMD-P	89-14-013	248-08-160	REP-P	89-22-103	248-08-413	NEW-E	89-22-092
236-48-251	AMD	89-17-094	248-08-170	REP-E	89-14-096	248-08-413	NEW-P	89-22-103
236-48-252	AMD-P	89-14-013	248-08-170	REP-E	89-22-092	248-08-420	REP-E	89-14-096
236-48-252	AMD	89-17-094	248-08-170	REP-P	89-22-103	248-08-420	REP-E	89-22-092
236-49-001	AMD-P	89-14-013	248-08-180	REP-E	89-14-096	248-08-420	REP-P	89-22-103
236-49-001	AMD	89-17-094	248-08-180	REP-E	89-22-092	248-08-425	NEW-E	89-14-096
236-49-010	AMD-P	89-14-013	248-08-180	REP-P	89-22-103	248-08-425	NEW-E	89-22-092
236-49-010	AMD	89-17-094	248-08-190	REP-E	89-14-096	248-08-425	NEW-P	89-22-103
236-49-020	AMD-P	89-14-013	248-08-190	REP-E	89-22-092	248-08-428	NEW-E	89-22-092
236-49-020	AMD	89-17-094	248-08-190	REP-P	89-22-103	248-08-428	NEW-P	89-22-103
236-49-030	AMD-P	89-14-013	248-08-200	REP-E	89-14-096	248-08-430	REP-E	89-14-096
236-49-030	AMD	89-17-094	248-08-200	REP-E	89-22-092	248-08-430	REP-E	89-22-092
236-49-040	AMD-P	89-14-013	248-08-200	REP-P	89-22-103	248-08-430	REP-P	89-22-103
236-49-040	AMD	89-17-094	248-08-210	REP-E	89-14-096	248-08-431	NEW-E	89-14-096
236-49-060	AMD-P	89-14-013	248-08-210	REP-E	89-22-092	248-08-431	NEW-E	89-22-092
236-49-060	AMD	89-17-094	248-08-210	REP-P	89-22-103	248-08-431	NEW-P	89-22-103
236-49-061	AMD-P	89-14-013	248-08-220	REP-E	89-14-096	248-08-434	NEW-E	89-14-096
236-49-061	AMD	89-17-094	248-08-220	REP-E	89-22-092	248-08-434	NEW-E	89-22-092
236-80-010	NEW-P	89-08-033	248-08-220	REP-P	89-22-103	248-08-434	NEW-P	89-22-103
236-80-020	NEW-P	89-08-033	248-08-230	REP-E	89-14-096	248-08-437	NEW-E	89-14-096
236-80-030	NEW-P	89-08-033	248-08-230	REP-E	89-22-092	248-08-437	NEW-E	89-22-092
248-06-385	AMD-E	89-14-095	248-08-230	REP-P	89-22-103	248-08-437	NEW-P	89-22-103
248-06-385	AMD-E	89-22-091	248-08-240	REP-E	89-14-096	248-08-440	AMD-E	89-14-096
248-06-385	AMD-P	89-22-107	248-08-240	REP-E	89-22-092	248-08-440	AMD-E	89-22-092
248-08-001	REP-E	89-14-096	248-08-240	REP-P	89-22-103	248-08-440	AMD-P	89-22-103
248-08-001	REP-E	89-22-092	248-08-250	REP-E	89-14-096	248-08-446	NEW-E	89-14-096
248-08-001	REP-P	89-22-103	248-08-250	REP-E	89-22-092	248-08-446	NEW-E	89-22-092
248-08-010	REP-E	89-14-096	248-08-250	REP-P	89-22-103	248-08-446	NEW-P	89-22-103
248-08-010	REP-E	89-22-092	248-08-260	REP-E	89-14-096	248-08-449	NEW-E	89-14-096
248-08-010	REP-P	89-22-103	248-08-260	REP-E	89-22-092	248-08-449	NEW-E	89-22-092
248-08-020	REP-E	89-14-096	248-08-260	REP-P	89-22-103	248-08-449	NEW-P	89-22-103
248-08-020	REP-E	89-22-092	248-08-270	REP-E	89-14-096	248-08-450	REP-E	89-14-096
248-08-020	REP-P	89-22-103	248-08-270	REP-E	89-22-092	248-08-450	REP-E	89-22-092
248-08-030	REP-E	89-14-096	248-08-270	REP-P	89-22-103	248-08-450	REP-P	89-22-103
248-08-030	REP-E	89-22-092	248-08-280	REP-E	89-14-096	248-08-452	NEW-E	89-14-096
248-08-030	REP-P	89-22-103	248-08-280	REP-E	89-22-092	248-08-452	NEW-E	89-22-092
248-08-040	REP-E	89-14-096	248-08-280	REP-P	89-22-103	248-08-452	NEW-P	89-22-103
248-08-040	REP-E	89-22-092	248-08-290	REP-E	89-14-096	248-08-460	REP-E	89-14-096
248-08-040	REP-P	89-22-103	248-08-290	REP-E	89-22-092	248-08-460	REP-E	89-22-092
248-08-050	REP-E	89-14-096	248-08-290	REP-P	89-22-103	248-08-460	REP-P	89-22-103
248-08-050	REP-E	89-22-092	248-08-300	REP-E	89-14-096	248-08-461	NEW-E	89-14-096
248-08-050	REP-P	89-22-103	248-08-300	REP-E	89-22-092	248-08-461	NEW-E	89-22-092
248-08-060	REP-E	89-14-096	248-08-300	REP-P	89-22-103	248-08-461	NEW-P	89-22-103
248-08-060	REP-E	89-22-092	248-08-310	REP-E	89-14-096	248-08-464	NEW-E	89-14-096
248-08-060	REP-P	89-22-103	248-08-310	REP-E	89-22-092	248-08-464	NEW-E	89-22-092
248-08-070	REP-E	89-14-096	248-08-310	REP-P	89-22-103	248-08-464	NEW-P	89-22-103

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248-08-470	REP-E	89-14-096	248-08-725	REP-P	89-22-103	248-14-090	AMD-P	89-04-054
248-08-470	AMD-E	89-22-092	248-08-730	REP-E	89-14-096	248-14-090	AMD	89-08-054
248-08-470	AMD-P	89-22-103	248-08-730	REP-E	89-22-092	248-14-120	AMD-P	89-19-071
248-08-480	REP-E	89-14-096	248-08-730	REP-P	89-22-103	248-14-120	AMD	89-22-129
248-08-480	REP-E	89-22-092	248-08-735	REP-E	89-14-096	248-14-211	NEW-P	89-17-129
248-08-480	REP-P	89-22-103	248-08-735	REP-E	89-22-092	248-14-211	NEW	89-21-049
248-08-490	REP-E	89-14-096	248-08-735	REP-P	89-22-103	248-14-235	AMD-P	89-04-054
248-08-490	REP-E	89-22-092	248-08-740	REP-E	89-14-096	248-14-235	AMD	89-08-054
248-08-490	REP-P	89-22-103	248-08-740	REP-E	89-22-092	248-14-247	AMD-P	89-04-054
248-08-500	REP-E	89-14-096	248-08-740	REP-P	89-22-103	248-14-247	AMD	89-08-054
248-08-500	REP-E	89-22-092	248-08-750	REP-E	89-14-096	248-14-270	AMD	89-06-050
248-08-500	REP-P	89-22-103	248-08-750	REP-E	89-22-092	248-14-285	AMD-P	89-04-054
248-08-510	REP-E	89-14-096	248-08-750	REP-P	89-22-103	248-14-285	AMD	89-08-054
248-08-510	REP-E	89-22-092	248-08-755	REP-E	89-14-096	248-14-297	REP-P	89-15-052
248-08-510	REP-P	89-22-103	248-08-755	REP-E	89-22-092	248-14-297	REP-C	89-18-054
248-08-515	NEW-E	89-14-096	248-08-755	REP-P	89-22-103	248-14-297	REP	89-19-024
248-08-515	NEW-E	89-22-092	248-08-760	REP-E	89-14-096	248-14-298	NEW-P	89-15-052
248-08-515	NEW-P	89-22-103	248-08-760	REP-E	89-22-092	248-14-298	NEW-C	89-18-054
248-08-520	REP-E	89-14-096	248-08-760	REP-P	89-22-103	248-14-298	NEW	89-19-024
248-08-520	REP-E	89-22-092	248-08-765	REP-E	89-14-096	248-14-300	AMD-P	89-04-054
248-08-520	REP-P	89-22-103	248-08-765	REP-E	89-22-092	248-14-300	AMD	89-08-054
248-08-525	NEW-E	89-14-096	248-08-765	REP-P	89-22-103	248-15-040	AMD	89-06-003
248-08-525	NEW-E	89-22-092	248-08-770	REP-E	89-14-096	248-15-050	AMD	89-06-003
248-08-525	NEW-P	89-22-103	248-08-770	REP-E	89-22-092	248-15-110	AMD-E	89-14-095
248-08-530	REP-E	89-14-096	248-08-770	REP-P	89-22-103	248-15-110	AMD-E	89-22-091
248-08-530	REP-E	89-22-092	248-08-775	REP-E	89-14-096	248-15-110	AMD-P	89-22-107
248-08-530	REP-P	89-22-103	248-08-775	REP-E	89-22-092	248-16-001	AMD	89-09-034
248-08-535	NEW-E	89-14-096	248-08-775	REP-P	89-22-103	248-16-030	REP	89-09-034
248-08-535	NEW-E	89-22-092	248-08-780	REP-E	89-14-096	248-16-031	NEW	89-09-034
248-08-535	NEW-P	89-22-103	248-08-780	REP-E	89-22-092	248-16-031	AMD-E	89-14-095
248-08-540	REP-E	89-14-096	248-08-780	REP-P	89-22-103	248-16-031	AMD-E	89-22-091
248-08-540	REP-E	89-22-092	248-08-785	REP-E	89-14-096	248-16-031	AMD-P	89-22-107
248-08-540	REP-P	89-22-103	248-08-785	REP-E	89-22-092	248-16-033	NEW	89-09-034
248-08-545	NEW-E	89-14-096	248-08-785	REP-P	89-22-103	248-16-035	REP	89-09-034
248-08-545	NEW-E	89-22-092	248-08-790	REP-E	89-14-096	248-16-036	NEW	89-09-034
248-08-545	NEW-P	89-22-103	248-08-790	REP-E	89-22-092	248-16-040	REP	89-09-034
248-08-550	REP-E	89-14-096	248-08-790	REP-P	89-22-103	248-16-045	REP	89-09-034
248-08-550	REP-E	89-22-092	248-08-800	REP-E	89-14-096	248-16-046	NEW	89-09-034
248-08-550	REP-P	89-22-103	248-08-800	REP-E	89-22-092	248-16-048	NEW-P	89-17-007
248-08-560	REP-E	89-14-096	248-08-800	REP-P	89-22-103	248-16-048	NEW	89-21-038
248-08-560	REP-E	89-22-092	248-08-805	REP-E	89-14-096	248-16-050	REP	89-09-034
248-08-560	REP-P	89-22-103	248-08-805	REP-E	89-22-092	248-16-055	REP	89-09-034
248-08-565	NEW-E	89-14-096	248-08-805	REP-P	89-22-103	248-16-056	REP	89-09-034
248-08-565	NEW-E	89-22-092	248-08-810	REP-E	89-14-096	248-16-057	NEW	89-09-034
248-08-565	NEW-P	89-22-103	248-08-810	REP-E	89-22-092	248-16-057	NEW	89-09-034
248-08-570	REP-E	89-14-096	248-08-810	REP-P	89-22-103	248-16-070	AMD	89-09-034
248-08-570	REP-E	89-22-092	248-08-815	REP-E	89-14-096	248-16-080	AMD	89-09-034
248-08-570	REP-P	89-22-103	248-08-815	REP-E	89-22-092	248-16-090	AMD	89-09-034
248-08-575	NEW-E	89-22-092	248-08-815	REP-P	89-22-103	248-16-105	AMD	89-09-034
248-08-575	NEW-P	89-22-103	248-08-820	REP-E	89-14-096	248-16-110	AMD	89-09-034
248-08-580	REP-E	89-14-096	248-08-820	REP-E	89-22-092	248-16-115	AMD	89-09-034
248-08-580	REP-E	89-22-092	248-08-820	REP-P	89-22-103	248-16-120	REP	89-09-034
248-08-580	REP-P	89-22-103	248-08-825	REP-E	89-14-096	248-16-121	NEW	89-09-034
248-08-590	REP-E	89-14-096	248-08-825	REP-E	89-22-092	248-16-130	REP	89-09-034
248-08-590	REP-E	89-22-092	248-08-825	REP-P	89-22-103	248-16-131	NEW	89-09-034
248-08-590	REP-P	89-22-103	248-08-830	REP-E	89-14-096	248-16-140	REP	89-09-034
248-08-596	REP-E	89-14-096	248-08-830	REP-E	89-22-092	248-16-141	NEW	89-09-034
248-08-596	RE-AD-E	89-17-008	248-08-830	REP-P	89-22-103	248-16-150	AMD	89-09-034
248-08-596	AMD-P	89-17-123	248-08-835	REP-E	89-14-096	248-16-160	AMD	89-09-034
248-08-596	AMD	90-01-134	248-08-835	REP-E	89-22-092	248-16-170	AMD	89-09-034
248-08-700	REP-E	89-14-096	248-08-835	REP-P	89-22-103	248-16-180	AMD	89-09-034
248-08-700	REP-E	89-22-092	248-08-840	REP-E	89-14-096	248-16-190	AMD	89-09-034
248-08-700	REP-P	89-22-103	248-08-840	REP-E	89-22-092	248-16-202	AMD	89-09-034
248-08-705	REP-E	89-14-096	248-08-840	REP-P	89-22-103	248-16-213	AMD	89-09-034
248-08-705	REP-E	89-22-092	248-08-845	REP-E	89-14-096	248-16-215	AMD	89-09-034
248-08-705	REP-P	89-22-103	248-08-845	REP-E	89-22-092	248-16-216	NEW	89-09-034
248-08-710	REP-E	89-14-096	248-08-845	REP-P	89-22-103	248-16-222	AMD	89-09-034
248-08-710	REP-E	89-22-092	248-14-001	AMD-P	89-04-054	248-16-223	AMD	89-09-034
248-08-710	REP-P	89-22-103	248-14-001	AMD	89-08-054	248-16-226	AMD	89-09-034
248-08-715	REP-E	89-14-096	248-14-001	AMD-P	89-17-129	248-16-227	REP	89-09-034
248-08-715	REP-E	89-22-092	248-14-001	AMD	89-21-049	248-16-228	REP	89-09-034
248-08-715	REP-P	89-22-103	248-14-010	AMD-P	89-15-051	248-16-229	NEW	89-09-034
248-08-720	REP-E	89-14-096	248-14-010	AMD	89-18-006	248-16-230	AMD	89-09-034
248-08-720	REP-E	89-22-092	248-14-070	AMD-E	89-14-098	248-16-235	AMD	89-09-034
248-08-720	REP-P	89-22-103	248-14-070	AMD-P	89-22-075	248-16-300	NEW	89-09-034
248-08-725	REP-E	89-14-096	248-14-070	AMD-E	89-22-089	248-16-900	AMD	89-09-034

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248-17-020	AMD-E	89-10-071	248-18-637	NEW	89-22-106
248-17-020	AMD-E	89-16-070	248-18-655	REP-P	89-17-126
248-17-020	AMD-P	89-17-128	248-18-655	REP	89-22-109
248-17-020	AMD	89-22-108	248-18-656	NEW-P	89-17-126
248-17-020	AMD-E	89-23-028	248-18-656	NEW	89-22-109
248-17-060	AMD-E	89-14-095	248-18-710	REP-P	89-17-125
248-17-060	AMD-E	89-22-091	248-18-710	REP	89-22-105
248-17-060	AMD-P	89-22-107	248-18-711	NEW-P	89-17-125
248-17-213	AMD-P	89-10-069	248-18-711	NEW	89-22-105
248-17-213	AMD-E	89-10-071	248-18-718	REP-P	89-17-125
248-17-213	AMD-E	89-16-070	248-18-718	REP	89-22-105
248-17-213	AMD-P	89-17-128	248-18-719	NEW-P	89-17-125
248-17-213	AMD	89-22-108	248-18-719	NEW	89-22-105
248-17-213	AMD-E	89-23-028	248-18-99902	AMD-P	89-17-125
248-17-230	AMD-E	89-14-095	248-18-99902	AMD	89-22-105
248-17-230	AMD-E	89-22-091	248-19-220	AMD-P	89-14-077
248-17-230	AMD-P	89-22-107	248-19-230	REP-P	89-14-077
248-17-260	AMD-P	89-10-069	248-19-230	REP-E	89-14-087
248-17-260	AMD-E	89-10-071	248-19-230	REP-P	89-19-043
248-17-260	AMD-E	89-16-070	248-19-230	REP-E	89-19-044
248-17-260	AMD-P	89-17-128	248-19-230	REP-C	89-23-097
248-17-260	AMD	89-22-108	248-19-230	REP	89-23-098
248-17-260	AMD-E	89-23-028	248-19-231	NEW-P	89-14-077
248-17-261	NEW-E	89-16-070	248-19-231	NEW-E	89-14-087
248-17-261	NEW-P	89-17-128	248-19-231	NEW-P	89-19-043
248-17-261	NEW	89-22-108	248-19-231	NEW-E	89-19-044
248-17-261	NEW-E	89-23-028	248-19-231	NEW-C	89-23-097
248-18-001	AMD-P	89-17-124	248-19-231	NEW	89-23-098
248-18-001	AMD	89-22-106	248-19-480	AMD-E	89-14-095
248-18-015	AMD-E	89-14-095	248-19-480	AMD-E	89-22-091
248-18-015	AMD-E	89-22-091	248-19-480	AMD-P	89-22-107
248-18-015	AMD-P	89-22-107	248-21-005	AMD-E	89-14-097
248-18-035	AMD-P	89-17-006	248-21-005	AMD-E	89-22-093
248-18-035	AMD	89-21-039	248-21-005	AMD-E	89-23-091
248-18-215	REP-P	89-17-124	248-21-005	AMD-P	89-23-102
248-18-215	REP	89-22-106	248-21-017	NEW-P	89-17-007
248-18-216	NEW-P	89-17-124	248-21-017	NEW	89-21-038
248-18-216	NEW	89-22-106	248-22-005	AMD-E	89-14-095
248-18-220	REP-P	89-17-124	248-22-005	AMD-E	89-22-091
248-18-220	REP	89-22-106	248-22-005	AMD-P	89-22-107
248-18-221	NEW-P	89-17-124	248-22-017	NEW-P	89-17-007
248-18-221	NEW	89-22-106	248-22-017	NEW	89-21-038
248-18-222	REP-P	89-17-124	248-23-010	AMD-E	89-14-095
248-18-222	REP	89-22-106	248-23-010	AMD-E	89-22-091
248-18-223	REP-P	89-17-124	248-23-010	AMD-P	89-22-107
248-18-223	REP	89-22-106	248-23-025	NEW-P	89-17-007
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248-18-224	NEW	89-22-106	248-25-010	AMD-E	89-14-095
248-18-310	REP-P	89-17-126	248-25-010	AMD-E	89-22-091
248-18-310	REP	89-22-109	248-25-010	AMD-P	89-22-107
248-18-311	NEW-P	89-17-126	248-25-025	NEW-P	89-17-007
248-18-311	NEW	89-22-109	248-25-025	NEW	89-21-038
248-18-515	AMD-P	89-17-125	248-26-020	AMD-E	89-14-095
248-18-515	AMD	89-22-105	248-26-020	AMD-E	89-22-091
248-18-539	REP-P	89-17-124	248-26-020	AMD-P	89-22-107
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248-18-541	NEW	89-22-106	248-27	AMD-P	89-07-023
248-18-600	REP-P	89-17-124	248-27	AMD	89-12-077
248-18-600	REP	89-22-106	248-27-001	REP-P	89-07-023
248-18-601	NEW-P	89-17-124	248-27-001	REP	89-12-077
248-18-601	NEW	89-22-106	248-27-002	REP-P	89-07-023
248-18-605	REP-P	89-17-124	248-27-002	REP	89-12-077
248-18-605	REP	89-22-106	248-27-005	NEW-P	89-07-023
248-18-606	NEW-P	89-17-124	248-27-005	NEW	89-12-077
248-18-606	NEW	89-22-106	248-27-010	REP-P	89-07-023
248-18-607	REP-P	89-17-124	248-27-010	REP	89-12-077
248-18-607	REP	89-22-106	248-27-015	NEW-P	89-07-023
248-18-608	NEW-P	89-17-124	248-27-015	NEW	89-12-077
248-18-608	NEW	89-22-106	248-27-020	REP-P	89-07-023
248-18-615	REP-P	89-17-124	248-27-020	REP	89-12-077
248-18-615	REP	89-22-106	248-27-025	NEW-P	89-07-023
248-18-616	NEW-P	89-17-124	248-27-025	NEW	89-12-077
248-18-616	NEW	89-22-106	248-27-025	AMD-E	89-15-057
248-18-636	REP-P	89-17-124	248-27-025	AMD-E	89-22-091
248-18-636	REP	89-22-106	248-27-025	AMD-P	89-22-107
248-27-030	REP-P	89-07-023	248-27-030	REP	89-12-077
248-27-030	REP	89-12-077	248-27-035	NEW-P	89-07-023
248-27-035	NEW-P	89-07-023	248-27-035	NEW	89-12-077
248-27-035	AMD-E	89-15-057	248-27-035	AMD-E	89-22-091
248-27-035	AMD-E	89-22-091	248-27-035	AMD-P	89-22-107
248-27-040	REP-P	89-07-023	248-27-040	REP-P	89-07-023
248-27-040	REP	89-12-077	248-27-040	REP	89-12-077
248-27-045	NEW-P	89-07-023	248-27-045	NEW-P	89-07-023
248-27-045	NEW	89-12-077	248-27-045	NEW	89-12-077
248-27-045	AMD-E	89-15-057	248-27-045	AMD-E	89-15-057
248-27-045	AMD-E	89-22-091	248-27-045	AMD-E	89-22-091
248-27-045	AMD-P	89-22-107	248-27-050	AMD-P	89-22-107
248-27-050	REP-P	89-07-023	248-27-050	REP-P	89-07-023
248-27-050	REP	89-12-077	248-27-050	REP	89-12-077
248-27-055	NEW-P	89-07-023	248-27-055	NEW-P	89-07-023
248-27-055	NEW	89-12-077	248-27-055	NEW	89-12-077
248-27-055	AMD-E	89-15-057	248-27-055	AMD-E	89-15-057
248-27-055	AMD-E	89-22-091	248-27-055	AMD-E	89-22-091
248-27-055	AMD-P	89-22-107	248-27-060	AMD-P	89-22-107
248-27-060	REP-P	89-07-023	248-27-060	REP-P	89-07-023
248-27-060	REP	89-12-077	248-27-060	REP	89-12-077
248-27-065	NEW-P	89-07-023	248-27-065	NEW-P	89-07-023
248-27-065	NEW	89-12-077	248-27-065	NEW	89-12-077
248-27-070	REP-P	89-07-023	248-27-070	REP-P	89-07-023
248-27-070	REP	89-12-077	248-27-070	REP	89-12-077
248-27-077	NEW-P	89-07-023	248-27-077	NEW-P	89-07-023
248-27-077	NEW	89-12-077	248-27-077	NEW	89-12-077
248-27-080	REP-P	89-07-023	248-27-080	REP-P	89-07-023
248-27-080	REP	89-12-077	248-27-080	REP	89-12-077
248-27-085	NEW-P	89-07-023	248-27-085	NEW-P	89-07-023
248-27-085	NEW	89-12-077	248-27-085	NEW	89-12-077
248-27-085	REP-P	89-07-023	248-27-090	REP-P	89-07-023
248-27-090	REP	89-12-077	248-27-090	REP	89-12-077
248-27-095	NEW-P	89-07-023	248-27-095	NEW-P	89-07-023
248-27-095	NEW	89-12-077	248-27-095	NEW	89-12-077
248-27-100	REP-P	89-07-023	248-27-100	REP-P	89-07-023
248-27-100	REP	89-12-077	248-27-100	REP	89-12-077
248-27-105	NEW-P	89-07-023	248-27-105	NEW-P	89-07-023
248-27-105	NEW	89-12-077	248-27-105	NEW	89-12-077
248-27-115	NEW-P	89-07-023	248-27-115	NEW-P	89-07-023
248-27-115	NEW	89-12-077	248-27-115	NEW	89-12-077
248-27-120	REP-P	89-07-023	248-27-120	REP-P	89-07-023
248-27-120	REP	89-12-077	248-27-120	REP	89-12-077
248-27-125	NEW-P	89-07-023	248-27-125	NEW-P	89-07-023
248-27-125	NEW	89-12-077	248-27-125	NEW	89-12-077
248-27-135	NEW-P	89-07-023	248-27-135	NEW-P	89-07-023
248-27-135	NEW	89-12-077	248-27-135	NEW	89-12-077
248-27-145	NEW-P	89-07-023	248-27-145	NEW-P	89-07-023
248-27-145	NEW	89-12-077	248-27-145	NEW	89-12-077
248-27-155	NEW-P	89-07-023	248-27-155	NEW-P	89-07-023
248-27-155	NEW	89-12-077	248-27-155	NEW	89-12-077
248-27-165	NEW-P	89-07-023	248-27-165	NEW-P	89-07-023
248-27-165	NEW	89-12-077	248-27-165	NEW	89-12-077
248-27-175	NEW-P	89-07-023	248-27-175	NEW-P	89-07-023
248-27-175	NEW	89-12-077	248-27-175	NEW	89-12-077
248-27-185	NEW-P	89-07-023	248-27-185	NEW-P	89-07-023
248-27-185	NEW	89-12-077	248-27-185	NEW	89-12-077
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248-29-020	AMD-E	89-22-091	248-29-020	AMD-E	89-22-091
248-29-020	AMD-P	89-22-107	248-29-020	AMD-P	89-22-107
248-29-045	NEW-P	89-17-007	248-29-045	NEW-P	89-17-007
248-29-045	NEW	89-21-038	248-29-045	NEW	89-21-038
248-31	AMD-P	89-07-023	248-31	AMD-P	89-07-023
248-31	AMD	89-12-077	248-31	AMD	89-12-077
248-31-001	REP-P	89-07-023	248-31-001	REP-P	89-07-023
248-31-001	REP	89-12-077	248-31-001	REP	89-12-077
248-31-002	REP-P	89-07-023	248-31-002	REP-P	89-07-023
248-31-002	REP	89-12-077	248-31-002	REP	89-12-077
248-31-005	NEW-P	89-07-023	248-31-005	NEW-P	89-07-023
248-31-005	NEW	89-12-077	248-31-005	NEW	89-12-077
248-31-010	REP-P	89-07-023	248-31-010	REP-P	89-07-023
248-31-010	REP	89-12-077	248-31-010	REP	89-12-077
248-31-015	NEW-P	89-07-023	248-31-015	NEW-P	89-07-023
248-31-015	NEW	89-12-077	248-31-015	NEW	89-12-077
248-31-020	REP-P	89-07-023	248-31-020	REP-P	89-07-023

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248-31-025	NEW 89-12-077	248-33-060	REP-P 89-14-097	248-54-006	NEW 89-21-020
248-31-025	AMD-E 89-15-057	248-33-060	REP-E 89-22-093	248-54-015	AMD-P 89-14-079
248-31-025	AMD-E 89-22-091	248-33-060	REP-E 89-23-091	248-54-015	AMD 89-21-020
248-31-025	AMD-P 89-22-107	248-33-060	REP-P 89-23-102	248-54-025	AMD-P 89-14-079
248-31-030	REP-P 89-07-023	248-33-080	REP-P 89-14-097	248-54-025	AMD 89-21-020
248-31-030	REP 89-12-077	248-33-080	REP-E 89-22-093	248-54-035	AMD-P 89-14-079
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248-31-035	NEW 89-12-077	248-33-080	REP-P 89-23-102	248-54-045	AMD-P 89-14-079
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248-31-035	AMD-E 89-22-091	248-33-090	NEW 89-21-038	248-54-055	AMD-P 89-14-079
248-31-035	AMD-P 89-22-107	248-36-005	NEW-P 89-07-023	248-54-055	AMD 89-21-020
248-31-040	REP-P 89-07-023	248-36-005	NEW 89-12-077	248-54-086	AMD-P 89-14-079
248-31-040	REP 89-12-077	248-36-015	NEW-P 89-07-023	248-54-086	AMD 89-21-020
248-31-045	NEW-P 89-07-023	248-36-015	NEW 89-12-077	248-54-097	AMD-P 89-14-079
248-31-045	NEW 89-12-077	248-36-025	NEW-P 89-07-023	248-54-097	AMD 89-21-020
248-31-045	AMD-E 89-15-057	248-36-025	NEW 89-12-077	248-54-098	NEW-P 89-14-079
248-31-045	AMD-E 89-22-091	248-36-025	AMD-E 89-15-057	248-54-098	NEW 89-21-020
248-31-045	AMD-P 89-22-107	248-36-025	AMD-E 89-22-091	248-54-165	AMD-P 89-14-079
248-31-050	REP-P 89-07-023	248-36-025	AMD-P 89-22-107	248-54-165	AMD 89-21-020
248-31-050	REP 89-12-077	248-36-035	NEW-P 89-07-023	248-54-175	AMD-P 89-14-079
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248-31-055	NEW 89-12-077	248-36-035	AMD-E 89-15-057	248-54-185	AMD-P 89-14-079
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248-31-055	AMD-E 89-22-091	248-36-035	AMD-P 89-22-107	248-54-187	NEW-P 89-14-079
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248-31-070	REP 89-12-077	248-36-055	NEW 89-12-077	248-54-255	REP 89-21-020
248-31-075	REP-P 89-07-023	248-36-055	AMD-E 89-15-057	248-54-265	AMD-P 89-14-079
248-31-075	REP 89-12-077	248-36-055	AMD-E 89-22-091	248-54-265	AMD 89-21-020
248-31-077	NEW-P 89-07-023	248-36-055	AMD-P 89-22-107	248-54-285	AMD-P 89-14-079
248-31-077	NEW 89-12-077	248-36-065	NEW-P 89-07-023	248-54-285	AMD 89-21-020
248-31-080	REP-P 89-07-023	248-36-065	NEW 89-12-077	248-55-220	AMD-E 89-14-095
248-31-080	REP 89-12-077	248-36-077	NEW-P 89-07-023	248-55-220	AMD-P 89-22-107
248-31-085	NEW-P 89-07-023	248-36-077	NEW 89-12-077	248-55-230	REP-E 89-14-095
248-31-085	NEW 89-12-077	248-36-085	NEW-P 89-07-023	248-55-230	REP-E 89-22-091
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248-31-090	REP 89-12-077	248-36-095	NEW-P 89-07-023	248-55-235	NEW-E 89-14-095
248-31-095	NEW-P 89-07-023	248-36-105	NEW-P 89-07-023	248-55-235	NEW-E 89-22-091
248-31-095	NEW 89-12-077	248-36-105	NEW 89-12-077	248-55-235	NEW-P 89-22-107
248-31-100	REP-P 89-07-023	248-36-115	NEW-P 89-07-023	248-55-240	AMD-E 89-14-095
248-31-100	REP 89-12-077	248-36-115	NEW 89-12-077	248-55-240	AMD-E 89-22-091
248-31-105	NEW-P 89-07-023	248-36-125	NEW-P 89-07-023	248-55-240	AMD-P 89-22-107
248-31-105	NEW 89-12-077	248-36-125	NEW 89-12-077	248-55-250	AMD-E 89-14-095
248-31-110	REP-P 89-07-023	248-36-135	NEW-P 89-07-023	248-55-250	REP-E 89-22-091
248-31-110	REP 89-12-077	248-36-135	NEW 89-12-077	248-55-250	REP-P 89-22-107
248-31-115	NEW-P 89-07-023	248-36-165	NEW-P 89-07-023	248-55-260	REP-E 89-14-095
248-31-115	NEW 89-12-077	248-36-165	NEW 89-12-077	248-55-260	REP-E 89-22-091
248-31-120	REP-P 89-07-023	248-52	NEW-C 89-17-131	248-55-260	REP-P 89-22-107
248-31-120	REP 89-12-077	248-52-001	NEW-P 89-16-103	248-56-500	AMD-P 89-11-055
248-31-125	NEW-P 89-07-023	248-52-001	NEW 89-20-020	248-56-500	AMD 89-16-065
248-31-125	NEW 89-12-077	248-52-005	NEW-P 89-16-103	248-56-510	AMD-P 89-11-055
248-31-130	REP-P 89-07-023	248-52-005	NEW 89-20-020	248-57-500	AMD-P 89-11-055
248-31-130	REP 89-12-077	248-52-010	NEW-P 89-16-103	248-57-500	AMD 89-16-065
248-31-135	NEW-P 89-07-023	248-52-010	NEW 89-20-020	248-58-085	NEW-E 89-14-097
248-31-135	NEW 89-12-077	248-52-010	NEW-P 89-16-103	248-58-085	NEW-E 89-22-093
248-31-140	REP-P 89-07-023	248-52-020	NEW 89-20-020	248-58-085	NEW-P 90-01-129
248-31-140	REP 89-12-077	248-52-020	NEW 89-16-103	248-59-030	AMD-E 89-14-095
248-31-150	REP-P 89-07-023	248-52-030	NEW-P 89-20-020	248-59-030	AMD-E 89-22-091
248-31-150	REP 89-12-077	248-52-030	NEW 89-16-103	248-59-030	AMD-P 89-22-107
248-31-155	NEW-P 89-07-023	248-52-040	NEW-P 89-16-103	248-59-040	REP-E 89-14-095
248-31-155	NEW 89-12-077	248-52-040	NEW 89-20-020	248-59-040	REP-E 89-22-091
248-31-160	REP-P 89-07-023	248-52-050	NEW-P 89-16-103	248-59-040	REP-P 89-22-107
248-31-160	REP 89-12-077	248-52-050	NEW 89-20-020	248-59-050	REP-E 89-14-095
248-31-165	NEW-P 89-07-023	248-52-060	NEW-P 89-16-103	248-59-050	REP-E 89-22-091
248-31-165	NEW 89-12-077	248-52-060	NEW 89-20-020	248-59-050	REP-P 89-22-107
248-31-175	NEW-P 89-07-023	248-52-070	NEW 89-16-103	248-59-060	REP-E 89-14-095
248-31-175	NEW 89-12-077	248-52-070	NEW 89-20-020	248-59-060	REP-E 89-22-091
248-31-185	NEW-P 89-07-023	248-52-080	NEW-P 89-16-103	248-59-060	REP-P 89-22-107
248-31-185	NEW 89-12-077	248-52-080	NEW 89-20-020	248-59-070	REP-E 89-14-095
248-33-040	AMD-P 89-14-097	248-54	AMD-C 89-17-130	248-59-070	REP-E 89-22-091
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248-59-080	REP-E	89-22-091	248-106-001	NEW-P	89-21-015	248-144-141	NEW	89-11-058
248-59-080	REP-P	89-22-107	248-106-010	NEW-E	89-20-005	248-144-150	REP-P	89-08-098
248-63-025	AMD-E	89-22-093	248-106-010	NEW-P	89-21-015	248-144-150	REP	89-11-058
248-63-025	AMD-P	90-01-129	248-106-020	NEW-E	89-20-005	248-144-151	NEW-P	89-08-098
248-64-240	AMD-P	89-16-104	248-106-020	NEW-P	89-21-015	248-144-151	NEW	89-11-058
248-64-240	AMD-C	89-17-132	248-106-020	NEW-P	89-21-015	248-144-160	REP-P	89-08-098
248-64-240	AMD	89-20-026	248-124-990	REP-P	89-06-047	248-144-160	REP	89-11-058
248-64-320	AMD-P	89-16-104	248-124-990	REP	89-10-023	248-144-160	REP	89-11-058
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248-96	AMD-C	89-17-055	248-124-99004	REP-P	89-06-047	248-144-171	NEW	89-11-058
248-96-020	AMD-P	89-14-126	248-124-99004	REP	89-10-023	248-144-180	REP-P	89-08-098
248-96-020	AMD	89-21-026	248-140-200	AMD-E	89-14-097	248-144-180	REP	89-11-058
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248-96-040	AMD	89-21-026	248-140-200	AMD-E	89-23-091	248-144-181	NEW	89-11-058
248-96-046	AMD-P	89-14-126	248-140-200	AMD-P	89-23-102	248-144-190	REP-P	89-08-098
248-96-046	AMD	89-21-026	248-140-215	AMD-P	89-17-007	248-144-190	REP	89-11-058
248-96-060	AMD-P	89-14-126	248-140-215	NEW-P	89-21-038	248-144-191	NEW-P	89-08-098
248-96-060	AMD	89-21-026	248-140-215	NEW	89-21-038	248-144-191	NEW	89-11-058
248-96-060	AMD	89-21-026	248-144-010	AMD-P	89-08-098	248-144-200	REP-P	89-08-098
248-96-110	AMD-P	89-14-126	248-144-010	AMD	89-11-058	248-144-200	REP	89-11-058
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248-96-120	NEW-P	89-14-126	248-144-020	AMD	89-11-058	248-144-201	NEW	89-11-058
248-96-120	NEW	89-21-026	248-144-030	REP-P	89-08-098	248-144-210	REP-P	89-08-098
248-96-125	NEW-P	89-14-126	248-144-030	REP	89-11-058	248-144-210	REP	89-11-058
248-96-125	NEW	89-21-026	248-144-031	NEW-P	89-08-098	248-144-211	NEW-P	89-08-098
248-97-130	AMD-E	89-14-097	248-144-031	NEW	89-11-058	248-144-211	NEW	89-11-058
248-97-130	AMD-E	89-22-093	248-144-031	AMD-E	89-14-097	248-144-220	REP-P	89-08-098
248-97-130	AMD-P	90-01-129	248-144-031	AMD-E	89-22-093	248-144-220	REP	89-11-058
248-97-135	NEW-E	89-14-097	248-144-031	AMD-P	90-01-129	248-144-230	REP-P	89-08-098
248-97-135	NEW-E	89-22-093	248-144-035	REP-P	89-08-098	248-144-230	REP	89-11-058
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248-100-011	AMD-P	89-04-055	248-144-040	REP-P	89-08-098	248-144-240	REP	89-11-058
248-100-011	AMD	89-07-095	248-144-041	REP	89-11-058	248-170-001	NEW-P	90-01-131
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248-100-206	AMD-P	89-04-055	248-144-041	NEW	89-11-058	248-170-100	NEW-P	90-01-131
248-100-206	AMD	89-07-095	248-144-050	REP-P	89-08-098	248-170-130	NEW-P	90-01-131
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248-100-207	AMD-E	89-10-022	248-144-051	NEW-P	89-08-098	248-170-200	NEW-P	90-01-131
248-100-207	AMD	89-14-003	248-144-051	NEW	89-11-058	248-170-300	NEW-P	90-01-131
248-100-207	AMD-E	89-16-026	248-144-060	REP-P	89-08-098	248-170-320	NEW-P	90-01-131
248-100-207	AMD-P	89-16-059	248-144-060	REP	89-11-058	248-180-010	NEW-P	89-20-032
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248-105-010	AMD-P	89-20-019	248-144-070	REP	89-11-058	248-320-340	NEW-E	89-14-096
248-105-010	AMD-W	89-22-039	248-144-071	NEW-P	89-08-098	248-320-340	NEW-E	89-22-092
248-105-020	AMD-P	89-13-079	248-144-071	NEW	89-11-058	248-320-340	NEW-P	89-22-103
248-105-020	AMD-P	89-20-019	248-144-080	REP-P	89-08-098	248-320-350	NEW-E	89-14-096
248-105-020	AMD-W	89-22-039	248-144-080	REP	89-11-058	248-320-350	NEW-E	89-22-092
248-105-030	AMD-P	89-13-079	248-144-081	NEW-P	89-08-098	248-320-350	NEW-P	89-22-103
248-105-030	AMD-P	89-20-019	248-144-081	NEW	89-11-058	248-320-360	NEW-E	89-14-096
248-105-030	AMD-W	89-22-039	248-144-090	REP-P	89-08-098	248-320-360	NEW-E	89-22-092
248-105-040	REP-P	89-13-079	248-144-090	REP	89-11-058	248-320-360	NEW-P	89-22-103
248-105-040	REP-P	89-20-019	248-144-091	NEW-P	89-08-098	248-320-370	NEW-E	89-14-096
248-105-040	REP-W	89-22-039	248-144-091	NEW	89-11-058	248-320-370	NEW-E	89-22-092
248-105-050	REP-P	89-13-079	248-144-100	REP-P	89-08-098	248-320-370	NEW-P	89-22-103
248-105-050	REP-P	89-20-019	248-144-100	REP	89-11-058	248-320-400	NEW-E	89-14-096
248-105-050	REP-W	89-22-039	248-144-101	NEW-P	89-08-098	248-320-400	NEW-E	89-22-092
248-105-060	REP-P	89-13-079	248-144-101	NEW	89-11-058	248-320-400	NEW-P	89-22-103
248-105-060	REP-P	89-20-019	248-144-110	REP-P	89-08-098	248-320-410	NEW-E	89-14-096
248-105-060	REP-W	89-22-039	248-144-110	REP	89-11-058	248-320-410	NEW-E	89-22-092
248-105-070	AMD-P	89-13-079	248-144-111	NEW-P	89-08-098	248-320-410	NEW-P	89-22-103
248-105-070	AMD-P	89-20-019	248-144-111	NEW	89-11-058	248-320-500	NEW-E	89-14-096
248-105-070	AMD-W	89-22-039	248-144-120	REP-P	89-08-098	248-320-500	NEW-E	89-22-092
248-105-080	AMD-P	89-13-079	248-144-120	REP	89-11-058	248-320-500	NEW-P	89-22-103
248-105-080	AMD-P	89-20-019	248-144-121	NEW-P	89-08-098	248-554-030	AMD-E	89-14-098
248-105-080	AMD-W	89-22-039	248-144-121	NEW	89-11-058	248-554-030	AMD-P	89-22-076
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248-105-090	AMD-P	89-20-019	248-144-130	REP	89-11-058	250-20-001	AMD-C	89-23-058
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250-20-021	AMD-C 89-24-064	251-07-100	NEW-C 89-09-061	251-12-200	RE-AD 89-22-020
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250-20-031	AMD-C 89-24-064	251-08-110	AMD-C 89-05-043	251-12-210	RE-AD-P 89-17-120
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250-20-037	AMD-C 89-24-064	251-08-130	AMD-P 89-22-122	251-12-231	NEW-E 89-17-009
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250-44-050	AMD 89-08-056	251-09-090	AMD-C 90-01-042	251-12-250	RE-AD-P 89-17-120
250-44-050	AMD-E 89-08-057	251-09-092	NEW-P 89-22-122	251-12-250	RE-AD 89-22-020
250-44-110	AMD-P 89-04-048	251-09-092	NEW-C 89-22-122	251-12-600	AMD-P 89-06-044
250-44-110	AMD 89-08-056	251-09-092	NEW-C 90-01-042	251-12-600	AMD-P 89-06-045
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275-56-450	REP-P	89-16-105	284-17-535	AMD-P	89-16-098	284-66-010	NEW-E	90-01-092
275-56-450	REP-E	89-20-030	284-17-535	AMD	89-19-036	284-66-020	NEW-E	90-01-092
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275-56-485	NEW-S	89-23-108	284-17-540	AMD	89-19-036	284-66-080	NEW-E	90-01-092
275-56-495	NEW-S	89-23-108	284-17-550	AMD-P	89-11-077	284-66-090	NEW-E	90-01-092
275-56-505	NEW-S	89-23-108	284-17-550	AMD	89-14-045	284-66-100	NEW-E	90-01-092
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275-80-815	REP-P	89-11-029	284-23-550	AMD	89-05-017	284-66-140	NEW-E	90-01-092
275-80-840	REP-P	89-11-029	284-23-550	AMD-P	89-05-050	284-66-150	NEW-E	90-01-092
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275-80-844	REP-P	89-11-029	284-23-550	AMD	89-07-086	284-66-170	NEW-E	90-01-092
275-80-846	REP-P	89-11-029	284-23-550	AMD-E	89-08-038	284-66-180	NEW-E	90-01-092
275-80-848	REP-P	89-11-029	284-23-550	AMD-P	89-17-099	284-66-190	NEW-E	90-01-092
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275-80-860	REP-P	89-11-029	284-55-020	REP-E	90-01-092	284-66-230	NEW-E	90-01-092
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284-17-280	AMD-P	89-16-099	284-55-175	REP-P	89-09-050	296-14-400	AMD-P	89-20-061
284-17-280	AMD	89-19-037	284-55-175	REP	89-11-096	296-14-400	AMD-C	90-02-006
284-17-290	AMD-P	89-16-099	284-55-177	NEW-P	89-09-050	296-17-310	AMD-P	89-20-063
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284-17-310	AMD-P	89-16-099	284-55-177	REP-E	90-01-092	296-17-350	AMD-P	89-05-038
284-17-310	AMD	89-19-037	284-55-180	REP-E	90-01-092	296-17-350	AMD	89-07-078
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296-17-370	AMD 89-24-051	296-17-59201	NEW 89-24-051	296-17-875	AMD-P 89-20-063
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296-17-45001	NEW-P 89-11-088	296-17-64904	AMD 89-24-051	296-17-885	AMD 89-24-051
296-17-45001	NEW 89-16-001	296-17-654	AMD-P 89-20-063	296-17-890	AMD-P 89-20-063
296-17-45002	NEW-P 89-13-077	296-17-654	AMD 89-24-051	296-17-890	AMD 89-24-051
296-17-45002	NEW-E 89-14-089	296-17-65801	NEW-P 89-20-063	296-17-895	AMD-E 89-11-074
296-17-45002	NEW 89-18-051	296-17-65801	NEW 89-24-051	296-17-895	AMD-P 89-11-088
296-17-45002	AMD-P 89-20-063	296-17-662	REP-P 89-20-063	296-17-895	AMD 89-16-001
296-17-45002	AMD 89-24-051	296-17-662	REP 89-24-051	296-17-895	AMD-P 89-20-063
296-17-45003	NEW-P 89-20-063	296-17-663	AMD-P 89-20-063	296-17-895	AMD 89-24-051
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296-17-50601	AMD-P 89-20-063	296-17-677	AMD-P 89-20-063	296-17-910	AMD-E 89-16-025
296-17-50601	AMD 89-24-051	296-17-677	AMD 89-24-051	296-17-910	AMD 89-18-051
296-17-50602	AMD-P 89-20-063	296-17-682	AMD-P 89-20-063	296-17-919	AMD-P 89-20-063
296-17-50602	AMD 89-24-051	296-17-682	AMD 89-24-051	296-17-919	AMD 89-24-051
296-17-509	AMD-P 89-20-063	296-17-68601	NEW-P 89-20-063	296-17-920	AMD-P 89-20-063
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296-17-514	REP-P 89-20-063	296-17-707	AMD-P 89-20-063	296-20-015	AMD-P 89-23-119
296-17-514	REP 89-24-051	296-17-707	AMD 89-24-051	296-20-02001	AMD-P 89-23-119
296-17-515	REP-P 89-20-063	296-17-708	AMD-P 89-20-063	296-20-02010	AMD-P 89-23-119
296-17-515	REP 89-24-051	296-17-708	AMD 89-24-051	296-20-022	AMD-P 89-23-119
296-17-518	REP-P 89-20-063	296-17-715	AMD-P 89-20-063	296-20-024	AMD-P 89-23-119
296-17-518	REP 89-24-051	296-17-715	AMD 89-24-051	296-20-03001	AMD-P 89-23-119
296-17-519	AMD-P 89-20-063	296-17-724	AMD-P 89-20-063	296-20-045	AMD-P 89-23-119
296-17-519	AMD 89-24-051	296-17-724	AMD 89-24-051	296-20-075	AMD-P 89-23-119
296-17-520	REP-P 89-20-063	296-17-777	AMD-P 89-20-063	296-20-124	AMD-P 89-20-061
296-17-520	REP 89-24-051	296-17-777	AMD 89-24-051	296-20-124	AMD-C 90-02-006
296-17-52002	AMD-P 89-20-063	296-17-731	REP-E 89-11-074	296-20-680	AMD-P 89-20-061
296-17-52002	AMD 89-24-051	296-17-731	REP-P 89-11-088	296-20-680	AMD-C 90-02-006
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296-17-52106	AMD-P 89-20-063	296-17-73101	REP-P 89-11-088	296-21-014	AMD-P 89-12-064
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296-17-52108	AMD-P 89-20-063	296-17-73102	REP-E 89-11-074	296-21-030	AMD-P 89-12-064
296-17-52108	AMD 89-24-051	296-17-73102	REP-P 89-11-088	296-21-030	AMD 89-17-039
296-17-52109	AMD-P 89-20-063	296-17-73102	REP 89-16-001	296-21-035	AMD-P 89-03-064
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296-17-523	AMD 89-24-051	296-17-73105	NEW-E 89-11-074	296-21-045	AMD 89-08-001
296-17-525	AMD-P 89-20-063	296-17-73105	NEW-P 89-11-088	296-21-046	AMD-P 89-12-064
296-17-525	AMD 89-24-051	296-17-73105	NEW 89-16-001	296-21-046	AMD 89-17-039
296-17-52701	AMD-P 89-20-063	296-17-73106	NEW-E 89-11-074	296-21-047	AMD-P 89-12-064
296-17-52701	AMD 89-24-051	296-17-73106	NEW-P 89-11-088	296-21-047	AMD 89-17-039
296-17-532	AMD-P 89-20-063	296-17-73106	NEW 89-16-001	296-21-050	AMD-P 89-12-064
296-17-532	AMD 89-24-051	296-17-73107	NEW-E 89-11-074	296-21-050	AMD 89-17-039
296-17-534	AMD-P 89-20-062	296-17-73107	NEW-P 89-11-088	296-21-057	AMD-P 89-12-064
296-17-534	AMD-C 89-24-052	296-17-73107	NEW 89-16-001	296-21-057	AMD 89-17-039
296-17-534	AMD 90-01-013	296-17-73108	NEW-E 89-11-074	296-21-062	AMD-P 89-12-064
296-17-536	AMD-P 89-20-063	296-17-73108	NEW-P 89-11-088	296-21-062	AMD 89-17-039
296-17-536	AMD 89-24-051	296-17-73108	NEW 89-16-001	296-21-066	AMD-P 89-12-064
296-17-555	AMD-P 89-20-063	296-17-773	AMD-E 89-11-074	296-21-066	AMD 89-17-039
296-17-555	AMD 89-24-051	296-17-773	AMD-P 89-11-088	296-21-070	AMD-P 89-12-064
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296-17-567	AMD 89-24-051	296-17-855	AMD-P 89-20-063	296-21-075	AMD-P 89-12-064
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296-17-576	REP 89-24-051	296-17-86501	AMD-P 89-20-063	296-21-080	AMD-P 89-12-064
296-17-57601	REP-P 89-20-063	296-17-86501	AMD 89-24-051	296-21-080	AMD 89-17-039
296-17-57601	REP 89-24-051	296-17-870	AMD-P 89-20-063	296-21-085	AMD-P 89-12-064
296-17-57603	NEW-P 89-20-063	296-17-870	AMD 89-24-051	296-21-085	AMD 89-17-039
296-17-57603	NEW 89-24-051	296-17-873	AMD-P 89-20-063	296-21-086	AMD-P 89-12-064
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296-125-043	AMD-C	89-08-058	296-127-018	NEW-P	89-12-051	296-134-060	NEW-E	89-18-091
296-125-043	AMD-C	89-09-007	296-127-018	NEW-C	89-17-083	296-134-060	NEW	89-23-044
296-125-043	AMD	89-10-014	296-127-018	NEW-C	89-19-068	296-134-070	NEW-P	89-18-090
296-125-110	NEW-E	89-16-023	296-127-018	NEW-W	89-23-026	296-134-070	NEW-E	89-18-091
296-125-110	NEW-P	89-16-087	296-127-019	AMD-P	89-12-051	296-134-070	NEW	89-23-044
296-125-110	NEW	89-23-003	296-127-019	AMD-C	89-17-083	296-134-090	NEW-P	89-18-090
296-125-115	NEW-E	89-16-023	296-127-019	AMD-C	89-19-068	296-134-090	NEW-E	89-18-091
296-125-115	NEW-P	89-16-087	296-127-019	AMD-W	89-23-026	296-134-090	NEW	89-23-044
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296-125-120	NEW-E	89-16-023	296-127-020	AMD-C	89-17-083	296-155-140	AMD-P	89-06-058
296-125-120	NEW-P	89-16-087	296-127-020	AMD-C	89-19-068	296-155-140	AMD	89-11-035
296-125-120	NEW	89-23-003	296-127-020	AMD-W	89-23-026	296-155-180	NEW-P	89-06-058
296-125-125	NEW-E	89-16-023	296-127-023	RE-AD-P	89-12-051	296-155-180	NEW	89-11-035
296-125-125	NEW-P	89-16-087	296-127-023	RE-AD-C	89-17-083	296-155-200	AMD-P	89-22-119
296-125-125	NEW	89-23-003	296-127-023	RE-AD-C	89-19-068	296-155-205	AMD-P	89-06-058
296-125-130	NEW-E	89-16-023	296-127-023	RE-AD-W	89-23-026	296-155-205	AMD	89-11-035
296-125-130	NEW-P	89-16-087	296-127-025	RE-AD-P	89-12-051	296-155-212	AMD-P	89-06-058
296-125-130	NEW	89-23-003	296-127-025	RE-AD-C	89-17-083	296-155-212	AMD	89-11-035
296-125-135	NEW-E	89-16-023	296-127-025	RE-AD-C	89-19-068	296-155-305	AMD-P	89-06-058
296-125-135	NEW-P	89-16-087	296-127-025	RE-AD-W	89-23-026	296-155-305	AMD	89-11-035
296-125-135	NEW	89-23-003	296-127-026	RE-AD-P	89-12-051	296-155-36313	AMD-P	89-06-058
296-125-140	NEW-E	89-16-023	296-127-026	RE-AD-C	89-17-083	296-155-36313	AMD	89-11-035
296-125-140	NEW-P	89-16-087	296-127-026	RE-AD-C	89-19-068	296-155-370	AMD-P	89-06-058
296-125-140	NEW	89-23-003	296-127-026	RE-AD-W	89-23-026	296-155-370	AMD	89-11-035
296-125-145	NEW-E	89-16-023	296-127-040	AMD-P	89-12-051	296-155-485	AMD-P	89-22-119
296-125-145	NEW-P	89-16-087	296-127-040	AMD-C	89-17-083	296-155-48529	AMD-P	89-06-058
296-125-145	NEW	89-23-003	296-127-040	AMD-C	89-19-068	296-155-48529	AMD	89-11-035
296-125-155	NEW-E	89-16-023	296-127-040	AMD-W	89-23-026	296-155-48533	AMD-P	89-06-058
296-125-155	NEW-P	89-16-087	296-127-045	AMD-P	89-12-051	296-155-48533	AMD	89-11-035
296-125-155	NEW	89-23-003	296-127-045	AMD-C	89-17-083	296-155-48533	AMD-P	89-22-119
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296-125-160	NEW-P	89-16-087	296-127-045	AMD-W	89-23-026	296-155-48536	NEW	89-11-035
296-125-160	NEW	89-23-003	296-128	NEW-C	89-20-040	296-155-505	AMD-P	89-22-119
296-125-165	NEW-E	89-16-023	296-128-011	NEW-P	89-15-060	296-155-510	AMD-P	89-06-058
296-125-165	NEW-P	89-16-087	296-128-011	NEW-E	89-16-085	296-155-510	AMD	89-11-035
296-125-165	NEW	89-23-003	296-128-011	NEW	89-22-120	296-155-675	AMD-P	89-06-058
296-125-170	NEW-E	89-16-023	296-128-012	NEW-P	89-15-060	296-155-675	AMD	89-11-035
296-125-170	NEW-P	89-16-087	296-128-012	NEW-E	89-16-085	296-155-675	AMD-P	89-22-119
296-125-170	NEW	89-23-003	296-128-012	NEW	89-22-120	296-155-680	AMD-P	89-06-058
296-125-175	NEW-E	89-16-023	296-128-025	AMD-P	89-16-089	296-155-680	AMD	89-11-035
296-125-175	NEW-P	89-16-087	296-128-025	AMD-C	89-21-011	296-155-680	AMD-P	89-22-119
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296-126-020	AMD-C	89-06-035	296-128-035	NEW-P	89-16-089	296-155-681	NEW	89-11-035
296-126-020	AMD-C	89-08-058	296-128-035	NEW-C	89-21-011	296-155-682	NEW-P	89-06-058
296-126-020	AMD-C	89-09-007	296-128-035	NEW	89-22-016	296-155-682	NEW	89-11-035
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296-126-050	AMD	89-22-016	296-131-010	NEW-C	89-21-010	296-155-686	NEW-P	89-06-058
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296-127-010	AMD-P	89-12-051	296-131-015	NEW-E	89-16-022	296-155-687	NEW-P	89-06-058
296-127-010	AMD-C	89-17-083	296-131-015	NEW-P	89-16-088	296-155-687	NEW	89-11-035
296-127-010	AMD-C	89-19-068	296-131-015	NEW-C	89-21-010	296-155-688	NEW-P	89-06-058
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296-127-011	AMD-P	89-12-051	296-131-017	NEW-E	89-16-022	296-155-689	NEW-P	89-06-058
296-127-011	AMD-C	89-17-083	296-131-017	NEW-P	89-16-088	296-155-689	NEW	89-11-035
296-127-011	AMD-C	89-19-068	296-131-017	NEW-C	89-21-010	296-155-690	AMD-P	89-06-058
296-127-011	AMD-W	89-23-026	296-131-017	NEW	89-22-015	296-155-690	AMD	89-11-035
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296-127-013	RE-AD-C	89-17-083	296-134-001	NEW-E	89-18-091	296-155-691	NEW-P	89-06-058
296-127-013	AMD-C	89-19-068	296-134-001	NEW	89-23-044	296-155-691	NEW	89-11-035
296-127-013	RE-AD-W	89-23-026	296-134-010	NEW-P	89-18-090	296-155-692	NEW-P	89-06-058
296-127-014	RE-AD-P	89-12-051	296-134-010	NEW-E	89-18-091	296-155-692	NEW	89-11-035
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296-127-015	RE-AD-P	89-12-051	296-134-030	NEW	89-23-044	296-155-694	AMD-P	89-22-119
296-127-015	RE-AD-C	89-17-083	296-134-040	NEW-P	89-18-090	296-155-695	AMD-P	89-06-058
296-127-015	AMD-C	89-19-068	296-134-040	NEW-E	89-18-091	296-155-695	AMD	89-11-035
296-127-015	RE-AD-W	89-23-026	296-134-040	NEW	89-23-044	296-155-697	NEW-P	89-06-058
296-127-016	REP-P	89-12-051	296-134-050	NEW-P	89-18-090	296-155-697	NEW	89-11-035
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296-155-725	AMD-P	89-22-119	308-26-065	NEW	89-14-092
296-155-730	AMD-P	89-22-119	308-26-075	NEW-P	89-10-077
296-155-750	REP-P	89-06-058	308-26-075	NEW	89-14-092
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296-303-040	AMD	89-11-035	308-26-105	NEW-P	89-10-077
296-304-010	AMD-P	89-06-058	308-26-105	NEW	89-14-092
296-304-010	AMD	89-11-035	308-26-115	NEW-P	89-10-077
296-305-025	AMD-P	89-06-058	308-26-115	NEW	89-14-092
296-305-025	AMD	89-11-035	308-26-125	NEW-P	89-10-077
296-306	AMD-P	89-06-058	308-26-125	NEW	89-14-092
296-306	AMD	89-11-035	308-26-135	NEW-P	89-10-077
296-306	NEW-C	90-01-148	308-26-135	NEW	89-14-092
296-306-010	AMD-P	89-06-058	308-29-045	AMD-E	89-24-065
296-306-010	AMD	89-11-035	308-31-055	AMD-E	89-13-091
296-306-060	AMD-P	89-22-119	308-31-055	AMD-P	89-14-103
296-306-165	AMD-P	89-06-058	308-31-055	AMD	89-17-156
296-306-165	AMD	89-11-035	308-34-010	REP	89-02-051
296-306-200	AMD-P	89-06-058	308-34-020	REP	89-02-051
296-306-200	AMD	89-11-035	308-34-030	REP	89-02-051
296-306-310	AMD-P	89-06-058	308-34-040	REP	89-02-051
296-306-310	AMD-E	89-11-007	308-34-050	REP	89-02-051
296-306-310	AMD	89-11-035	308-34-060	REP	89-02-051
296-306-320	AMD-P	89-06-058	308-34-070	REP	89-02-051
296-306-320	AMD-E	89-11-007	308-34-080	REP	89-02-051
296-306-320	AMD	89-11-035	308-34-090	REP	89-02-051
296-306-400	NEW-P	89-23-118	308-34-170	AMD-P	90-01-128
296-306-40003	NEW-P	89-23-118	308-34-310	NEW	89-02-051
296-306-40005	NEW-P	89-23-118	308-34-320	NEW	89-02-051
296-400-045	AMD-P	89-07-079	308-34-330	NEW	89-02-051
296-400-045	AMD	89-12-004	308-34-410	NEW	89-02-051
308-12-025	AMD-P	89-13-049	308-34-420	NEW	89-02-051
308-12-025	AMD	89-17-038	308-34-430	NEW	89-02-051
308-12-031	AMD-P	89-13-049	308-34-440	NEW	89-02-051
308-12-031	AMD	89-17-038	308-34-450	NEW	89-02-051
308-12-040	AMD-P	89-06-067	308-34-460	NEW	89-02-051
308-12-040	AMD	89-12-052	308-34-470	NEW	89-02-051
308-12-050	AMD-P	89-13-049	308-34-480	NEW	89-02-051
308-12-050	AMD	89-17-038	308-37-190	AMD-P	89-02-064
308-12-326	AMD-E	89-17-087	308-37-190	AMD-C	89-05-020
308-12-326	AMD-P	89-24-059	308-37-190	REP-P	89-07-092
308-13-150	AMD-P	89-24-058	308-37-190	AMD	89-08-095
308-25-010	REP-P	90-01-130	308-40-102	AMD	89-06-075
308-25-011	NEW-P	90-01-130	308-40-105	AMD-P	89-10-072
308-25-015	AMD-P	90-01-130	308-40-105	AMD-E	89-10-074
308-25-031	NEW-P	90-01-130	308-40-105	AMD	89-13-052
308-25-035	AMD-P	90-01-130	308-40-106	NEW-P	89-10-072
308-25-041	NEW-P	90-01-130	308-40-106	NEW-E	89-10-074
308-25-045	NEW-P	90-01-130	308-40-106	NEW	89-13-052
308-25-046	NEW-P	90-01-130	308-40-125	AMD-E	89-21-041
308-25-047	NEW-P	90-01-130	308-40-125	AMD-P	89-24-075
308-25-065	AMD-P	90-01-128	308-40-125	AMD-W	90-01-127
308-25-080	NEW-P	89-10-077	308-40-125	AMD-P	90-01-128
308-25-080	NEW	89-14-092	308-40-130	NEW-E	89-22-094
308-25-090	NEW-P	89-10-077	308-40-130	NEW-P	89-22-095
308-25-090	NEW	89-14-092	308-40-135	REP-E	89-22-094
308-25-100	NEW-P	89-10-077	308-40-135	REP-P	89-22-095
308-25-100	NEW	89-14-092	308-40-140	NEW-P	89-06-068
308-25-110	NEW-P	89-10-077	308-40-140	NEW	89-11-053
308-25-110	NEW	89-14-092	308-42-010	AMD-P	89-06-069
308-25-120	NEW-P	89-10-077	308-42-010	AMD-C	89-10-073
308-25-120	NEW	89-14-092	308-42-010	AMD-P	89-17-095
308-25-130	NEW-P	89-10-077	308-42-010	AMD	89-21-007
308-25-130	NEW	89-14-092	308-42-120	AMD-P	89-17-096
308-25-140	NEW-P	89-10-077	308-42-120	AMD	89-21-008
308-25-140	NEW	89-14-092	308-42-121	NEW-P	89-09-066
308-25-150	NEW-P	89-10-077	308-42-121	NEW-P	89-17-097
308-25-150	NEW	89-14-092	308-42-121	NEW	89-19-007
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308-25-160	NEW	89-14-092	308-42-145	AMD-P	89-09-066
308-25-170	NEW-P	89-13-048	308-42-145	AMD	89-19-007
308-25-170	NEW	89-16-096	308-48-021	NEW-P	89-18-084
308-26-055	NEW-P	89-10-077	308-48-165	REP-P	89-18-084
308-48-350	NEW	89-04-002			
308-49-100	AMD-P	89-18-084			
308-49-130	AMD-P	89-18-084			
308-49-140	AMD-P	89-18-084			
308-49-145	NEW-P	89-18-084			
308-49-150	AMD-P	89-18-084			
308-49-160	REP-P	89-18-084			
308-49-162	NEW-P	89-18-084			
308-49-164	NEW-P	89-18-084			
308-49-166	NEW-P	89-18-084			
308-49-168	NEW-P	89-18-084			
308-50-010	AMD-P	89-05-055			
308-50-010	AMD	89-08-096			
308-50-020	AMD	89-04-017			
308-50-035	AMD	89-04-017			
308-50-035	AMD-P	89-09-026			
308-50-035	AMD	89-14-007			
308-50-130	AMD	89-04-017			
308-50-295	AMD-P	90-01-025			
308-50-310	AMD-P	90-01-025			
308-50-350	AMD	89-04-017			
308-50-420	AMD	89-04-017			
308-50-440	AMD-P	90-01-128			
308-51-230	NEW-P	89-10-077			
308-51-230	NEW	89-14-092			
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308-51-240	NEW	89-14-092			
308-51-250	NEW-P	89-10-077			
308-51-250	NEW	89-14-092			
308-51-260	NEW-P	89-10-077			
308-51-260	NEW	89-14-092			
308-51-270	NEW-P	89-10-077			
308-51-270	NEW	89-14-092			
308-51-280	NEW-P	89-10-077			
308-51-280	NEW	89-14-092			
308-51-290	NEW-P	89-10-077			
308-51-290	NEW	89-14-092			
308-51-300	NEW-P	89-10-077			
308-51-300	NEW	89-14-092			
308-51-310	NEW-P	89-10-077			
308-51-310	NEW	89-14-092			
308-52-100	AMD-P	90-01-103			
308-52-139	AMD	89-06-077			
308-52-165	NEW-P	89-16-097			
308-52-165	NEW	89-20-023			
308-52-190	NEW-P	89-05-056			
308-52-190	NEW	89-08-063			
308-52-255	AMD-P	89-09-067			
308-52-255	AMD	89-12-053			
308-52-260	AMD	89-06-077			
308-52-265	NEW-P	89-09-067			
308-52-265	NEW	89-12-053			
308-52-405	AMD-P	89-09-067			
308-52-405	AMD	89-12-053			
308-52-415	AMD-P	89-09-067			
308-52-415	AMD	89-12-053			
308-52-590	AMD-E	89-14-008			
308-52-590	AMD-P	89-14-030			
308-52-590	AMD	89-18-037			
308-52-620	NEW	89-06-076			
308-52-630	NEW-P	89-09-067			
308-52-630	NEW	89-13-002			
308-52-640	NEW-P	89-09-067			
308-52-640	NEW	89-13-002			
308-52-650	NEW-P	89-09-067			
308-52-650	NEW	89-13-002			
308-52-660	NEW-P	89-09-067			
308-52-660	NEW	89-13-002			
308-52-670	NEW-P	89-09-067			
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308-52-680	NEW-P	89-16-097			
308-52-680	NEW	89-20-023			
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308-52-690	NEW	89-20-023			
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308-53-123	NEW-P	89-06-070	308-56A-670	NEW	89-16-074	308-100-130	NEW	89-18-003
308-53-123	NEW	89-10-030	308-56A-670	NEW-E	89-16-075	308-100-140	NEW-P	89-15-040
308-53-125	AMD-P	89-06-070	308-56A-680	NEW-E	89-10-045	308-100-140	NEW	89-18-003
308-53-125	AMD	89-10-030	308-56A-680	NEW-P	89-11-019	308-100-150	NEW-P	89-15-040
308-53-130	REP-P	89-06-070	308-56A-680	NEW	89-16-074	308-100-150	NEW	89-18-003
308-53-130	REP	89-10-030	308-56A-680	NEW-E	89-16-075	308-100-160	NEW-P	89-15-040
308-53-135	AMD-P	89-06-070	308-56A-690	NEW-E	89-10-045	308-100-160	NEW	89-18-003
308-53-135	AMD	89-10-030	308-56A-690	NEW-P	89-11-019	308-100-170	NEW-P	89-15-040
308-53-145	AMD-P	89-06-070	308-56A-690	NEW	89-16-074	308-100-170	NEW	89-18-003
308-53-145	AMD	89-10-030	308-56A-690	NEW-E	39-16-075	308-100-180	NEW-P	89-15-040
308-53-146	AMD-P	89-06-070	308-61-108	AMD-P	89-20-010	308-100-180	NEW	89-18-003
308-53-146	AMD	89-10-030	308-61-108	AMD-E	89-20-011	308-100-190	NEW-P	89-15-040
308-53-150	AMD-P	89-06-070	308-61-108	AMD	90-01-060	308-100-190	NEW	89-18-003
308-53-150	AMD	89-10-030	308-61-135	AMD-P	89-20-010	308-100-200	NEW-P	89-15-040
308-53-151	AMD-P	89-06-070	308-61-135	AMD-E	89-20-011	308-100-200	NEW	89-18-003
308-53-151	AMD	89-10-030	308-61-135	AMD	90-01-060	308-104-025	AMD-P	89-15-040
308-53-165	AMD-P	89-06-070	308-61-185	AMD-P	89-20-010	308-104-025	AMD	89-18-003
308-53-165	AMD	89-10-030	308-61-185	AMD-E	89-20-011	308-104-035	NEW-P	89-15-040
308-53-170	AMD-P	89-06-070	308-61-185	AMD	90-01-060	308-104-035	NEW	89-18-003
308-53-170	AMD	89-10-030	308-61-190	AMD-P	89-20-010	308-104-100	AMD-P	89-15-040
308-53-175	NEW-P	89-06-070	308-61-190	AMD-E	89-20-011	308-104-100	AMD	89-18-003
308-53-175	NEW	89-10-030	308-61-190	AMD	90-01-060	308-104-105	AMD-P	89-15-040
308-53-180	AMD-P	89-06-070	308-61-230	AMD-P	89-20-010	308-104-105	AMD	89-18-003
308-53-180	AMD	89-10-030	308-61-230	AMD-E	89-20-011	308-106-010	NEW-P	89-19-052
308-53-330	NEW-P	89-13-062	308-61-230	AMD	90-01-060	308-106-010	NEW	89-22-030
308-53-330	NEW	89-17-040	308-67-010	NEW-P	89-23-123	308-106-020	NEW-P	89-19-052
308-53-340	NEW-P	89-13-062	308-67-010	NEW-E	89-23-124	308-106-020	NEW	89-22-030
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308-53-350	NEW-P	89-18-083	308-77-034	AMD	89-03-005	308-106-030	NEW	89-22-030
308-53-350	NEW	89-22-102	308-77-040	AMD	89-03-005	308-115-065	NEW	89-16-037
308-53-400	NEW-C	89-06-066	308-77-042	NEW	89-03-034	308-115-260	NEW-P	89-10-077
308-53-400	NEW	89-09-027	308-77-044	NEW	89-03-034	308-115-260	NEW	89-14-092
308-54-315	AMD-P	90-01-128	308-77-060	AMD	89-03-005	308-115-270	NEW-P	89-10-077
308-55-035	NEW-P	89-10-077	308-89-040	AMD-P	89-08-091	308-115-270	NEW	89-14-092
308-55-035	NEW	89-14-092	308-89-040	AMD-E	89-08-094	308-115-280	NEW-P	89-10-077
308-55-045	NEW-P	89-10-077	308-90-080	AMD-E	89-14-091	308-115-280	NEW	89-14-092
308-55-045	NEW	89-14-092	308-90-080	AMD-P	89-15-049	308-115-290	NEW-P	89-10-077
308-55-055	NEW-P	89-10-077	308-90-080	AMD	89-18-028	308-115-290	NEW	89-14-092
308-55-055	NEW	89-14-092	308-91	AMD-P	89-02-063	308-115-310	NEW-P	89-10-077
308-55-065	NEW-P	89-10-077	308-91	AMD	89-07-035	308-115-310	NEW	89-14-092
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308-55-075	NEW-P	89-10-077	308-91-030	AMD	89-07-036	308-115-320	NEW	89-14-092
308-55-075	NEW	89-14-092	308-91-040	AMD-P	89-02-063	308-115-330	NEW-P	89-10-077
308-55-085	NEW-P	89-10-077	308-91-040	AMD	89-07-035	308-115-330	NEW	89-14-092
308-55-085	NEW	89-14-092	308-91-050	AMD-P	89-02-063	308-115-340	NEW-P	89-10-077
308-55-095	NEW-P	89-10-077	308-91-050	AMD	89-07-035	308-115-340	NEW	89-14-092
308-55-095	NEW	89-14-092	308-91-140	AMD-P	89-02-063	308-115-350	NEW-P	89-10-077
308-55-105	NEW-P	89-10-077	308-91-140	AMD	89-07-035	308-115-350	NEW	89-14-092
308-55-105	NEW	89-14-092	308-93-010	AMD-P	90-01-048	308-115-405	AMD-P	89-05-018
308-55-115	NEW-P	89-10-077	308-93-050	AMD-P	90-01-048	308-115-405	AMD	89-08-008
308-55-115	NEW	89-14-092	308-93-140	AMD-P	90-01-048	308-115-405	AMD-P	90-01-128
308-56A-610	NEW-E	89-10-045	308-93-660	NEW-P	90-01-048	308-117-080	AMD-P	89-06-071
308-56A-610	NEW-P	89-11-019	308-96A-260	AMD-P	89-08-091	308-117-080	AMD	89-10-075
308-56A-610	NEW	89-16-074	308-96A-260	AMD-E	89-08-094	308-117-450	NEW-P	89-02-065
308-56A-610	NEW-E	89-16-075	308-99-025	AMD-P	89-17-065	308-117-460	NEW-P	89-02-065
308-56A-620	NEW-E	89-10-045	308-99-025	AMD	89-20-043	308-117-460	NEW	89-07-005
308-56A-620	NEW-P	89-11-019	308-99-050	NEW-P	89-17-065	308-117-470	NEW-P	89-02-065
308-56A-620	NEW	89-16-074	308-99-050	NEW	89-20-043	308-117-470	NEW	89-07-005
308-56A-620	NEW-E	89-16-075	308-100-010	AMD-P	89-15-040	308-117-480	NEW-P	89-02-065
308-56A-630	NEW-E	89-10-045	308-100-010	AMD	89-18-003	308-117-480	NEW	89-07-005
308-56A-630	NEW-P	89-11-019	308-100-020	AMD-P	89-15-040	308-117-500	AMD-P	90-01-128
308-56A-630	NEW	89-16-074	308-100-020	AMD	89-18-003	308-120-165	AMD-P	89-22-104
308-56A-630	NEW-E	89-16-075	308-100-030	AMD-P	89-15-040	308-120-168	AMD-P	89-08-093
308-56A-640	NEW-E	89-10-045	308-100-030	AMD	89-18-003	308-120-168	AMD	89-12-032
308-56A-640	NEW-P	89-11-019	308-100-040	AMD-P	89-15-040	308-120-170	AMD-P	89-06-072
308-56A-640	NEW	89-16-074	308-100-040	AMD	89-18-003	308-120-170	AMD	89-12-033
308-56A-640	NEW-E	89-16-075	308-100-050	AMD-P	89-15-040	308-120-275	AMD-P	90-01-128
308-56A-650	NEW-E	89-10-045	308-100-050	AMD	89-18-003	308-120-305	AMD-P	89-06-072
308-56A-650	NEW-P	89-11-019	308-100-080	REP-P	89-15-040	308-120-305	AMD	89-12-033
308-56A-650	NEW	89-16-074	308-100-080	REP	89-18-003	308-120-620	NEW-P	89-22-104
308-56A-650	NEW-E	89-16-075	308-100-080	REP	89-18-003	308-120-810	NEW-P	89-06-072
308-56A-660	NEW-E	89-10-045	308-100-100	NEW-P	89-15-040	308-120-810	NEW	89-12-033
308-56A-660	NEW-E	89-10-045	308-100-100	NEW	89-18-003	308-122-211	NEW-P	89-08-092
308-56A-660	NEW-P	89-11-019	308-100-110	NEW-P	89-15-040	308-122-211	NEW	89-11-054
308-56A-660	NEW	89-16-074	308-100-110	NEW	89-18-003	308-122-275	AMD-P	90-01-128
308-56A-660	NEW-E	89-16-075	308-100-120	NEW-P	89-15-040	308-122-360	AMD-P	89-14-090
308-56A-670	NEW-E	89-10-045	308-100-120	NEW	89-18-003			

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308-122-370	AMD	89-19-053	308-126A-030	AMD-P	89-15-058	308-177-110	AMD-E	89-14-009
308-122-380	AMD-P	89-14-090	308-126A-030	AMD	89-18-038	308-177-110	AMD-P	89-14-104
308-122-380	AMD	89-19-053	308-128B-060	REP-P	89-23-042	308-177-110	AMD	89-17-071
308-122-390	AMD-P	89-14-090	308-128B-060	REP-W	89-24-031	308-177-110	AMD-P	90-01-128
308-122-390	AMD	89-19-053	308-128B-060	REP-P	89-24-077	308-177-115	NEW-E	89-14-009
308-122-400	AMD-P	89-14-090	308-128B-080	AMD-P	89-24-078	308-177-115	NEW-P	89-14-104
308-122-400	AMD	89-19-053	308-128E-010	REP-P	89-04-001	308-177-115	NEW	89-17-071
308-122-410	AMD-P	89-14-090	308-128E-010	REP	89-07-077	308-177-120	NEW	89-03-035
308-122-410	AMD	89-19-053	308-128E-011	NEW-P	89-04-001	308-177-120	AMD-E	89-14-009
308-122-420	AMD-P	89-14-090	308-128E-011	NEW	89-07-077	308-177-120	AMD-P	89-14-104
308-122-420	AMD	89-19-053	308-130-320	NEW-P	89-10-077	308-177-120	AMD	89-17-071
308-122-430	AMD-P	89-14-090	308-130-320	NEW	89-14-092	308-177-130	NEW	89-03-035
308-122-430	AMD	89-19-053	308-130-330	NEW-P	89-10-077	308-177-130	AMD-E	89-14-009
308-122-440	AMD-P	89-14-090	308-130-330	NEW	89-14-092	308-177-130	AMD-P	89-14-104
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308-122-450	AMD	89-19-053	308-130-350	NEW-P	89-10-077	308-177-150	NEW	89-03-035
308-122-500	AMD-P	89-14-090	308-130-350	NEW	89-14-092	308-177-150	REP-E	89-14-009
308-122-500	AMD	89-19-053	308-130-360	NEW-P	89-10-077	308-177-150	REP-P	89-14-104
308-122-500	REP-E	89-21-050	308-130-360	NEW	89-14-092	308-177-150	REP	89-17-071
308-122-500	REP-P	89-21-051	308-130-370	NEW-P	89-10-077	308-177-160	NEW-E	89-14-009
308-122-503	NEW-P	89-14-090	308-130-370	NEW	89-14-092	308-177-160	NEW-P	89-14-104
308-122-503	NEW	89-19-053	308-130-380	NEW-P	89-10-077	308-177-160	NEW	89-17-071
308-122-503	REP-E	89-21-050	308-130-380	NEW	89-14-092	308-177-180	NEW-E	89-14-009
308-122-503	REP-P	89-21-051	308-130-390	NEW-P	89-10-077	308-177-180	NEW-P	89-14-104
308-122-550	NEW-P	89-14-090	308-130-390	NEW	89-14-092	308-177-180	NEW	89-17-071
308-122-550	NEW	89-19-053	308-130-400	NEW-P	89-10-077	308-177-190	NEW-E	89-14-009
308-122-550	REP-E	89-21-050	308-130-400	NEW	89-14-092	308-177-190	NEW-P	89-14-104
308-122-550	REP-P	89-21-051	308-138-080	AMD-P	90-01-128	308-177-190	NEW	89-17-071
308-122-555	NEW-P	89-14-090	308-138A-020	AMD-P	89-13-051	308-180-260	AMD-P	90-01-128
308-122-555	NEW	89-19-053	308-138A-020	AMD	89-22-065	308-180-290	NEW-P	89-10-077
308-122-555	REP-E	89-21-050	308-138A-025	AMD-P	89-19-054	308-180-290	NEW	89-14-092
308-122-555	REP-P	89-21-051	308-138A-025	AMD	89-23-067	308-180-300	NEW-P	89-10-077
308-122-560	NEW-P	89-14-090	308-138A-070	NEW-P	89-13-051	308-180-300	NEW	89-14-092
308-122-560	NEW	89-19-053	308-138A-070	NEW	89-22-065	308-180-310	NEW-P	89-10-077
308-122-560	REP-E	89-21-050	308-138A-080	NEW-P	89-13-051	308-180-310	NEW	89-14-092
308-122-560	REP-P	89-21-051	308-138A-080	NEW	89-22-065	308-180-320	NEW-P	89-10-077
308-122-565	NEW-P	89-14-090	308-138A-090	NEW-P	89-13-051	308-180-320	NEW	89-14-092
308-122-565	NEW	89-19-053	308-138A-090	NEW	89-22-065	308-180-330	NEW-P	89-10-077
308-122-565	REP-E	89-21-050	308-150-014	AMD-P	89-06-073	308-180-330	NEW	89-14-092
308-122-565	REP-P	89-21-051	308-150-014	AMD	89-10-076	308-180-340	NEW-P	89-10-077
308-122-570	NEW-P	89-14-090	308-152-030	AMD-P	90-01-128	308-180-340	NEW	89-14-092
308-122-570	NEW	89-19-053	308-154-085	NEW-P	89-06-073	308-180-350	NEW-P	89-10-077
308-122-570	REP-E	89-21-050	308-154-085	NEW	89-10-076	308-180-350	NEW	89-14-092
308-122-570	REP-P	89-21-051	308-156-200	NEW-P	89-06-073	308-180-360	NEW-P	89-10-077
308-122-575	NEW-P	89-14-090	308-156-200	NEW	89-10-076	308-180-360	NEW	89-14-092
308-122-575	NEW	89-19-053	308-173-010	NEW-P	89-10-077	308-180-370	NEW-P	89-10-077
308-122-575	REP-E	89-21-050	308-173-010	NEW	89-14-092	308-180-370	NEW	89-14-092
308-122-575	REP-P	89-21-051	308-173-020	NEW-P	89-10-077	308-183-010	NEW-P	89-10-077
308-122-580	NEW-P	89-14-090	308-173-020	NEW	89-14-092	308-183-010	NEW	89-14-092
308-122-580	NEW	89-19-053	308-173-070	NEW-P	89-10-077	308-183-020	NEW-P	89-10-077
308-122-580	REP-E	89-21-050	308-173-070	NEW	89-14-092	308-183-020	NEW	89-14-092
308-122-580	REP-P	89-21-051	308-173-080	NEW-P	89-10-077	308-183-030	NEW-P	89-10-077
308-124A-025	AMD-P	89-05-057	308-173-080	NEW	89-14-092	308-183-030	NEW	89-14-092
308-124A-025	AMD-E	89-07-004	308-173-090	NEW-P	89-10-077	308-183-040	NEW-P	89-10-077
308-124A-025	AMD	89-08-009	308-173-090	NEW	89-14-092	308-183-040	NEW	89-14-092
308-124A-460	AMD-P	89-05-057	308-173-130	AMD-P	90-01-128	308-183-050	NEW-P	89-10-077
308-124A-460	AMD-E	89-07-004	308-175-140	AMD-P	90-01-128	308-183-050	NEW	89-14-092
308-124A-460	AMD	89-08-009	308-177-010	NEW-P	89-10-077	308-183-060	NEW-P	89-10-077
308-124A-460	AMD-P	89-23-096	308-177-010	NEW	89-14-092	308-183-060	NEW	89-14-092
308-124A-460	AMD	90-02-048	308-177-020	NEW-P	89-10-077	308-183-070	NEW-P	89-10-077
308-124C-040	AMD-P	89-22-068	308-177-020	NEW	89-14-092	308-183-070	NEW	89-14-092
308-124C-040	AMD	90-01-043	308-177-030	NEW-P	89-10-077	308-183-080	NEW-P	89-10-077
308-124D-060	REP-P	89-07-091	308-177-030	NEW	89-14-092	308-183-080	NEW	89-14-092
308-124D-060	REP	89-11-032	308-177-040	NEW-P	89-10-077	308-190-010	AMD-P	90-01-128
308-124D-061	NEW-P	89-22-069	308-177-040	NEW	89-14-092	308-190-030	AMD-P	89-07-081
308-124D-061	NEW	90-01-044	308-177-050	NEW-P	89-10-077	308-190-030	AMD	89-14-070
308-124D-065	REP-P	89-07-091	308-177-050	NEW	89-14-092	308-190-040	AMD-P	89-07-081
308-124D-065	REP	89-11-032	308-177-060	NEW-P	89-10-077	308-190-040	AMD	89-14-070
308-124E-012	AMD-P	89-22-070	308-177-060	NEW	89-14-092	308-190-041	NEW-P	89-07-081
308-124E-012	AMD	90-01-045	308-177-070	NEW-P	89-10-077	308-190-041	NEW	89-14-070
308-124E-014	AMD-P	89-22-071	308-177-070	NEW	89-14-092	308-190-042	NEW-P	89-07-081
308-124E-014	AMD	90-01-046	308-177-080	NEW-P	89-10-077	308-190-042	NEW	89-14-070
308-124H-010	AMD-P	89-22-072	308-177-080	NEW	89-14-092	308-190-060	NEW-P	89-10-077
308-124H-010	AMD	90-01-047	308-177-090	NEW-P	89-10-077	308-190-060	NEW	89-14-092

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308-190-070	NEW-P 89-10-077	308-220-100	NEW 89-14-092	308-400-052	AMD 89-06-078
308-190-070	NEW 89-14-092	308-220-110	NEW-P 89-10-077	308-400-052	AMD-P 89-21-077
308-190-080	NEW-P 89-10-077	308-220-110	NEW 89-14-092	308-400-052	AMD 89-24-022
308-190-080	NEW 89-14-092	308-220-120	NEW-P 89-10-077	308-400-058	AMD 89-06-078
308-190-090	NEW-P 89-10-077	308-220-120	NEW 89-14-092	308-400-059	AMD 89-06-078
308-190-090	NEW 89-14-092	308-220-130	NEW-P 89-10-077	308-400-095	AMD 89-06-078
308-190-100	NEW-P 89-10-077	308-220-130	NEW 89-14-092	308-400-095	AMD-P 89-21-077
308-190-100	NEW 89-14-092	308-220-140	NEW-P 89-10-077	308-400-095	AMD 89-24-022
308-190-110	NEW-P 89-10-077	308-220-140	NEW 89-14-092	308-400-095	AMD-E 90-01-121
308-190-110	NEW 89-14-092	308-220-150	NEW-P 89-10-077	308-400-095	AMD-P 90-01-122
308-190-120	NEW-P 89-10-077	308-220-150	NEW 89-14-092	308-400-100	AMD 89-06-078
308-190-120	NEW 89-14-092	308-220-160	NEW-P 89-10-077	308-400-100	AMD-P 89-21-077
308-190-130	NEW-P 89-10-077	308-220-160	NEW 89-14-092	308-400-100	AMD 89-24-022
308-190-130	NEW 89-14-092	308-220-170	NEW-P 89-10-077	308-400-120	NEW 89-06-078
308-190-140	NEW-P 89-10-077	308-220-170	NEW 89-14-092	314-12-037	NEW-W 89-07-015
308-190-140	NEW 89-14-092	308-230-060	NEW-P 89-10-077	314-12-038	NEW-W 89-07-015
308-195-030	AMD-P 89-05-058	308-230-060	NEW 89-14-092	314-12-175	NEW-C 89-11-033
308-195-030	AMD 89-09-006	308-230-070	NEW-P 89-10-077	314-12-175	NEW-C 89-13-050
308-195-120	NEW-P 89-10-077	308-230-070	NEW 89-14-092	314-12-175	NEW-P 89-14-040
308-195-120	NEW 89-14-092	308-230-080	NEW-P 89-10-077	314-12-175	NEW-E 89-14-042
308-195-130	NEW-P 89-10-077	308-230-080	NEW 89-14-092	314-12-175	NEW-W 89-14-044
308-195-130	NEW 89-14-092	308-230-090	NEW-P 89-10-077	314-12-175	NEW-C 89-17-036
308-195-140	NEW-P 89-10-077	308-230-090	NEW 89-14-092	314-12-175	NEW 89-18-005
308-195-140	NEW 89-14-092	308-230-100	NEW-P 89-10-077	314-16-075	AMD-P 89-04-025
308-195-150	NEW-P 89-10-077	308-230-100	NEW 89-14-092	314-16-075	AMD 89-08-014
308-195-150	NEW 89-14-092	308-230-110	NEW-P 89-10-077	314-16-120	AMD 89-03-045
308-195-160	NEW-P 89-10-077	308-230-110	NEW 89-14-092	314-16-250	NEW-P 89-14-041
308-195-160	NEW 89-14-092	308-230-120	NEW-P 89-10-077	314-16-250	NEW-E 89-14-043
308-195-170	NEW-P 89-10-077	308-230-120	NEW 89-14-092	314-16-250	NEW 89-17-037
308-195-170	NEW 89-14-092	308-230-130	NEW-P 89-10-077	314-20-030	AMD-P 89-03-040
308-195-180	NEW-P 89-10-077	308-230-130	NEW 89-14-092	314-20-030	AMD 89-06-013
308-195-180	NEW 89-14-092	308-230-140	NEW-P 89-10-077	314-60-040	AMD-P 89-23-103
308-195-190	NEW-P 89-10-077	308-230-140	NEW 89-14-092	315-02-220	AMD-P 89-17-108
308-195-190	NEW 89-14-092	308-310-010	AMD-P 90-01-128	315-02-220	AMD 89-21-029
308-195-210	NEW-P 89-05-058	308-310-020	NEW 89-05-019	315-06-020	AMD-P 89-09-079
308-195-210	NEW 89-09-006	308-310-030	NEW 89-05-019	315-06-020	AMD 89-12-042
308-195-220	NEW-P 89-05-058	308-310-040	NEW 89-05-019	315-06-035	AMD 89-05-015
308-195-220	NEW 89-09-006	308-320	NEW-C 90-01-002	315-06-115	NEW-P 89-13-061
308-195-230	NEW-P 89-05-058	308-320-010	NEW-P 89-22-117	315-06-115	NEW 89-17-021
308-195-230	NEW 89-09-006	308-320-020	NEW-P 89-22-117	315-06-120	AMD-P 89-09-079
308-210-010	AMD-P 89-07-082	308-320-030	NEW-P 89-22-117	315-06-120	AMD 89-12-042
308-210-010	AMD 89-14-071	308-320-040	NEW-P 89-22-117	315-10-020	AMD-P 89-17-108
308-210-030	AMD-P 89-07-082	308-320-050	NEW-P 89-22-117	315-10-020	AMD 89-21-029
308-210-030	AMD 89-14-071	308-320-060	NEW-P 89-22-117	315-10-030	AMD-P 89-17-108
308-210-040	AMD-P 89-07-082	308-320-070	NEW-P 89-22-117	315-10-030	AMD 89-21-029
308-210-040	AMD 89-14-071	308-320-080	NEW-P 89-22-117	315-10-060	AMD-C 89-05-014
308-210-045	NEW-P 89-07-082	308-320-090	NEW-P 89-22-117	315-10-060	AMD 89-09-008
308-210-045	NEW 89-14-071	308-320-100	NEW-P 89-22-117	315-11-400	NEW 89-05-015
308-210-046	NEW-P 89-07-082	308-400	AMD 89-06-078	315-11-401	NEW 89-05-015
308-210-046	NEW 89-14-071	308-400	AMD-P 89-21-077	315-11-402	NEW 89-05-015
308-210-050	AMD-P 89-07-082	308-400	AMD 89-24-022	315-11-410	NEW-P 89-06-084
308-210-050	AMD 89-14-071	308-400-010	AMD 89-06-078	315-11-410	NEW 89-09-009
308-210-060	REP-P 89-07-082	308-400-010	AMD-P 89-21-077	315-11-411	NEW-P 89-06-084
308-210-060	REP 89-14-071	308-400-010	AMD 89-24-022	315-11-411	NEW 89-09-009
308-210-080	NEW-P 89-10-077	308-400-020	AMD 89-06-078	315-11-412	NEW-P 89-06-084
308-210-080	NEW 89-14-092	308-400-025	AMD 89-06-078	315-11-412	NEW 89-09-009
308-210-090	NEW-P 89-10-077	308-400-025	AMD-P 89-21-077	315-11-420	NEW-P 89-06-084
308-210-090	NEW 89-14-092	308-400-025	AMD 89-24-022	315-11-420	NEW 89-09-009
308-210-100	NEW-P 89-10-077	308-400-030	AMD 89-06-078	315-11-421	NEW-P 89-06-084
308-210-100	NEW 89-14-092	308-400-040	AMD 89-06-078	315-11-421	NEW 89-09-009
308-210-110	NEW-P 89-10-077	308-400-040	AMD-P 89-21-077	315-11-422	NEW-P 89-06-084
308-210-110	NEW 89-14-092	308-400-040	AMD 89-24-022	315-11-422	NEW 89-09-009
308-210-120	NEW-P 89-10-077	308-400-042	AMD-E 90-01-121	315-11-430	NEW-P 89-06-084
308-210-120	NEW 89-14-092	308-400-042	AMD-P 90-01-122	315-11-430	NEW 89-09-009
308-210-130	NEW-P 89-10-077	308-400-044	REP 89-06-078	315-11-431	NEW-P 89-06-084
308-210-130	NEW 89-14-092	308-400-046	AMD 89-06-078	315-11-431	NEW 89-09-009
308-210-140	NEW-P 89-10-077	308-400-046	AMD-P 89-21-077	315-11-432	NEW-P 89-06-084
308-210-140	NEW 89-14-092	308-400-046	AMD 89-24-022	315-11-432	NEW 89-09-009
308-210-150	NEW-P 89-10-077	308-400-047	AMD 89-06-078	315-11-440	NEW-P 89-09-079
308-210-150	NEW 89-14-092	308-400-047	AMD-P 89-21-077	315-11-440	NEW 89-12-042
308-210-160	NEW-P 89-10-077	308-400-047	AMD 89-24-022	315-11-441	NEW-P 89-09-079
308-210-160	NEW 89-14-092	308-400-048	AMD 89-06-078	315-11-441	NEW 89-12-042
308-220-010	AMD 89-04-003	308-400-048	AMD-P 89-21-077	315-11-442	NEW-P 89-09-079
308-220-030	AMD 89-04-003	308-400-048	AMD 89-24-022	315-11-442	NEW 89-12-042
308-220-090	NEW-P 89-10-077	308-400-050	AMD 89-06-078	315-11-450	NEW-P 89-09-079
308-220-090	NEW 89-14-092	308-400-050	AMD-P 89-21-077	315-11-450	NEW 89-12-042
308-220-100	NEW-P 89-10-077	308-400-050	AMD 89-24-022	315-11-451	NEW-P 89-09-079

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315-11-452	NEW-P	89-09-079	316-02-003	AMD-P	89-22-126	316-02-350	RE-AD-E	89-18-062
315-11-452	NEW	89-12-042	316-02-003	AMD	90-01-115	316-02-350	RE-AD-P	89-22-126
315-11-460	NEW-P	89-13-061	316-02-005	NEW-E	89-18-062	316-02-350	RE-AD	90-01-115
315-11-460	NEW	89-17-021	316-02-005	NEW-P	89-22-126	316-02-360	RE-AD-E	89-18-062
315-11-461	NEW-P	89-13-061	316-02-005	NEW	90-01-115	316-02-360	RE-AD-P	89-22-126
315-11-461	NEW	89-17-021	316-02-007	AMD-E	89-18-062	316-02-360	RE-AD	90-01-115
315-11-462	NEW-P	89-13-061	316-02-007	AMD-P	89-22-126	316-02-370	RE-AD-E	89-18-062
315-11-462	NEW	89-17-021	316-02-007	AMD	90-01-115	316-02-370	RE-AD-P	89-22-126
315-11-470	NEW-P	89-17-092	316-02-010	AMD-E	89-18-062	316-02-370	RE-AD	90-01-115
315-11-470	NEW	89-21-028	316-02-010	AMD-P	89-22-126	316-02-400	RE-AD-E	89-18-062
315-11-471	NEW-P	89-17-092	316-02-010	AMD	90-01-115	316-02-400	RE-AD-P	89-22-126
315-11-471	NEW	89-21-028	316-02-020	RE-AD-E	89-18-062	316-02-400	RE-AD	90-01-115
315-11-472	NEW-P	89-17-092	316-02-020	RE-AD-P	89-22-126	316-02-410	RE-AD-E	89-18-062
315-11-472	NEW	89-21-028	316-02-020	RE-AD	90-01-115	316-02-410	RE-AD-P	89-22-126
315-11-480	NEW-P	89-17-092	316-02-030	RE-AD-E	89-18-062	316-02-410	AMD	90-01-115
315-11-480	NEW	89-21-028	316-02-030	RE-AD-P	89-22-126	316-02-420	RE-AD-E	89-18-062
315-11-480	AMD-P	89-23-101	316-02-030	RE-AD	90-01-115	316-02-420	RE-AD-P	89-22-126
315-11-481	NEW-P	89-17-092	316-02-040	RE-AD-E	89-18-062	316-02-420	RE-AD	90-01-115
315-11-481	NEW	89-21-028	316-02-040	RE-AD-P	89-22-126	316-02-440	NEW-P	89-22-126
315-11-482	NEW-P	89-17-092	316-02-040	RE-AD	90-01-115	316-02-440	NEW	90-01-115
315-11-482	NEW	89-21-028	316-02-100	RE-AD-E	89-18-062	316-02-450	AMD-E	89-18-062
315-11-490	NEW-P	89-17-092	316-02-100	RE-AD-P	89-22-126	316-02-450	AMD-P	89-22-126
315-11-490	NEW	89-21-028	316-02-100	RE-AD	90-01-115	316-02-450	AMD	90-01-115
315-11-490	AMD-P	89-23-101	316-02-103	RE-AD-E	89-18-062	316-02-460	RE-AD-E	89-18-062
315-11-491	NEW-P	89-17-092	316-02-103	RE-AD-P	89-22-126	316-02-460	RE-AD-P	89-22-126
315-11-491	NEW	89-21-028	316-02-103	RE-AD	90-01-115	316-02-460	RE-AD	90-01-115
315-11-491	AMD-P	89-23-101	316-02-105	RE-AD-E	89-18-062	316-02-470	RE-AD-E	89-18-062
315-11-492	NEW-P	89-17-092	316-02-105	RE-AD-P	89-22-126	316-02-470	RE-AD-P	89-22-126
315-11-492	NEW	89-21-028	316-02-105	RE-AD	90-01-115	316-02-470	RE-AD	90-01-115
315-11-500	NEW-P	89-21-047	316-02-110	RE-AD-E	89-18-062	316-02-490	RE-AD-E	89-18-062
315-11-500	NEW	89-24-055	316-02-110	RE-AD-P	89-22-126	316-02-490	RE-AD-P	89-22-126
315-11-501	NEW-P	89-21-047	316-02-110	RE-AD	90-01-115	316-02-490	RE-AD	90-01-115
315-11-501	NEW	89-24-055	316-02-120	RE-AD-E	89-18-062	316-02-500	AMD-E	89-18-062
315-11-502	NEW-P	89-21-047	316-02-120	RE-AD-P	89-22-126	316-02-500	AMD-P	89-22-126
315-11-502	NEW	89-24-055	316-02-120	RE-AD	90-01-115	316-02-500	AMD	90-01-115
315-11-510	NEW-P	89-21-047	316-02-135	AMD-E	89-18-062	316-02-510	AMD-E	89-18-062
315-11-510	NEW	89-24-055	316-02-135	AMD-P	89-22-126	316-02-510	AMD-P	89-22-126
315-11-511	NEW-P	89-21-047	316-02-135	AMD	90-01-115	316-02-510	AMD	90-01-115
315-11-511	NEW	89-24-055	316-02-150	AMD-E	89-18-062	316-02-520	NEW-E	89-18-062
315-11-512	NEW-P	89-21-047	316-02-150	AMD-P	89-22-126	316-02-520	NEW-P	89-22-126
315-11-512	NEW	89-24-055	316-02-150	AMD	90-01-115	316-02-520	NEW	90-01-115
315-11-520	NEW-P	89-21-047	316-02-160	RE-AD-E	89-18-062	316-02-560	NEW-E	89-18-062
315-11-520	NEW	89-24-055	316-02-160	RE-AD-P	89-22-126	316-02-560	NEW-P	89-22-126
315-11-521	NEW-P	89-21-047	316-02-160	RE-AD	90-01-115	316-02-560	NEW	90-01-115
315-11-521	NEW	89-24-055	316-02-170	AMD-E	89-18-062	316-02-600	RE-AD-E	89-18-062
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315-30-040	AMD	89-12-042	316-02-200	AMD-E	89-18-062	316-02-620	NEW-P	89-22-126
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315-30-075	NEW	89-09-009	316-02-220	RE-AD-E	89-18-062	316-02-650	NEW-P	89-22-126
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315-30-080	AMD	89-09-009	316-02-220	AMD	90-01-115	316-02-660	NEW-P	89-22-126
315-31	AMD-P	89-09-079	316-02-230	RE-AD-E	89-18-062	316-02-660	NEW	90-01-115
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315-31-040	AMD	89-12-042	316-02-310	AMD-P	89-22-126	316-02-810	AMD-E	89-18-062
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315-31-050	AMD	89-12-042	316-02-320	REP-E	89-18-062	316-02-810	AMD	90-01-115
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316-75-230	RE-AD-P	89-22-060	352-32-250	AMD-P	89-03-067	356-18-110	AMD	89-06-028
316-75-230	RE-AD	90-01-120	352-32-250	AMD	89-07-020	356-18-112	NEW-E	89-11-031
316-75-250	AMD-P	89-22-060	352-32-25001	AMD-P	89-19-066	356-18-112	NEW-P	89-11-089
316-75-250	AMD	90-01-120	352-32-25001	AMD	89-22-073	356-18-112	NEW-E	89-13-009
316-75-270	AMD-P	89-22-060	352-32-251	AMD-P	89-23-079	356-18-112	NEW	89-16-029
316-75-270	AMD	90-01-120	352-64-020	AMD-P	90-01-145	356-18-116	AMD-C	89-03-056
316-75-290	REP-P	89-22-060	352-64-030	AMD-P	90-01-145	356-18-116	AMD	89-06-028
316-75-290	REP	90-01-120	352-64-040	AMD-P	90-01-145	356-18-120	AMD-P	89-08-060
316-75-310	RE-AD-P	89-22-060	352-64-050	AMD-P	90-01-145	356-18-120	AMD-C	89-11-030
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326-02-030	AMD-E	89-17-114	356-05-097	NEW-P	89-16-052	356-18-140	AMD-C	89-03-056
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326-20-081	NEW-E	89-13-046	356-05-238	NEW-C	89-03-056	356-18-150	AMD-C	89-03-056
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326-20-081	NEW	89-24-047	356-05-390	AMD-C	89-11-042	356-18-160	AMD	89-06-028
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356-18-220	AMD-P	89-08-059	360-18-020	AMD	89-04-015	383-07-100	AMD	89-19-006
356-18-220	AMD-C	89-11-042	360-20-100	AMD-P	89-19-055	383-07-110	REP-P	89-14-119
356-18-220	AMD-C	89-13-039	360-20-100	AMD	89-22-047	383-07-110	REP-E	89-14-120
356-18-220	AMD	89-16-030	360-32-060	NEW-P	89-19-056	383-07-110	REP	89-19-006
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356-30-190	AMD-P	89-22-112	360-36-430	AMD-P	89-12-082	388-08-00601	REP-P	89-22-080
356-30-190	AMD-C	90-01-106	360-36-430	AMD	89-17-023	388-08-00601	REP-E	89-22-087
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356-30-320	AMD-C	90-01-106	360-44-040	AMD	89-09-020	388-08-010	REP-E	89-14-099
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356-34-030	AMD	90-01-111	360-44-060	AMD	89-09-020	388-08-406	REP-E	89-14-099
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356-42-055	AMD-C	89-03-059	360-44-080	AMD	89-09-020	388-08-406	REP-E	89-22-087
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356-42-055	AMD	89-19-063	360-44-090	AMD	89-09-020	388-08-409	REP-E	89-14-099
356-42-105	REP-C	89-03-059	360-44-100	AMD-P	89-04-058	388-08-409	REP-P	89-22-080
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360-15-050	NEW-P	89-22-066	365-40-061	REP	89-21-056	388-08-425	NEW-P	89-22-080
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360-15-070	NEW-P	89-22-066	365-40-071	AMD	89-21-056	388-08-425	NEW-C	89-23-062
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360-16A-060	NEW-P	89-22-067	383-07-080	AMD-P	89-14-119	388-08-434	NEW-E	89-22-087
360-16A-070	NEW-P	89-22-067	383-07-080	AMD-E	89-14-120	388-08-434	NEW-C	89-23-062
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388-08-437	NEW-P	89-22-080	388-08-590	REP-C	89-23-062	388-14-390	AMD-E	89-14-098
388-08-437	NEW-E	89-22-087	388-09-010	REP-E	89-14-098	388-14-390	AMD-P	89-22-081
388-08-437	NEW-C	89-23-062	388-09-010	REP-P	89-22-080	388-14-390	AMD-E	89-22-090
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388-08-440	NEW-P	89-22-080	388-09-010	REP-C	89-23-062	388-14-415	AMD-E	89-14-098
388-08-440	NEW-E	89-22-087	388-09-020	REP-E	89-14-098	388-14-415	AMD-P	89-22-081
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388-08-446	NEW-C	89-23-062	388-09-030	REP-P	89-22-080	388-15-132	AMD-P	89-03-048
388-08-449	NEW-E	89-14-099	388-09-030	REP-E	89-22-087	388-15-132	AMD	89-07-024
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388-08-540	REP-E	89-22-087	388-13-080	REP-E	89-14-098	388-15-840	NEW-E	89-14-085
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388-08-550	REP-P	89-22-080	388-13-110	AMD-C	89-23-063	388-15-860	NEW	89-18-029
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388-08-560	REP-P	89-22-080	388-14-260	AMD-P	89-22-081	388-17-100	AMD-P	89-22-082
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388-08-575	NEW-E	89-22-087	388-14-270	AMD-E	89-22-090	388-17-510	AMD-P	89-22-082
388-08-575	NEW-C	89-23-062	388-14-270	AMD-C	89-23-063	388-17-510	AMD-E	89-22-097
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388-24-113	NEW-P	89-03-052	388-40-010	AMD-E	89-14-084	388-49-070	AMD	89-18-027
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388-29-100	AMD-P	90-01-123	388-40-090	AMD-E	89-06-034	388-49-450	AMD	89-11-101
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391-25-092	RE-AD-P 89-23-022	391-25-470	RE-AD-E 89-17-011	391-35-190	RE-AD-E 89-24-026
391-25-092	RE-AD-E 89-24-025	391-25-470	RE-AD-P 89-23-022	391-35-210	RE-AD-E 89-17-012

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391-35-210	RE-AD-P 89-23-023	391-45-410	RE-AD-E 89-17-013	392-101-010	RE-AD-P 89-16-012
391-35-210	RE-AD-E 89-24-026	391-45-410	RE-AD-P 89-23-024	392-101-010	RE-AD-E 89-16-016
391-35-230	RE-AD-E 89-17-012	391-45-410	RE-AD-E 89-24-027	392-101-010	AMD 89-17-067
391-35-230	RE-AD-P 89-23-023	391-45-430	RE-AD-E 89-17-013	392-109-117	AMD-P 89-23-120
391-35-230	RE-AD-E 89-24-026	391-45-430	RE-AD-P 89-23-024	392-121-260	AMD-P 89-10-002
391-35-250	RE-AD-E 89-17-012	391-45-430	RE-AD-E 89-24-027	392-121-260	AMD 89-13-064
391-35-250	RE-AD-P 89-23-023	391-45-431	RE-AD-E 89-17-013	392-121-415	AMD-P 89-12-039
391-35-250	RE-AD-E 89-24-026	391-45-431	RE-AD-P 89-23-024	392-121-415	AMD 89-16-015
391-45-001	AMD-E 89-17-013	391-45-431	RE-AD-E 89-24-027	392-126-005	REP-P 89-21-097
391-45-001	AMD-P 89-23-024	391-45-550	RE-AD-E 89-17-013	392-126-005	REP 90-01-140
391-45-001	AMD-E 89-24-027	391-45-550	RE-AD-P 89-23-024	392-126-100	REP-P 89-14-033
391-45-002	RE-AD-E 89-17-013	391-45-550	RE-AD-E 89-24-027	392-126-100	REP 89-17-069
391-45-002	RE-AD-P 89-23-024	391-45-552	RE-AD-E 89-17-013	392-126-105	REP-P 89-14-033
391-45-002	RE-AD-E 89-24-027	391-45-552	RE-AD-P 89-23-024	392-126-105	REP 89-17-069
391-45-010	RE-AD-E 89-17-013	391-45-552	RE-AD-E 89-24-027	392-126-110	REP-P 89-14-033
391-45-010	RE-AD-P 89-23-024	391-95-001	AMD-E 89-17-014	392-126-110	REP 89-17-069
391-45-010	RE-AD-E 89-24-027	391-95-001	AMD-P 89-23-025	392-126-115	REP-P 89-14-033
391-45-019	RE-AD-E 89-17-013	391-95-001	AMD-E 89-24-028	392-126-115	REP 89-17-069
391-45-019	RE-AD-P 89-23-024	391-95-010	RE-AD-E 89-17-014	392-126-120	REP-P 89-14-033
391-45-019	RE-AD-E 89-24-027	391-95-010	RE-AD-P 89-23-025	392-126-120	REP 89-17-069
391-45-030	RE-AD-E 89-17-013	391-95-010	RE-AD-E 89-24-028	392-126-125	REP-P 89-14-033
391-45-030	RE-AD-P 89-23-024	391-95-030	RE-AD-E 89-17-014	392-126-125	REP 89-17-069
391-45-030	RE-AD-E 89-24-027	391-95-030	RE-AD-P 89-23-025	392-126-130	REP-P 89-14-033
391-45-050	RE-AD-E 89-17-013	391-95-030	RE-AD-E 89-24-028	392-126-130	REP 89-17-069
391-45-050	RE-AD-P 89-23-024	391-95-050	RE-AD-E 89-17-014	392-126-135	REP-P 89-14-033
391-45-050	RE-AD-E 89-24-027	391-95-050	RE-AD-P 89-23-025	392-126-135	REP 89-17-069
391-45-070	RE-AD-E 89-17-013	391-95-050	RE-AD-E 89-24-028	392-126-200	REP-P 89-14-033
391-45-070	RE-AD-P 89-23-024	391-95-070	RE-AD-E 89-17-014	392-126-200	REP 89-17-069
391-45-070	RE-AD-E 89-24-027	391-95-070	RE-AD-P 89-23-025	392-126-205	REP-P 89-14-033
391-45-090	RE-AD-E 89-17-013	391-95-070	RE-AD-E 89-24-028	392-126-205	REP 89-17-069
391-45-090	RE-AD-P 89-23-024	391-95-090	RE-AD-E 89-17-014	392-126-210	REP-P 89-14-033
391-45-090	RE-AD-E 89-24-027	391-95-090	RE-AD-P 89-23-025	392-126-210	REP 89-17-069
391-45-110	RE-AD-E 89-17-013	391-95-090	RE-AD-E 89-24-028	392-126-215	REP-P 89-14-033
391-45-110	RE-AD-P 89-23-024	391-95-110	RE-AD-E 89-17-014	392-126-215	REP 89-17-069
391-45-110	RE-AD-E 89-24-027	391-95-110	RE-AD-P 89-23-025	392-126-220	REP-P 89-14-033
391-45-130	RE-AD-E 89-17-013	391-95-110	RE-AD-E 89-24-028	392-126-220	REP 89-17-069
391-45-130	RE-AD-P 89-23-024	391-95-130	RE-AD-E 89-17-014	392-126-225	REP-P 89-14-033
391-45-130	RE-AD-E 89-24-027	391-95-130	RE-AD-P 89-23-025	392-126-225	REP 89-17-069
391-45-170	AMD-E 89-17-013	391-95-130	RE-AD-E 89-24-028	392-126-230	REP-P 89-14-033
391-45-170	AMD-P 89-23-024	391-95-150	RE-AD-E 89-17-014	392-126-230	REP 89-17-069
391-45-170	AMD-E 89-24-027	391-95-150	RE-AD-P 89-23-025	392-126-235	REP-P 89-14-033
391-45-190	RE-AD-E 89-17-013	391-95-150	RE-AD-E 89-24-028	392-126-235	REP 89-17-069
391-45-190	RE-AD-P 89-23-024	391-95-170	AMD-E 89-17-014	392-126-240	REP-P 89-14-033
391-45-190	RE-AD-E 89-24-027	391-95-170	AMD-P 89-23-025	392-126-240	REP 89-17-069
391-45-210	RE-AD-E 89-17-013	391-95-170	AMD-E 89-24-028	392-126-245	REP-P 89-14-033
391-45-210	RE-AD-P 89-23-024	391-95-190	RE-AD-E 89-17-014	392-126-245	REP 89-17-069
391-45-210	RE-AD-E 89-24-027	391-95-190	RE-AD-P 89-23-025	392-126-250	REP-P 89-14-033
391-45-230	RE-AD-E 89-17-013	391-95-190	RE-AD-E 89-24-028	392-126-250	REP 89-17-069
391-45-230	RE-AD-P 89-23-024	391-95-230	AMD-E 89-17-014	392-126-255	REP-P 89-14-033
391-45-230	RE-AD-E 89-24-027	391-95-230	AMD-P 89-23-025	392-126-255	REP 89-17-069
391-45-250	RE-AD-E 89-17-013	391-95-230	AMD-E 89-24-028	392-126-260	REP-P 89-14-033
391-45-250	RE-AD-P 89-23-024	391-95-250	RE-AD-E 89-17-014	392-126-260	REP 89-17-069
391-45-250	RE-AD-E 89-24-027	391-95-250	RE-AD-P 89-23-025	392-126-265	REP-P 89-14-033
391-45-260	AMD-E 89-17-013	391-95-250	RE-AD-E 89-24-028	392-126-265	REP 89-17-069
391-45-260	AMD-P 89-23-024	391-95-260	RE-AD-E 89-17-014	392-126-270	REP-P 89-14-033
391-45-260	AMD-E 89-24-027	391-95-260	RE-AD-P 89-23-025	392-126-270	REP 89-17-069
391-45-270	AMD-E 89-17-013	391-95-260	RE-AD-E 89-24-028	392-126-275	REP-P 89-14-033
391-45-270	AMD-P 89-23-024	391-95-270	RE-AD-E 89-17-014	392-126-275	REP 89-17-069
391-45-270	AMD-E 89-24-027	391-95-270	RE-AD-P 89-23-025	392-126-280	REP-P 89-14-033
391-45-290	RE-AD-E 89-17-013	391-95-270	RE-AD-E 89-24-028	392-126-280	REP 89-17-069
391-45-290	RE-AD-P 89-23-024	391-95-280	RE-AD-E 89-17-014	392-126-285	REP-P 89-14-033
391-45-290	RE-AD-E 89-24-027	391-95-280	RE-AD-P 89-23-025	392-126-285	REP 89-17-069
391-45-310	RE-AD-E 89-17-013	391-95-280	RE-AD-E 89-24-028	392-126-290	REP-P 89-14-033
391-45-310	RE-AD-P 89-23-024	391-95-290	RE-AD-E 89-17-014	392-126-290	REP 89-17-069
391-45-310	RE-AD-E 89-24-027	391-95-290	RE-AD-P 89-23-025	392-126-291	REP-P 89-14-033
391-45-330	RE-AD-E 89-17-013	391-95-290	RE-AD-E 89-24-028	392-126-291	REP 89-17-069
391-45-330	RE-AD-P 89-23-024	391-95-310	RE-AD-E 89-17-014	392-126-300	REP-P 89-14-033
391-45-330	RE-AD-E 89-24-027	391-95-310	RE-AD-P 89-23-025	392-126-300	REP 89-17-069
391-45-350	RE-AD-E 89-17-013	391-95-310	RE-AD-E 89-24-028	392-126-305	REP-P 89-14-033
391-45-350	RE-AD-P 89-23-024	392-101-001	RE-AD-P 89-16-012	392-126-305	REP 89-17-069
391-45-350	RE-AD-E 89-24-027	392-101-001	RE-AD-E 89-16-016	392-126-310	REP-P 89-14-033
391-45-370	RE-AD-E 89-17-013	392-101-001	RE-AD 89-23-001	392-126-310	REP 89-17-069
391-45-370	RE-AD-P 89-23-024	392-101-005	RE-AD-P 89-16-012	392-126-315	REP-P 89-14-033
391-45-370	RE-AD-E 89-24-027	392-101-005	RE-AD-E 89-16-016	392-126-315	REP 89-17-069
391-45-390	RE-AD-E 89-17-013	392-101-005	RE-AD 89-23-001	392-126-320	REP-P 89-14-033
391-45-390	RE-AD-P 89-23-024	392-101-010	AMD-E 89-13-010	392-126-320	REP 89-17-069
391-45-390	RE-AD-E 89-24-027	392-101-010	AMD-P 89-14-032	392-126-325	REP-P 89-14-033

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392-129-008	NEW-P 89-21-100	392-137-035	RE-AD-P 89-16-012	392-139-300	AMD 89-23-121
392-129-008	NEW 90-01-141	392-137-035	RE-AD-E 89-16-016	392-139-310	AMD-P 89-19-031
392-129-010	AMD-P 89-21-100	392-137-035	RE-AD 89-23-001	392-139-310	AMD 89-23-121
392-129-010	AMD 90-01-141	392-137-040	RE-AD-P 89-16-012	392-139-320	AMD-P 89-19-031
392-129-013	REP-P 89-21-100	392-137-040	RE-AD-E 89-16-016	392-139-320	AMD 89-23-121
392-129-013	REP 90-01-141	392-137-040	RE-AD 89-23-001	392-139-330	AMD-P 89-19-031
392-129-015	AMD-P 89-21-100	392-137-045	RE-AD-P 89-16-012	392-139-330	AMD 89-23-121
392-129-015	AMD 90-01-141	392-137-045	RE-AD-E 89-16-016	392-139-340	AMD-P 89-19-031
392-129-020	AMD-P 89-21-100	392-137-045	RE-AD 89-23-001	392-139-340	AMD 89-23-121
392-129-020	AMD 90-01-141	392-137-051	RE-AD-P 89-16-012	392-139-605	AMD-P 89-19-031
392-129-030	AMD-P 89-21-100	392-137-051	RE-AD-E 89-16-016	392-139-605	AMD 89-23-121
392-129-030	AMD 90-01-141	392-137-051	RE-AD 89-23-001	392-139-620	AMD-P 89-19-031
392-129-035	NEW-P 89-21-100	392-137-055	RE-AD-P 89-16-012	392-139-620	AMD 89-23-121
392-129-035	NEW 90-01-141	392-137-055	RE-AD-E 89-16-016	392-139-650	REP-P 89-19-031
392-129-040	NEW-P 89-21-100	392-137-055	RE-AD 89-23-001	392-139-650	REP 89-23-121
392-129-040	NEW 90-01-141	392-137-060	RE-AD-P 89-16-012	392-139-660	AMD-P 89-19-031
392-129-045	NEW-P 89-21-100	392-137-060	RE-AD-E 89-16-016	392-139-660	AMD 89-23-121
392-129-045	NEW 90-01-141	392-137-060	RE-AD 89-23-001	392-139-665	AMD-P 89-19-031
392-129-050	NEW-P 89-21-100	392-137-065	RE-AD-P 89-16-012	392-139-665	AMD 89-23-121
392-129-050	NEW 90-01-141	392-137-065	RE-AD-E 89-16-016	392-139-670	AMD-P 89-19-031
392-129-060	NEW-P 89-21-100	392-137-065	RE-AD 89-23-001	392-139-670	AMD 89-23-121
392-129-060	NEW 90-01-141	392-137-070	RE-AD-P 89-16-012	392-139-674	NEW-P 89-19-031
392-129-065	NEW-P 89-21-100	392-137-070	RE-AD-E 89-16-016	392-139-674	NEW 89-23-121
392-129-065	NEW 90-01-141	392-137-070	RE-AD 89-23-001	392-139-675	NEW-P 89-19-031
392-129-070	NEW-P 89-21-100	392-138-100	AMD-P 89-14-035	392-139-675	NEW 89-23-121
392-129-070	NEW 90-01-141	392-138-100	AMD 89-17-066	392-139-900	AMD-P 89-19-031
392-129-080	NEW-P 89-21-100	392-139-005	AMD-P 89-19-031	392-139-900	AMD 89-23-121
392-129-080	NEW 90-01-141	392-139-005	AMD 89-23-121	392-140	AMD-P 89-21-098
392-129-090	NEW-P 89-21-100	392-139-007	AMD-P 89-19-031	392-140-042	REP-P 89-14-036
392-129-090	NEW 90-01-141	392-139-007	AMD 89-23-121	392-140-042	REP 89-18-077
392-129-100	NEW-P 89-21-100	392-139-055	AMD-P 89-19-031	392-140-043	REP-P 89-14-036
392-129-100	NEW 90-01-141	392-139-055	AMD 89-23-121	392-140-043	REP 89-18-077
392-129-105	NEW-P 89-21-100	392-139-105	AMD-P 89-19-031	392-140-044	REP-P 89-14-036
392-129-105	NEW 90-01-141	392-139-105	AMD 89-23-121	392-140-044	REP 89-18-077
392-129-110	NEW-P 89-21-100	392-139-110	AMD-P 89-19-031	392-140-046	REP-P 89-14-036
392-129-110	NEW 90-01-141	392-139-110	AMD 89-23-121	392-140-046	REP 89-18-077
392-129-115	NEW-P 89-21-100	392-139-115	AMD-P 89-19-031	392-140-047	REP-P 89-14-036
392-129-115	NEW 90-01-141	392-139-115	AMD 89-23-121	392-140-047	REP 89-18-077
392-129-120	NEW-P 89-21-100	392-139-120	AMD-P 89-19-031	392-140-048	REP-P 89-14-036
392-129-120	NEW 90-01-141	392-139-120	AMD 89-23-121	392-140-048	REP 89-18-077
392-129-125	NEW-P 89-21-100	392-139-122	AMD-P 89-19-031	392-140-049	REP-P 89-14-036
392-129-125	NEW 90-01-141	392-139-122	AMD 89-23-121	392-140-049	REP 89-18-077
392-129-130	NEW-P 89-21-100	392-139-126	AMD-P 89-19-031	392-140-050	REP-P 89-14-036
392-129-130	NEW 90-01-141	392-139-126	AMD 89-23-121	392-140-050	REP 89-18-077
392-129-135	NEW-P 89-21-100	392-139-128	AMD-P 89-19-031	392-140-051	REP-P 89-14-036
392-129-135	NEW 90-01-141	392-139-128	AMD 89-23-121	392-140-051	REP 89-18-077
392-129-140	NEW-P 89-21-100	392-139-129	NEW-P 89-19-031	392-140-052	REP-P 89-14-036
392-129-140	NEW 90-01-141	392-139-129	NEW 89-23-121	392-140-052	REP 89-18-077
392-129-145	NEW-P 89-21-100	392-139-132	AMD-P 89-19-031	392-140-053	REP-P 89-14-036
392-129-145	NEW 90-01-141	392-139-132	AMD 89-23-121	392-140-053	REP 89-18-077
392-129-150	NEW-P 89-21-100	392-139-134	AMD-P 89-19-031	392-140-054	REP-P 89-14-036
392-129-150	NEW 90-01-141	392-139-134	AMD 89-23-121	392-140-054	REP 89-18-077
392-137-001	RE-AD-P 89-16-012	392-139-156	AMD-P 89-19-031	392-140-055	REP-P 89-14-036
392-137-001	RE-AD-E 89-16-016	392-139-156	AMD 89-23-121	392-140-055	REP 89-18-077
392-137-001	RE-AD 89-23-001	392-139-162	AMD-P 89-19-031	392-140-056	REP-P 89-14-036
392-137-002	RE-AD-P 89-16-012	392-139-162	AMD 89-23-121	392-140-056	REP 89-18-077
392-137-002	RE-AD-E 89-16-016	392-139-164	AMD-P 89-19-031	392-140-057	REP-P 89-14-036
392-137-002	RE-AD 89-23-001	392-139-164	AMD 89-23-121	392-140-057	REP 89-18-077
392-137-003	RE-AD-P 89-16-012	392-139-172	AMD-P 89-19-031	392-140-058	REP-P 89-14-036
392-137-003	RE-AD-E 89-16-016	392-139-172	AMD 89-23-121	392-140-058	REP 89-18-077
392-137-003	RE-AD 89-23-001	392-139-205	AMD-P 89-19-031	392-140-059	REP-P 89-14-036
392-137-010	RE-AD-P 89-16-012	392-139-205	AMD 89-23-121	392-140-059	REP 89-18-077
392-137-010	RE-AD-E 89-16-016	392-139-215	AMD-P 89-19-031	392-140-061	REP-P 89-14-036
392-137-010	RE-AD 89-23-001	392-139-215	AMD 89-23-121	392-140-061	REP 89-18-077
392-137-010	AMD-P 89-24-073	392-139-225	AMD-P 89-19-031	392-140-062	REP-P 89-14-036
392-137-015	RE-AD-P 89-16-012	392-139-225	AMD 89-23-121	392-140-062	REP 89-18-077
392-137-015	RE-AD-E 89-16-016	392-139-230	AMD-P 89-19-031	392-140-063	REP-P 89-14-036
392-137-015	RE-AD 89-23-001	392-139-230	AMD 89-23-121	392-140-063	REP 89-18-077
392-137-020	RE-AD-P 89-16-012	392-139-240	REP-P 89-19-031	392-140-064	REP-P 89-14-036
392-137-020	RE-AD-E 89-16-016	392-139-240	REP 89-23-121	392-140-064	REP 89-18-077
392-137-020	RE-AD 89-23-001	392-139-243	NEW-P 89-19-031	392-140-065	REP-P 89-14-036
392-137-025	RE-AD-P 89-16-012	392-139-243	NEW 89-23-121	392-140-065	REP 89-18-077
392-137-025	RE-AD-E 89-16-016	392-139-245	AMD-P 89-19-031	392-140-066	REP-P 89-14-036
392-137-025	RE-AD 89-23-001	392-139-245	AMD 89-23-121	392-140-066	REP 89-18-077
392-137-030	RE-AD-P 89-16-012	392-139-297	NEW-P 89-19-031	392-140-085	REP-P 89-14-036
392-137-030	RE-AD-E 89-16-016	392-139-297	NEW 89-23-121	392-140-085	REP 89-18-077
392-137-030	RE-AD 89-23-001	392-139-300	AMD-P 89-19-031	392-140-086	REP-P 89-14-036

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392-140-314	NEW	90-01-142	392-142-060	REP-E	89-18-050	392-142-190	NEW-P	89-18-049
392-140-315	NEW-P	89-21-098	392-142-060	REP-E	90-01-144	392-142-190	NEW-E	89-18-050
392-140-315	NEW	90-01-142	392-142-065	REP-P	89-18-049	392-142-190	NEW-E	90-01-144
392-140-316	NEW-P	89-21-098	392-142-065	REP-E	89-18-050	392-142-195	NEW-P	89-18-049
392-140-316	NEW	90-01-142	392-142-065	REP-E	90-01-144	392-142-195	NEW-E	89-18-050
392-140-317	NEW-P	89-21-098	392-142-070	REP-P	89-18-049	392-142-195	NEW-E	90-01-144
392-140-317	NEW	90-01-142	392-142-070	REP-E	89-18-050	392-142-200	NEW-P	89-18-049
392-140-318	NEW-P	89-21-098	392-142-070	REP-E	90-01-144	392-142-200	NEW-E	89-18-050
392-140-318	NEW	90-01-142	392-142-075	NEW-P	89-18-049	392-142-200	NEW-E	90-01-144
392-140-319	NEW-P	89-21-098	392-142-075	NEW-E	89-18-050	392-142-205	NEW-P	89-18-049
392-140-319	NEW	90-01-142	392-142-075	NEW-E	90-01-144	392-142-205	NEW-E	89-18-050
392-140-320	NEW-P	89-21-098	392-142-080	NEW-P	89-18-049	392-142-210	NEW-P	89-18-049
392-140-320	NEW	90-01-142	392-142-080	NEW-E	89-18-050	392-142-210	NEW-E	89-18-050
392-140-321	NEW-P	89-21-098	392-142-085	NEW-P	89-18-049	392-142-210	NEW-E	90-01-144
392-140-321	NEW	90-01-142	392-142-085	NEW-E	89-18-050	392-142-215	NEW-P	89-18-049
392-140-322	NEW-P	89-21-098	392-142-085	NEW-E	90-01-144	392-142-215	NEW-E	89-18-050
392-140-322	NEW	90-01-142	392-142-090	NEW-P	89-18-049	392-142-215	NEW-E	90-01-144
392-140-323	NEW-P	89-21-098	392-142-090	NEW-E	89-18-050	392-142-220	NEW-P	89-18-049
392-140-323	NEW	90-01-142	392-142-090	NEW-E	90-01-144	392-142-220	NEW-E	89-18-050
392-140-324	NEW-P	89-21-098	392-142-095	NEW-P	89-18-049	392-142-220	NEW-E	90-01-144
392-140-324	NEW	90-01-142	392-142-095	NEW-E	89-18-050	392-142-225	NEW-P	89-18-049
392-140-325	NEW-P	89-21-098	392-142-095	NEW-E	90-01-144	392-142-225	NEW-E	89-18-050
392-140-325	NEW	90-01-142	392-142-100	NEW-P	89-18-049	392-142-225	NEW-E	90-01-144
392-140-326	NEW-P	89-21-098	392-142-100	NEW-E	89-18-050	392-142-230	NEW-P	89-18-049
392-140-326	NEW	90-01-142	392-142-100	NEW-E	90-01-144	392-142-230	NEW-E	89-18-050
392-140-327	NEW-P	89-21-098	392-142-105	NEW-P	89-18-049	392-142-230	NEW-E	90-01-144
392-140-327	NEW	90-01-142	392-142-105	NEW-E	89-18-050	392-142-235	NEW-P	89-18-049
392-140-328	NEW-P	89-21-098	392-142-105	NEW-E	90-01-144	392-142-235	NEW-E	89-18-050
392-140-328	NEW	90-01-142	392-142-110	NEW-P	89-18-049	392-142-235	NEW-E	90-01-144
392-140-329	NEW-P	89-21-098	392-142-110	NEW-E	89-18-050	392-142-240	NEW-P	89-18-049
392-140-329	NEW	90-01-142	392-142-110	NEW-E	90-01-144	392-142-240	NEW-E	89-18-050
392-140-330	NEW-P	89-21-098	392-142-115	NEW-P	89-18-049	392-142-240	NEW-E	90-01-144
392-140-330	NEW	90-01-142	392-142-115	NEW-E	89-18-050	392-142-245	NEW-P	89-18-049
392-140-331	NEW-P	89-21-098	392-142-115	NEW-E	90-01-144	392-142-245	NEW-E	89-18-050
392-140-331	NEW	90-01-142	392-142-120	NEW-P	89-18-049	392-142-245	NEW-E	90-01-144
392-140-332	NEW-P	89-21-098	392-142-120	NEW-E	89-18-050	392-142-250	NEW-P	89-18-049
392-140-332	NEW	90-01-142	392-142-120	NEW-E	90-01-144	392-142-250	NEW-E	89-18-050
392-140-333	NEW-P	89-21-098	392-142-125	NEW-P	89-18-049	392-142-250	NEW-E	90-01-144
392-140-333	NEW	90-01-142	392-142-125	NEW-E	89-18-050	392-142-255	NEW-P	89-18-049
392-140-334	NEW-P	89-21-098	392-142-125	NEW-E	90-01-144	392-142-255	NEW-E	89-18-050
392-140-334	NEW	90-01-142	392-142-125	NEW-E	89-18-049	392-142-255	NEW-E	90-01-144
392-140-335	NEW-P	89-21-098	392-142-130	NEW-P	89-18-049	392-142-255	NEW-E	89-18-049
392-140-335	NEW	90-01-142	392-142-130	NEW-E	89-18-050	392-142-260	NEW-P	89-18-050
392-142-005	AMD-P	89-18-049	392-142-130	NEW-E	90-01-144	392-142-260	NEW-E	90-01-144
392-142-005	AMD-E	89-18-050	392-142-135	NEW-P	89-18-049	392-142-265	NEW-P	89-18-049
392-142-005	AMD-E	90-01-144	392-142-135	NEW-E	89-18-050	392-142-265	NEW-E	89-18-050
392-142-010	AMD-P	89-18-049	392-142-135	NEW-E	90-01-144	392-142-265	NEW-E	90-01-144
392-142-010	AMD-E	89-18-050	392-142-140	NEW-P	89-18-049	392-142-265	NEW-E	90-01-144
392-142-010	AMD-E	90-01-144	392-142-140	NEW-E	89-18-050	392-142-270	NEW-P	89-18-049
392-142-015	REP-P	89-18-049	392-142-140	NEW-E	90-01-144	392-142-270	NEW-E	89-18-050
392-142-015	REP-E	89-18-050	392-142-145	NEW-P	89-18-049	392-142-270	NEW-E	90-01-144
392-142-015	REP-E	90-01-144	392-142-145	NEW-E	89-18-050	392-168-105	RE-AD-P	89-16-012
392-142-020	REP-P	89-18-049	392-142-145	NEW-E	90-01-144	392-168-105	RE-AD-E	89-16-016
392-142-020	REP-E	89-18-050	392-142-150	NEW-P	89-18-049	392-168-105	RE-AD	89-23-001
392-142-020	REP-E	90-01-144	392-142-150	NEW-E	89-18-050	392-168-110	RE-AD-P	89-16-012
392-142-025	REP-P	89-18-049	392-142-155	NEW-P	90-01-144	392-168-110	RE-AD-E	89-16-016
392-142-025	REP-E	89-18-050	392-142-155	NEW-E	89-18-049	392-168-110	RE-AD	89-23-001
392-142-025	REP-E	90-01-144	392-142-155	NEW-E	89-18-050	392-168-115	RE-AD-P	89-16-012
392-142-030	REP-P	89-18-049	392-142-155	NEW-E	90-01-144	392-168-115	RE-AD-E	89-16-016
392-142-030	REP-E	89-18-050	392-142-160	NEW-P	89-18-049	392-168-115	RE-AD	89-23-001
392-142-030	REP-E	90-01-144	392-142-160	NEW-E	89-18-050	392-168-120	RE-AD-P	89-16-012
392-142-035	REP-P	89-18-049	392-142-160	NEW-E	90-01-144	392-168-120	RE-AD-E	89-16-016
392-142-035	REP-E	89-18-050	392-142-165	NEW-P	89-18-049	392-168-120	RE-AD	89-23-001
392-142-035	REP-E	90-01-144	392-142-165	NEW-E	89-18-050	392-168-125	RE-AD-P	89-16-012
392-142-040	REP-P	89-18-049	392-142-165	NEW-E	90-01-144	392-168-125	RE-AD-E	89-16-016
392-142-040	REP-E	89-18-050	392-142-170	NEW-P	89-18-049	392-168-125	RE-AD	89-23-001
392-142-040	REP-E	90-01-144	392-142-170	NEW-E	89-18-050	392-168-125	RE-AD-P	89-16-012
392-142-045	REP-P	89-18-049	392-142-175	NEW-P	90-01-144	392-168-130	RE-AD-E	89-16-016
392-142-045	REP-E	89-18-050	392-142-175	NEW-E	89-18-049	392-168-130	RE-AD	89-23-001
392-142-045	REP-E	90-01-144	392-142-175	NEW-E	89-18-050	392-168-135	RE-AD-P	89-16-012
392-142-050	REP-P	89-18-049	392-142-180	NEW-P	90-01-144	392-168-135	RE-AD-E	89-16-016
392-142-050	REP-E	89-18-050	392-142-180	NEW-E	89-18-049	392-168-140	RE-AD	89-23-001
392-142-050	REP-E	90-01-144	392-142-180	NEW-E	89-18-050	392-168-140	RE-AD-P	89-16-012
392-142-055	REP-P	89-18-049	392-142-185	NEW-P	90-01-144	392-168-140	RE-AD-E	89-16-016
392-142-055	REP-E	89-18-050	392-142-185	NEW-E	89-18-049	392-168-145	RE-AD	89-23-001
392-142-055	REP-E	90-01-144	392-142-185	NEW-E	89-18-050	392-168-145	RE-AD-P	89-16-012
392-142-060	REP-P	89-18-049			90-01-144	392-168-145	RE-AD-E	89-16-016

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-196-080	AMD-E	89-16-017	419-72-010	NEW	89-24-085	440-44-030	AMD-P	89-17-051
392-196-080	AMD	89-22-004	419-72-015	NEW-P	89-11-095	440-44-030	AMD-E	89-17-052
392-196-085	AMD-P	89-16-013	419-72-015	NEW-C	89-22-040	440-44-030	AMD	89-21-042
392-196-085	AMD-E	89-16-017	419-72-015	NEW	89-24-085	440-44-040	AMD-P	89-12-076
392-196-085	AMD	89-22-004	419-72-020	NEW-P	89-11-095	440-44-040	AMD-E	89-14-061
392-196-090	AMD-P	89-16-013	419-72-020	NEW-C	89-22-040	440-44-040	AMD	89-16-064
392-196-090	AMD-E	89-16-017	419-72-020	NEW	89-24-085	440-44-041	NEW-P	89-12-076
392-196-090	AMD	89-22-004	419-72-025	NEW-P	89-11-095	440-44-041	NEW-E	89-14-061
392-196-095	NEW-P	89-16-013	419-72-025	NEW-C	89-22-040	440-44-041	NEW	89-16-064
392-196-095	NEW-E	89-16-017	419-72-025	NEW	89-24-085	440-44-042	NEW-P	89-12-076
392-196-095	NEW	89-22-004	419-72-025	NEW-P	89-11-095	440-44-042	NEW-E	89-14-061
392-196-100	NEW-P	89-16-013	419-72-030	NEW-C	89-22-040	440-44-042	NEW-P	89-17-026
392-196-100	NEW-E	89-16-017	419-72-030	NEW	89-24-085	440-44-042	NEW-E	89-17-027
392-196-100	NEW	89-22-004	419-72-035	NEW-P	89-11-095	440-44-042	NEW	89-21-040
392-196-105	NEW-P	89-16-013	419-72-035	NEW-C	89-22-040	440-44-043	NEW-P	89-12-076
392-196-105	NEW-E	89-16-017	419-72-035	NEW	89-24-085	440-44-043	NEW-E	89-14-061
392-196-105	NEW	89-22-004	419-72-035	NEW-P	89-11-095	440-44-043	NEW	89-16-064
392-196-110	NEW-P	89-16-013	419-72-040	NEW-C	89-22-040	440-44-043	AMD-P	89-12-076
392-196-110	NEW-E	89-16-017	419-72-040	NEW	89-24-085	440-44-050	AMD-E	89-14-061
392-196-110	NEW	89-22-004	419-72-040	NEW-P	89-11-095	440-44-050	AMD	89-16-064
392-202-003	AMD-P	89-16-014	419-72-045	NEW-C	89-22-040	446-20-285	AMD-E	89-14-038
392-202-003	AMD	89-19-032	419-72-045	NEW	89-24-085	446-20-285	AMD-P	89-19-045
392-202-005	AMD-P	89-16-014	419-72-050	NEW-P	89-11-095	446-20-285	AMD-E	89-19-046
392-202-005	AMD	89-19-032	419-72-050	NEW-C	89-22-040	446-20-285	AMD	89-23-017
392-202-010	AMD-P	89-16-014	419-72-050	NEW	89-24-085	446-40-020	AMD-E	89-10-011
392-202-010	AMD	89-19-032	419-72-055	NEW-P	89-11-095	446-40-020	AMD	89-10-015
392-202-015	AMD-P	89-16-014	419-72-055	NEW-C	89-22-040	446-40-025	NEW-E	89-10-011
392-202-015	AMD	89-19-032	419-72-055	NEW	89-24-085	446-40-025	NEW	89-10-015
392-202-070	AMD-P	89-16-014	419-72-060	NEW-P	89-11-095	456-08-001	REP-P	89-06-062
392-202-070	AMD	89-19-032	419-72-060	NEW-C	89-22-040	456-08-001	REP	89-10-055
392-202-075	AMD-P	89-16-014	419-72-060	NEW	89-24-085	456-08-002	REP-P	89-06-062
392-202-075	AMD	89-19-032	419-72-065	NEW-P	89-11-095	456-08-002	REP	89-10-055
392-202-080	AMD-P	89-16-014	419-72-065	NEW-C	89-22-040	456-08-003	REP-P	89-06-062
392-202-080	AMD	89-19-032	419-72-065	NEW	89-24-085	456-08-003	REP-E	89-07-031
392-202-085	AMD-P	89-16-014	419-72-070	NEW-P	89-11-095	456-08-003	REP	89-10-055
392-202-085	AMD	89-19-032	419-72-070	NEW-C	89-22-040	456-08-004	REP-P	89-06-062
392-202-095	AMD-P	89-16-014	419-72-070	NEW	89-24-085	456-08-004	REP-E	89-07-031
392-202-095	AMD	89-19-032	419-72-075	NEW-P	89-11-095	456-08-004	REP	89-10-055
392-202-110	AMD-P	89-16-014	419-72-075	NEW-C	89-22-040	456-08-005	REP-P	89-06-062
392-202-110	AMD	89-19-032	419-72-075	NEW	89-24-085	456-08-005	REP	89-10-055
392-202-115	AMD-P	89-16-014	419-72-080	NEW-P	89-11-095	456-08-006	REP-P	89-06-062
392-202-115	AMD	89-19-032	419-72-080	NEW-C	89-22-040	456-08-006	REP	89-10-055
399-30-020	AMD-P	89-02-057	419-72-080	NEW	89-24-085	456-08-007	REP-P	89-06-062
399-30-020	AMD-C	89-06-057	419-72-090	NEW-P	89-11-095	456-08-007	REP	89-10-055
399-30-020	AMD	89-10-041	419-72-090	NEW-C	89-22-040	456-08-010	REP-P	89-06-062
399-30-045	NEW-P	89-02-057	419-72-090	NEW	89-24-085	456-08-010	REP	89-10-055
399-30-045	NEW-C	89-06-057	419-72-095	NEW-P	89-11-095	456-08-040	REP-P	89-06-062
399-30-045	NEW	89-10-041	419-72-095	NEW-C	89-22-040	456-08-040	REP	89-10-055
399-30-050	AMD-P	89-02-057	419-72-095	NEW	89-24-085	456-08-045	REP-P	89-06-062
399-30-050	AMD-C	89-06-057	434-04-010	NEW-P	89-15-036	456-08-045	REP	89-10-055
399-30-050	AMD	89-10-041	434-04-010	NEW	89-20-031	456-08-070	REP-P	89-06-062
399-30-060	AMD-P	89-02-057	434-04-015	NEW-P	89-15-036	456-08-070	REP	89-10-055
399-30-065	NEW-P	89-06-057	434-04-015	NEW	89-20-031	456-08-080	REP-P	89-06-062
399-30-065	NEW	89-10-041	434-04-017	NEW-P	89-15-036	456-08-080	REP	89-10-055
419-64-010	NEW	89-04-050	434-04-017	NEW	89-20-031	456-08-090	REP-P	89-06-062
419-64-020	NEW	89-04-050	434-04-020	NEW-P	89-15-036	456-08-090	REP	89-10-055
419-64-030	NEW	89-04-050	434-04-020	NEW	89-20-031	456-08-092	REP-P	89-06-062
419-64-040	NEW	89-04-050	434-04-030	NEW-P	89-15-036	456-08-092	REP	89-10-055
419-64-050	NEW	89-04-050	434-04-030	NEW	89-20-031	456-08-150	REP-P	89-06-062
419-64-060	NEW	89-04-050	434-04-040	NEW-P	89-15-036	456-08-150	REP	89-10-055
419-64-070	NEW	89-04-050	434-04-040	NEW	89-20-031	456-08-160	REP-P	89-06-062
419-64-080	NEW	89-04-050	434-04-050	NEW-P	89-15-036	456-08-160	REP	89-10-055
419-64-090	NEW	89-04-050	434-04-050	NEW	89-20-031	456-08-170	REP-P	89-06-062
419-70-010	NEW-P	89-11-094	434-04-060	NEW-P	89-15-036	456-08-170	REP	89-10-055
419-70-010	NEW	89-16-083	434-04-060	NEW	89-20-031	456-08-180	REP-P	89-06-062
419-70-020	NEW-P	89-11-094	434-04-070	NEW-P	89-15-036	456-08-180	REP	89-10-055
419-70-020	NEW	89-16-083	434-04-070	NEW	89-20-031	456-08-180	REP-P	89-06-062
419-70-030	NEW-P	89-11-094	434-04-075	NEW-P	89-15-036	456-08-190	REP-P	89-06-062
419-70-030	NEW	89-16-083	434-04-075	NEW	89-20-031	456-08-190	REP	89-10-055
419-70-040	NEW-P	89-11-094	434-04-080	NEW-P	89-15-036	456-08-200	REP-P	89-06-062
419-70-040	NEW	89-16-083	434-04-080	NEW	89-20-031	456-08-200	REP	89-10-055
419-70-050	NEW-P	89-11-094	434-04-090	NEW-P	89-15-036	456-08-220	REP-P	89-06-062
419-70-050	NEW	89-16-083	434-04-090	NEW	89-20-031	456-08-220	REP	89-10-055
419-72	NEW-C	89-16-084	440-44-023	AMD-P	89-12-076	456-08-230	REP-P	89-06-062
419-72	NEW-C	89-19-034	440-44-023	AMD-E	89-14-061	456-08-230	REP	89-10-055
419-72-010	NEW-P	89-11-095	440-44-023	AMD	89-16-064	456-08-240	REP-P	89-06-062
419-72-010	NEW-C	89-22-040	440-44-028	NEW-P	89-23-030	456-08-240	REP	89-10-055

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
456-10-120	NEW-P	89-06-064	456-10-710	NEW-P	89-06-064	458-14-080	REP-P	89-07-087
456-10-120	NEW	89-10-057	456-10-710	NEW	89-10-057	458-14-085	REP-P	89-07-087
456-10-130	NEW-P	89-06-064	456-10-715	NEW-P	89-06-064	458-14-086	REP-P	89-07-087
456-10-130	NEW	89-10-057	456-10-715	NEW	89-10-057	458-14-090	REP-P	89-07-087
456-10-140	NEW-P	89-06-064	456-10-720	NEW-P	89-06-064	458-14-091	REP-P	89-07-087
456-10-140	NEW	89-10-057	456-10-720	NEW	89-10-057	458-14-092	REP-P	89-07-087
456-10-150	NEW-P	89-06-064	456-10-725	NEW-P	89-06-064	458-14-094	REP-P	89-07-087
456-10-150	NEW	89-10-057	456-10-725	NEW	89-10-057	458-14-098	REP-P	89-07-087
456-10-160	NEW-P	89-06-064	456-10-730	NEW-P	89-06-064	458-14-100	REP-P	89-07-087
456-10-160	NEW	89-10-057	456-10-730	NEW	89-10-057	458-14-110	REP-P	89-07-087
456-10-170	NEW-P	89-06-064	456-10-735	NEW-P	89-06-064	458-14-115	REP-P	89-07-087
456-10-170	NEW	89-10-057	456-10-735	NEW	89-10-057	458-14-121	REP-P	89-07-087
456-10-180	NEW-P	89-06-064	456-10-740	NEW-P	89-06-064	458-14-122	REP-P	89-07-087
456-10-180	NEW	89-10-057	456-10-740	NEW	89-10-057	458-14-125	REP-P	89-07-087
456-10-210	NEW-P	89-06-064	456-10-745	NEW-P	89-06-064	458-14-126	REP-P	89-07-087
456-10-210	NEW	89-10-057	456-10-745	NEW	89-10-057	458-14-130	REP-P	89-07-087
456-10-220	NEW-P	89-06-064	456-10-750	NEW-P	89-06-064	458-14-135	REP-P	89-07-087
456-10-220	NEW	89-10-057	456-10-750	NEW	89-10-057	458-14-140	REP-P	89-07-087
456-10-230	NEW-P	89-06-064	456-10-755	NEW-P	89-06-064	458-14-145	REP-P	89-07-087
456-10-230	NEW	89-10-057	456-10-755	NEW	89-10-057	458-14-150	REP-P	89-07-087
456-10-310	NEW-P	89-06-064	456-10-970	NEW-P	89-06-064	458-14-152	REP-P	89-07-087
456-10-310	NEW	89-10-057	456-10-970	NEW	89-10-057	458-14-155	REP-P	89-07-087
456-10-315	NEW-P	89-06-064	456-12-010	NEW-P	89-06-065	458-14-160	NEW-P	89-07-087
456-10-315	NEW	89-10-057	456-12-010	NEW	89-10-058	458-16-115	NEW-P	89-05-052
456-10-320	NEW-P	89-06-064	456-12-020	NEW-P	89-06-065	458-16-115	NEW-W	89-08-036
456-10-320	NEW	89-10-057	456-12-020	NEW	89-10-058	458-16-115	NEW-E	89-08-037
456-10-325	NEW-P	89-06-064	456-12-030	NEW-P	89-06-065	458-16-115	NEW-P	89-09-074
456-10-325	NEW	89-10-057	456-12-030	NEW	89-10-058	458-16-115	NEW	89-12-013
456-10-330	NEW-P	89-06-064	456-12-040	NEW-P	89-06-065	458-18-220	AMD	89-10-067
456-10-330	NEW	89-10-057	456-12-040	NEW	89-10-058	458-19-005	NEW-W	89-18-024
456-10-335	NEW-P	89-06-064	456-12-050	NEW-P	89-06-065	458-19-005	NEW-P	89-18-092
456-10-335	NEW	89-10-057	456-12-050	NEW	89-10-058	458-19-005	NEW-W	90-01-022
456-10-340	NEW-P	89-06-064	456-12-060	NEW-P	89-06-065	458-19-005	NEW-E	90-01-023
456-10-340	NEW	89-10-057	456-12-060	NEW	89-10-058	458-19-005	NEW-E	90-01-024
456-10-345	NEW-P	89-06-064	456-12-070	NEW-P	89-06-065	458-19-010	NEW-W	89-18-024
456-10-345	NEW	89-10-057	456-12-070	NEW	89-10-058	458-19-015	NEW-W	89-18-024
456-10-350	NEW-P	89-06-064	456-12-080	NEW-P	89-06-065	458-19-020	NEW-W	89-18-024
456-10-350	NEW	89-10-057	456-12-080	NEW	89-10-058	458-19-025	NEW-W	89-18-024
456-10-355	NEW-P	89-06-064	456-12-090	NEW-P	89-06-065	458-19-030	NEW-W	89-18-024
456-10-355	NEW	89-10-057	456-12-090	NEW	89-10-058	458-19-040	NEW-W	89-18-024
456-10-360	NEW-P	89-06-064	456-12-100	NEW-P	89-06-065	458-19-045	NEW-W	89-18-024
456-10-360	NEW	89-10-057	456-12-100	NEW	89-10-058	458-19-045	NEW-P	89-18-092
456-10-410	NEW-P	89-06-064	456-12-110	NEW-P	89-06-065	458-19-045	NEW-W	90-01-022
456-10-410	NEW	89-10-057	456-12-110	NEW	89-10-058	458-19-045	NEW-E	90-01-023
456-10-420	NEW-P	89-06-064	456-12-120	NEW-P	89-06-065	458-19-045	NEW-E	90-01-041
456-10-420	NEW	89-10-057	456-12-120	NEW	89-10-058	458-19-050	NEW-P	89-18-092
456-10-430	NEW-P	89-06-064	456-12-130	NEW-P	89-06-065	458-19-050	NEW-W	90-01-022
456-10-430	NEW	89-10-057	456-12-130	NEW	89-10-058	458-19-055	NEW-W	89-18-024
456-10-440	NEW-P	89-06-064	456-12-140	NEW-P	89-06-065	458-19-055	NEW-P	89-18-092
456-10-440	NEW	89-10-057	456-12-140	NEW	89-10-058	458-19-055	NEW-W	90-01-022
456-10-505	NEW-P	89-06-064	458-14-005	NEW-P	89-07-087	458-19-060	NEW-W	89-18-024
456-10-505	NEW	89-10-057	458-14-009	NEW-P	89-07-087	458-19-060	NEW-P	89-18-092
456-10-510	NEW-P	89-06-064	458-14-010	REP-P	89-07-087	458-19-060	NEW-W	90-01-022
456-10-510	NEW	89-10-057	458-14-014	NEW-P	89-07-087	458-19-060	NEW-W	90-01-023
456-10-515	NEW-P	89-06-064	458-14-015	NEW-P	89-07-087	458-19-060	NEW-E	90-01-041
456-10-515	NEW	89-10-057	458-14-016	NEW-P	89-07-087	458-19-060	NEW-E	90-01-041
456-10-520	NEW-P	89-06-064	458-14-017	NEW-P	89-07-087	458-19-065	NEW-W	89-18-024
456-10-520	NEW	89-10-057	458-14-019	NEW-P	89-07-087	458-19-095	NEW-W	89-18-024
456-10-525	NEW-P	89-06-064	458-14-020	REP-P	89-07-087	458-19-095	NEW-P	89-18-092
456-10-525	NEW	89-10-057	458-14-021	NEW-P	89-07-087	458-19-095	NEW-W	90-01-022
456-10-530	NEW-P	89-06-064	458-14-022	NEW-P	89-07-087	458-19-095	NEW-E	90-01-023
456-10-530	NEW	89-10-057	458-14-025	NEW-P	89-07-087	458-19-095	NEW-E	90-01-041
456-10-535	NEW-P	89-06-064	458-14-025	NEW-P	89-07-087	458-19-100	NEW-W	89-18-024
456-10-535	NEW	89-10-057	458-14-027	NEW-P	89-07-087	458-19-100	NEW-P	89-18-092
456-10-540	NEW-P	89-06-064	458-14-029	NEW-P	89-07-087	458-19-100	NEW-W	90-01-022
456-10-540	NEW	89-10-057	458-14-030	REP-P	89-07-087	458-19-100	NEW-E	90-01-023
456-10-545	NEW-P	89-06-064	458-14-031	NEW-P	89-07-087	458-19-100	NEW-E	90-01-041
456-10-545	NEW	89-10-057	458-14-040	REP-P	89-07-087	458-19-100	NEW-E	90-01-041
456-10-550	NEW-P	89-06-064	458-14-042	NEW-P	89-07-087	458-19-105	NEW-P	89-18-092
456-10-550	NEW	89-10-057	458-14-045	REP-P	89-07-087	458-19-105	NEW-W	90-01-022
456-10-555	NEW-P	89-06-064	458-14-050	REP-P	89-07-087	458-19-110	NEW-W	89-18-024
456-10-555	NEW	89-10-057	458-14-052	REP-P	89-07-087	458-19-110	NEW-P	89-18-092
456-10-560	NEW-P	89-06-064	458-14-055	REP-P	89-07-087	458-19-110	NEW-W	90-01-022
456-10-560	NEW	89-10-057	458-14-060	REP-P	89-07-087	458-19-110	NEW-E	90-01-023
456-10-565	NEW-P	89-06-064	458-14-062	REP-P	89-07-087	458-19-110	NEW-E	90-01-041
456-10-565	NEW	89-10-057	458-14-065	REP-P	89-07-087	458-20-105	AMD-P	89-13-043
456-10-570	NEW-P	89-06-064	458-14-070	REP-P	89-07-087	458-20-105	AMD	89-16-080
456-10-570	NEW	89-10-057	458-14-075	REP-P	89-07-087	458-20-107	AMD-E	89-23-018

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
458-20-127	AMD-P	89-17-063	460-20A-220	AMD-P	89-13-068
458-20-127	AMD	89-21-001	460-20A-220	AMD	89-17-077
458-20-185	AMD-P	90-01-149	460-20A-230	AMD-P	89-13-068
458-20-186	AMD-P	90-01-150	460-20A-230	AMD	89-17-077
458-20-193B	AMD-C	89-02-052	460-20A-420	AMD-P	89-13-066
458-20-193B	AMD	89-06-015	460-20A-420	AMD	89-17-079
458-20-197	AMD-E	90-02-023	460-20A-425	AMD-P	89-13-066
458-20-221	AMD-C	89-02-052	460-20A-425	AMD	89-17-079
458-20-221	AMD	89-06-016	460-24A-050	AMD-P	89-13-067
458-20-22801	NEW-P	90-02-022	460-24A-050	AMD	89-17-077
458-20-250	AMD-P	89-13-087	460-24A-050	AMD-P	90-01-061
458-20-250	AMD-E	89-13-089	460-24A-050	AMD-E	90-01-062
458-20-250	AMD	89-16-090	460-33A-010	AMD-P	89-13-068
458-20-252	AMD-C	89-04-042	460-33A-010	AMD	89-17-078
458-20-252	AMD-E	89-06-005	460-33A-015	AMD-P	89-13-068
458-20-252	AMD-W	89-07-084	460-33A-015	AMD	89-17-078
458-20-252	AMD-P	89-07-085	460-33A-017	AMD-P	89-13-068
458-20-252	AMD	89-10-051	460-33A-017	AMD	89-17-078
458-20-252	AMD-E	89-10-052	460-33A-031	AMD-P	89-13-068
458-20-252	AMD-P	89-13-086	460-33A-031	AMD	89-17-078
458-20-252	AMD-E	89-13-088	460-33A-055	AMD-P	89-13-068
458-20-252	AMD	89-16-091	460-33A-055	AMD	89-17-078
458-20-253	AMD-P	89-17-064	460-33A-065	AMD-P	89-13-068
458-20-253	AMD	89-21-002	460-33A-065	AMD	89-17-078
458-20-254	NEW-P	89-08-089	460-33A-080	AMD-P	89-13-068
458-20-254	NEW	89-11-040	460-33A-080	AMD	89-17-078
458-20-255	NEW-P	89-13-041	460-33A-085	AMD-P	89-13-068
458-20-255	NEW-E	89-13-042	460-33A-085	AMD	89-17-078
458-20-255	NEW	89-17-001	460-33A-105	AMD-P	89-13-068
458-20-256	NEW-E	89-21-076	460-33A-105	AMD	89-17-078
458-20-256	NEW-P	90-01-151	460-42A-020	REP-P	89-13-069
458-30-260	AMD	89-05-009	460-42A-020	AMD-C	89-17-075
458-30-260	AMD-P	89-23-100	460-42A-020	AMD	89-21-031
458-30-261	NEW	89-05-008	460-42A-030	NEW-P	89-13-069
458-30-261	REP-P	89-23-100	460-42A-030	NEW	89-17-080
458-30-262	NEW-P	89-23-100	460-42A-081	AMD-P	89-13-066
458-30-590	AMD	89-05-010	460-42A-081	AMD-C	89-17-074
458-40-540	AMD-P	89-21-062	460-42A-082	AMD	89-21-032
458-40-540	AMD	89-23-095	460-44A-500	AMD-P	89-13-070
458-40-628	AMD-P	89-22-100	460-44A-500	AMD	89-17-076
458-40-628	AMD	90-02-049	460-44A-501	AMD-P	89-13-070
458-40-628	AMD-E	90-02-050	460-44A-501	AMD	89-17-076
458-40-660	AMD-P	89-10-061	460-44A-502	AMD-P	89-13-070
458-40-660	AMD-E	89-14-050	460-44A-502	AMD	89-17-076
458-40-660	AMD	89-14-051	460-44A-503	AMD-P	89-13-070
458-40-660	AMD-P	89-22-100	460-44A-503	AMD	89-17-076
458-40-660	AMD	90-02-049	460-44A-505	AMD-P	89-13-070
458-40-660	AMD-E	90-02-050	460-44A-505	AMD	89-17-076
458-40-670	AMD-P	89-10-061	460-44A-506	AMD-P	89-13-070
458-40-670	AMD-E	89-14-050	460-44A-506	AMD	89-17-076
458-40-670	AMD	89-14-051	460-44A-508	NEW-P	89-13-070
458-40-670	AMD-P	89-22-100	460-44A-508	NEW	89-17-076
458-40-670	AMD	90-02-049	460-46A-010	AMD-P	89-03-044
458-40-670	AMD-E	90-02-050	460-46A-010	AMD	89-07-042
458-53-020	AMD-P	89-05-053	460-46A-050	AMD-P	89-03-044
458-53-020	AMD	89-09-021	460-46A-050	AMD	89-07-042
458-53-030	AMD-P	89-05-053	460-46A-060	REP-P	89-03-044
458-53-030	AMD	89-09-021	460-46A-060	REP	89-07-042
458-53-070	AMD-P	89-05-053	460-46A-070	REP-P	89-03-044
458-53-070	AMD	89-09-021	460-46A-070	REP	89-07-042
458-53-100	AMD-P	89-05-053	460-46A-080	REP-P	89-03-044
458-53-100	AMD	89-09-021	460-46A-080	REP	89-07-042
458-53-110	AMD-P	89-05-053	460-46A-085	REP-P	89-03-044
458-53-110	AMD	89-09-021	460-46A-085	REP	89-07-042
458-53-150	AMD-P	89-05-053	460-46A-090	AMD-P	89-03-044
458-53-150	AMD	89-09-021	460-46A-090	AMD	89-07-042
458-53-163	AMD-P	89-05-053	460-46A-092	NEW-P	89-03-044
458-53-163	AMD	89-09-021	460-46A-092	NEW	89-07-042
458-61-230	AMD-P	89-20-076	460-46A-095	AMD-P	89-03-044
458-61-230	AMD-C	89-23-056	460-46A-095	AMD	89-07-042
458-61-230	AMD	90-01-003	460-46A-105	AMD-P	89-03-044
460-10A-160	AMD-P	89-13-066	460-46A-105	AMD	89-07-042
460-10A-160	AMD-C	89-17-074	460-46A-110	AMD-P	89-03-044
460-10A-160	AMD	89-21-032	460-46A-110	AMD	89-07-042
460-20A-008	NEW-P	89-13-066	460-46A-120	REP-P	89-03-044
460-20A-008	NEW	89-17-079	460-46A-120	REP	89-07-042
460-20A-220	AMD-P	89-13-067	460-46A-145	AMD-P	89-03-044
460-46A-145	AMD	89-07-042	460-46A-150	AMD-P	89-03-044
460-46A-150	AMD-P	89-07-042	460-46A-150	AMD	89-07-042
460-46A-155	AMD-P	89-03-044	460-46A-155	AMD-P	89-07-042
460-46A-155	AMD	89-07-042	463-30	AMD-P	89-24-014
463-30	AMD-P	89-24-014	463-30-010	AMD-P	89-24-014
463-30-010	AMD-P	89-24-014	463-30-020	AMD-P	89-24-014
463-30-020	AMD-P	89-24-014	463-30-050	AMD-P	89-24-014
463-30-050	AMD-P	89-24-014	463-30-060	AMD-P	89-24-014
463-30-060	AMD-P	89-24-014	463-30-070	REP-P	89-24-014
463-30-070	REP-P	89-24-014	463-30-080	AMD-P	89-24-014
463-30-080	AMD-P	89-24-014	463-30-085	NEW-P	89-24-014
463-30-085	NEW-P	89-24-014	463-30-090	AMD-P	89-24-014
463-30-090	AMD-P	89-24-014	463-30-100	AMD-P	89-24-014
463-30-100	AMD-P	89-24-014	463-30-110	REP-P	89-24-014
463-30-110	REP-P	89-24-014	463-30-120	AMD-P	89-24-014
463-30-120	AMD-P	89-24-014	463-30-130	REP-P	89-24-014
463-30-130	REP-P	89-24-014	463-30-140	REP-P	89-24-014
463-30-140	REP-P	89-24-014	463-30-150	REP-P	89-24-014
463-30-150	REP-P	89-24-014	463-30-160	REP-P	89-24-014
463-30-160	REP-P	89-24-014	463-30-170	REP-P	89-24-014
463-30-170	REP-P	89-24-014	463-30-180	REP-P	89-24-014
463-30-180	REP-P	89-24-014	463-30-190	AMD-P	89-24-014
463-30-190	AMD-P	89-24-014	463-30-200	AMD-P	89-24-014
463-30-200	AMD-P	89-24-014	463-30-210	REP-P	89-24-014
463-30-210	REP-P	89-24-014	463-30-220	REP-P	89-24-014
463-30-220	REP-P	89-24-014	463-30-230	AMD-P	89-24-014
463-30-230	AMD-P	89-24-014	463-30-240	AMD-P	89-24-014
463-30-240	AMD-P	89-24-014	463-30-250	AMD-P	89-24-014
463-30-250	AMD-P	89-24-014	463-30-260	REP-P	89-24-014
463-30-260	REP-P	89-24-014	463-30-270	AMD-P	89-24-014
463-30-270	AMD-P	89-24-014	463-30-290	REP-P	89-24-014
463-30-290	REP-P	89-24-014	463-30-295	REP-P	89-24-014
463-30-295	REP-P	89-24-014	463-30-300	AMD-P	89-24-014
463-30-300	AMD-P	89-24-014	463-30-310	AMD-P	89-24-014
463-30-310	AMD-P	89-24-014	463-30-320	AMD-P	89-24-014
463-30-320	AMD-P	89-24-014	463-30-330	AMD-P	89-24-014
463-30-330	AMD-P	89-24-014	463-30-335	NEW-P	89-24-014
463-30-335	NEW-P	89-24-014	463-30-340	REP-P	89-24-014
463-30-340	REP-P	89-24-014	463-30-350	REP-P	89-24-014
463-30-350	REP-P	89-24-014	463-30-360	REP-P	89-24-014
463-30-360	REP-P	89-24-014	463-30-370	REP-P	89-24-014
463-30-370	REP-P	89-24-014	463-30-380	REP-P	89-24-014
463-30-380	REP-P	89-24-014	463-30-410	AMD-P	89-24-014
463-30-410	AMD-P	89-24-014	463-30-420	AMD-P	89-24-014
463-30-420	AMD-P	89-24-014	463-34	AMD-P	89-24-014
463-34	AMD-P	89-24-014	463-34-010	AMD-P	89-24-014
463-34-010	AMD-P	89-24-014	463-34-020	REP-P	89-24-014
463-34-020	REP-P	89-24-014	463-34-030	AMD-P	89-24-014
463-34-030	AMD-P	89-24-014	463-34-040	REP-P	89-24-014
463-34-040	REP-P	89-24-014	463-34-050	AMD-P	89-24-014
463-34-050	AMD-P	89-24-014	463-34-060	AMD-P	89-24-014
463-34-060	AMD-P	89-24-014	463-34-070	AMD-P	89-24-014
463-34-070	AMD-P	89-24-014	463-34-080	AMD-P	89-24-014
463-34-080	AMD-P	89-24-014	463-34-090	AMD-P	89-24-014
463-34-090	AMD-P	89-24-014	463-34-100	REP-P	89-24-014
463-34-100	REP-P	89-24-014	468-06	REVIEW	89-06-038
468-06	REVIEW	89-06-038	468-06-030	AMD-P	89-14-019
468-06-030	AMD-P	89-14-019	468-06-030	AMD	89-17-047
468-06-030	AMD	89-17-047	468-06-040	AMD-P	89-14-019
468-06-040	AMD-P	89-14-019	468-06-040	AMD	89-17-047
468-06-040	AMD	89-17-047	468-06-050	AMD-P	89-14-019
468-06-050	AMD-P	89-14-019	468-06-050	AMD	89-17-047
468-06-050	AMD	89-17-047	468-10	REVIEW	89-06-038
468-10	REVIEW	89-06-038	468-12	REVIEW	89-06-038
468-12	REVIEW	89-06-038	468-14	REVIEW	89-08-061
468-14	REVIEW	89-08-061	468-16-010	NEW-P	89-07-034
468-16-010	NEW-P	89-07-034	468-16-010	NEW-W	89-08-064
468-16-010	NEW-W	89-08-064	468-16-010	NEW-P	89-16-086
468-16-010	NEW-P	89-16-086	468-16-020	NEW-W	89-19-013
468-16-020	NEW-W	89-19-013	468-16-020	NEW-P	89-07-034
468-16-020	NEW-P	89-07-034	468-16-030	NEW-W	89-19-013
468-16-030	NEW-W	89-19-013	468-16-030	NEW-P	89-07-034
468-16-030	NEW-P	89-07-034	468-16-030	NEW-W	89-08-064

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468-16-030	NEW-P	89-16-086	468-34-020	AMD	89-05-022	468-100-104	NEW-P	89-14-039
468-16-030	NEW-W	89-19-013	468-34-060	AMD	89-05-022	468-100-104	NEW	89-17-048
468-16-040	NEW-P	89-07-034	468-34-100	AMD	89-05-022	468-100-105	NEW-P	89-14-039
468-16-040	NEW-W	89-08-064	468-34-110	AMD	89-05-022	468-100-105	NEW	89-17-048
468-16-040	NEW-P	89-16-086	468-34-120	AMD	89-05-022	468-100-106	NEW-P	89-14-039
468-16-040	NEW-W	89-19-013	468-34-130	AMD	89-05-022	468-100-106	NEW	89-17-048
468-16-050	NEW-P	89-07-034	468-34-140	AMD	89-05-022	468-100-201	NEW-P	89-14-039
468-16-050	NEW-W	89-08-064	468-34-150	AMD	89-05-022	468-100-201	NEW	89-17-048
468-16-050	NEW-P	89-16-086	468-34-170	AMD	89-05-022	468-100-202	NEW-P	89-14-039
468-16-050	NEW-W	89-19-013	468-34-190	AMD	89-05-022	468-100-202	NEW	89-17-048
468-16-060	NEW-P	89-07-034	468-34-210	AMD	89-05-022	468-100-203	NEW-P	89-14-039
468-16-060	NEW-W	89-08-064	468-34-220	AMD	89-05-022	468-100-203	NEW	89-17-048
468-16-060	NEW-P	89-16-086	468-34-250	AMD	89-05-022	468-100-204	NEW-P	89-14-039
468-16-060	NEW-W	89-19-013	468-34-290	AMD	89-05-022	468-100-204	NEW	89-17-048
468-16-070	NEW-P	89-07-034	468-34-300	AMD	89-05-022	468-100-205	NEW-P	89-14-039
468-16-070	NEW-W	89-08-064	468-34-320	AMD	89-05-022	468-100-205	NEW	89-17-048
468-16-070	NEW-P	89-16-086	468-34-340	AMD	89-05-022	468-100-206	NEW-P	89-14-039
468-16-070	NEW-W	89-19-013	468-34-350	NEW	89-05-022	468-100-206	NEW	89-17-048
468-16-080	NEW-P	89-07-034	468-38	REVIEW	89-13-027	468-100-207	NEW-P	89-14-039
468-16-080	NEW-W	89-08-064	468-38-030	AMD-P	89-19-042	468-100-207	NEW	89-17-048
468-16-080	NEW-P	89-16-086	468-38-030	AMD	89-23-110	468-100-208	NEW-P	89-14-039
468-16-080	NEW-W	89-19-013	468-38-040	AMD-P	89-19-042	468-100-208	NEW	89-17-048
468-16-090	NEW-P	89-07-034	468-38-040	AMD	89-23-110	468-100-301	NEW-P	89-14-039
468-16-090	NEW-W	89-08-064	468-38-050	AMD-P	89-19-042	468-100-301	NEW	89-17-048
468-16-090	NEW-P	89-16-086	468-38-050	AMD	89-23-110	468-100-302	NEW-P	89-14-039
468-16-090	NEW-W	89-19-013	468-38-100	AMD-P	89-19-042	468-100-302	NEW	89-17-048
468-16-100	NEW-P	89-07-034	468-38-100	AMD	89-23-110	468-100-303	NEW-P	89-14-039
468-16-100	NEW-W	89-08-064	468-38-160	AMD-P	89-19-042	468-100-303	NEW	89-17-048
468-16-100	NEW-P	89-16-086	468-38-160	AMD	89-23-110	468-100-304	NEW-P	89-14-039
468-16-100	NEW-W	89-19-013	468-38-200	AMD-P	89-19-042	468-100-304	NEW	89-17-048
468-16-110	NEW-P	89-07-034	468-38-200	AMD	89-23-110	468-100-305	NEW-P	89-14-039
468-16-110	NEW-W	89-08-064	468-38-230	AMD-P	89-19-042	468-100-305	NEW	89-17-048
468-16-110	NEW-P	89-16-086	468-38-230	AMD	89-23-110	468-100-306	NEW-P	89-14-039
468-16-110	NEW-W	89-19-013	468-38-250	AMD-P	89-19-042	468-100-306	NEW	89-17-048
468-16-120	NEW-P	89-07-034	468-38-250	AMD	89-23-110	468-100-401	NEW-P	89-14-039
468-16-120	NEW-W	89-08-064	468-38-260	AMD-P	89-19-042	468-100-401	NEW	89-17-048
468-16-120	NEW-P	89-16-086	468-38-260	AMD	89-23-110	468-100-402	NEW-P	89-14-039
468-16-120	NEW-W	89-19-013	468-38-350	AMD-P	89-19-042	468-100-402	NEW	89-17-048
468-16-130	NEW-P	89-07-034	468-38-350	AMD	89-23-110	468-100-403	NEW-P	89-14-039
468-16-130	NEW-W	89-08-064	468-38-390	AMD-P	89-19-042	468-100-403	NEW	89-17-048
468-16-130	NEW-P	89-16-086	468-38-390	AMD	89-23-110	468-100-501	NEW-P	89-14-039
468-16-130	NEW-W	89-19-013	468-46	REVIEW	89-13-027	468-100-501	NEW	89-17-048
468-16-140	NEW-P	89-07-034	468-54	REVIEW	89-08-061	468-100-502	NEW-P	89-14-039
468-16-140	NEW-W	89-08-064	468-58	REVIEW	89-08-061	468-100-502	NEW	89-17-048
468-16-140	NEW-P	89-16-086	468-58-070	REP-P	89-22-013	468-100-503	NEW-P	89-14-039
468-16-140	NEW-W	89-19-013	468-58-070	REP	90-01-100	468-100-503	NEW	89-17-048
468-16-150	NEW-P	89-07-034	468-66	PREP	89-22-021	468-100-504	NEW-P	89-14-039
468-16-150	NEW-W	89-08-064	468-70	PREP	89-22-021	468-100-504	NEW	89-17-048
468-16-150	NEW-P	89-16-086	468-74	PREP	89-22-021	468-100-505	NEW-P	89-14-039
468-16-150	NEW-W	89-19-013	468-78	REVIEW	89-22-021	468-100-505	NEW	89-17-048
468-16-160	NEW-P	89-07-034	468-95	PREP	89-22-021	468-100-601	NEW-P	89-14-039
468-16-160	NEW-W	89-08-064	468-100-001	NEW-P	89-14-039	468-100-601	NEW	89-17-048
468-16-160	NEW-P	89-16-086	468-100-001	NEW	89-17-048	468-100-602	NEW-P	89-14-039
468-16-160	NEW-W	89-19-013	468-100-002	NEW-P	89-14-039	468-100-602	NEW	89-17-048
468-16-170	NEW-P	89-07-034	468-100-002	NEW	89-17-048	468-300	REVIEW	89-06-038
468-16-170	NEW-W	89-08-064	468-100-003	NEW-P	89-14-039	468-300-010	AMD	89-04-014
468-16-170	NEW-P	89-16-086	468-100-003	NEW	89-17-048	468-300-010	AMD-P	89-08-068
468-16-180	NEW-W	89-19-013	468-100-004	NEW-P	89-14-039	468-300-010	AMD-C	89-12-005
468-16-180	NEW-P	89-07-034	468-100-004	NEW	89-17-048	468-300-010	AMD	89-14-052
468-16-180	NEW-W	89-08-064	468-100-005	NEW-P	89-14-039	468-300-020	AMD	89-04-014
468-16-180	NEW-P	89-16-086	468-100-005	NEW	89-17-048	468-300-020	AMD-P	89-08-068
468-16-180	NEW-W	89-19-013	468-100-006	NEW-P	89-14-039	468-300-020	AMD-C	89-12-005
468-16-190	NEW-P	89-07-034	468-100-006	NEW	89-17-048	468-300-020	AMD	89-14-052
468-16-190	NEW-W	89-08-064	468-100-007	NEW-P	89-14-039	468-300-040	AMD	89-04-014
468-16-190	NEW-P	89-16-086	468-100-007	NEW	89-17-048	468-300-040	AMD-P	89-08-068
468-16-190	NEW-W	89-19-013	468-100-008	NEW-P	89-14-039	468-300-040	AMD-C	89-12-005
468-16-200	NEW-P	89-07-034	468-100-008	NEW	89-17-048	468-300-040	AMD	89-14-052
468-16-200	NEW-W	89-08-064	468-100-009	NEW-P	89-14-039	468-300-070	AMD	89-04-014
468-16-200	NEW-P	89-16-086	468-100-009	NEW	89-17-048	468-300-070	AMD-P	89-08-068
468-16-200	NEW-W	89-19-013	468-100-010	NEW-P	89-14-039	468-300-070	AMD-C	89-12-005
468-16-210	NEW-P	89-07-034	468-100-010	NEW	89-17-048	468-300-070	AMD	89-14-052
468-16-210	NEW-W	89-08-064	468-100-101	NEW-P	89-14-039	468-300-700	AMD-P	89-08-068
468-16-210	NEW-P	89-16-086	468-100-101	NEW	89-17-048	468-300-700	AMD-C	89-12-005
468-16-210	NEW-W	89-19-013	468-100-102	NEW-P	89-14-039	468-320-010	NEW-P	89-18-087
468-18	REVIEW	89-06-038	468-100-102	NEW	89-17-048	468-320-010	NEW-E	89-18-088
468-30	REVIEW	89-08-061	468-100-103	NEW-P	89-14-039	468-320-010	NEW	89-22-028
468-34	REVIEW	89-08-061	468-100-103	NEW	89-17-048	468-320-020	NEW-P	89-18-087

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
468-320-020	NEW-E	89-18-088	478-116-510	AMD-P	89-09-043	479-116-045	NEW-P	89-10-053
468-320-020	NEW	89-22-028	478-116-510	AMD	89-15-023	479-116-045	NEW-E	89-10-054
468-320-030	NEW-P	89-18-087	478-116-512	NEW-P	89-09-043	479-116-045	NEW	89-14-005
468-320-030	NEW-E	89-18-088	478-116-515	NEW-P	89-09-043	479-116-050	NEW-P	89-10-053
468-320-030	NEW	89-22-028	478-116-520	AMD-P	89-09-043	479-116-050	NEW-E	89-10-054
468-320-040	NEW-P	89-18-087	478-116-520	AMD	89-15-023	479-116-050	NEW	89-14-005
468-320-040	NEW-E	89-18-088	478-116-525	NEW-P	89-09-043	479-116-060	NEW-P	89-10-053
468-320-040	NEW	89-22-028	478-116-550	AMD-P	89-09-043	479-116-060	NEW-E	89-10-054
468-320-050	NEW-P	89-18-087	478-116-550	AMD	89-15-023	479-116-060	NEW	89-14-005
468-320-050	NEW-E	89-18-088	478-116-586	AMD-P	89-09-043	479-120-020	NEW-P	89-10-053
468-320-050	NEW	89-22-028	478-116-586	AMD	89-15-023	479-120-020	NEW-E	89-10-054
468-320-060	NEW-P	89-18-087	478-116-600	AMD-P	89-09-043	479-120-020	NEW	89-14-005
468-320-060	NEW-E	89-18-088	478-116-600	AMD	89-15-023	479-120-033	NEW-P	89-10-053
468-320-060	NEW	89-22-028	478-116-600	AMD-P	89-20-041	479-120-033	NEW-E	89-10-054
468-320-070	NEW-P	89-18-087	478-116-600	AMD-P	89-20-042	479-120-033	NEW	89-14-005
468-320-070	NEW-E	89-18-088	478-138-030	AMD-P	89-20-042	480-08-010	REP-C	89-17-049
468-320-070	NEW	89-22-028	478-138-040	AMD-P	89-20-042	480-08-010	REP-E	89-17-050
468-320-070	NEW-P	89-18-087	478-138-050	AMD-P	89-20-042	480-08-010	REP	89-21-036
468-320-080	NEW-E	89-18-088	479-112-005	NEW-P	89-10-053	480-08-015	REP-C	89-17-049
468-320-080	NEW	89-22-028	479-112-005	NEW-E	89-10-054	480-08-015	REP-E	89-17-050
468-320-090	NEW-P	89-18-087	479-112-007	NEW	89-14-005	480-08-015	REP	89-21-036
468-320-090	NEW-E	89-18-088	479-112-007	NEW-P	89-10-053	480-08-015	REP	89-21-036
468-320-090	NEW	89-22-028	479-112-007	NEW-E	89-10-054	480-08-020	REP-C	89-17-049
468-320-100	NEW-P	89-18-087	479-112-007	NEW	89-14-005	480-08-020	REP-E	89-17-050
468-320-100	NEW-E	89-18-088	479-112-008	NEW-P	89-10-053	480-08-020	REP	89-21-036
468-320-100	NEW	89-22-028	479-112-008	NEW-E	89-10-054	480-08-020	REP	89-17-049
478-116-020	AMD-P	89-09-043	479-112-008	NEW	89-14-005	480-08-030	REP-E	89-17-050
478-116-020	AMD	89-15-023	479-112-009	NEW-P	89-10-053	480-08-030	REP	89-21-036
478-116-030	AMD-P	89-09-043	479-112-009	NEW-E	89-10-054	480-08-030	REP-C	89-17-049
478-116-030	AMD	89-15-023	479-112-010	NEW	89-14-005	480-08-030	REP-E	89-17-050
478-116-055	AMD-P	89-09-043	479-112-010	NEW-P	89-10-053	480-08-040	REP	89-21-036
478-116-055	AMD	89-15-023	479-112-010	NEW-E	89-10-054	480-08-040	REP-E	89-17-050
478-116-060	AMD-P	89-09-043	479-112-017	NEW	89-14-005	480-08-040	REP	89-21-036
478-116-060	AMD	89-15-023	479-112-017	NEW-P	89-10-053	480-08-050	REP-E	89-17-050
478-116-095	AMD-P	89-09-043	479-112-017	NEW-E	89-10-054	480-08-050	REP	89-21-036
478-116-095	AMD	89-15-023	479-112-018	NEW	89-14-005	480-08-055	REP-C	89-17-049
478-116-100	AMD-P	89-09-043	479-112-018	NEW-P	89-10-053	480-08-055	REP-E	89-17-050
478-116-100	AMD	89-15-023	479-112-018	NEW-E	89-10-054	480-08-055	REP	89-21-036
478-116-110	AMD-P	89-09-043	479-112-020	NEW	89-14-005	480-08-060	REP-C	89-17-049
478-116-110	AMD	89-15-023	479-112-020	NEW-P	89-10-053	480-08-060	REP-E	89-17-050
478-116-210	AMD-P	89-09-043	479-112-020	NEW-E	89-10-054	480-08-060	REP	89-21-036
478-116-210	AMD	89-15-023	479-113-010	NEW	89-14-005	480-08-060	REP-C	89-17-049
478-116-240	AMD-P	89-09-043	479-113-010	NEW-P	89-10-053	480-08-070	REP-E	89-17-050
478-116-240	AMD	89-15-023	479-113-010	NEW-E	89-10-054	480-08-070	REP	89-21-036
478-116-250	AMD-P	89-09-043	479-113-011	NEW	89-14-005	480-08-080	REP-C	89-17-049
478-116-250	AMD	89-15-023	479-113-011	NEW-P	89-10-053	480-08-080	REP-E	89-17-050
478-116-250	AMD-P	89-20-041	479-113-011	NEW-E	89-10-054	480-08-080	REP	89-21-036
478-116-260	AMD-P	89-20-041	479-113-011	NEW	89-14-005	480-08-090	REP-C	89-17-049
478-116-270	AMD-P	89-09-043	479-113-029	NEW-P	89-10-053	480-08-090	REP-E	89-17-050
478-116-270	AMD	89-15-023	479-113-029	NEW-E	89-10-054	480-08-090	REP	89-21-036
478-116-280	AMD-P	89-09-043	479-113-029	NEW	89-14-005	480-08-100	REP-C	89-17-049
478-116-280	AMD	89-15-023	479-113-031	NEW-P	89-10-053	480-08-100	REP-E	89-17-050
478-116-340	AMD-P	89-09-043	479-113-031	NEW-E	89-10-054	480-08-100	REP	89-21-036
478-116-340	AMD	89-15-023	479-113-031	NEW	89-14-005	480-08-110	REP-C	89-17-049
478-116-345	NEW-P	89-09-043	479-113-032	NEW-P	89-10-053	480-08-110	REP-E	89-17-050
478-116-345	NEW	89-15-023	479-113-032	NEW-E	89-10-054	480-08-110	REP	89-21-036
478-116-360	AMD-P	89-09-043	479-113-032	NEW	89-14-005	480-08-120	REP-C	89-17-049
478-116-360	AMD	89-15-023	479-113-035	NEW-P	89-10-053	480-08-120	REP-E	89-17-050
478-116-380	AMD-P	89-09-043	479-113-035	NEW-E	89-10-054	480-08-120	REP	89-21-036
478-116-380	AMD	89-15-023	479-113-035	NEW	89-14-005	480-08-130	REP-C	89-17-049
478-116-430	AMD-P	89-09-043	479-116-015	NEW-P	89-10-053	480-08-130	REP-E	89-17-050
478-116-430	AMD	89-15-023	479-116-015	NEW-E	89-10-054	480-08-130	REP	89-21-036
478-116-440	AMD-P	89-09-043	479-116-015	NEW	89-14-005	480-08-140	REP-C	89-17-049
478-116-440	AMD	89-15-023	479-116-016	NEW-P	89-10-053	480-08-140	REP-E	89-17-050
478-116-455	NEW-P	89-09-043	479-116-016	NEW-E	89-10-054	480-08-140	REP	89-21-036
478-116-462	NEW-P	89-09-043	479-116-016	NEW	89-14-005	480-08-150	REP-C	89-17-049
478-116-463	NEW-P	89-09-043	479-116-020	NEW-P	89-10-053	480-08-150	REP-E	89-17-050
478-116-465	NEW-P	89-09-043	479-116-020	NEW-E	89-10-054	480-08-150	REP	89-21-036
478-116-466	NEW-P	89-09-043	479-116-030	NEW	89-14-005	480-08-160	REP-C	89-17-049
478-116-467	NEW-P	89-09-043	479-116-030	NEW-P	89-10-053	480-08-160	REP-E	89-17-050
478-116-470	AMD-P	89-09-043	479-116-030	NEW-E	89-10-054	480-08-160	REP	89-21-036
478-116-470	AMD	89-15-023	479-116-035	NEW	89-14-005	480-08-170	REP-C	89-17-049
478-116-490	AMD-P	89-09-043	479-116-035	NEW-P	89-10-053	480-08-170	REP-E	89-17-050
478-116-490	AMD	89-15-023	479-116-040	NEW-E	89-10-054	480-08-170	REP	89-21-036
478-116-500	AMD-P	89-09-043	479-116-040	NEW	89-14-005	480-08-180	REP-C	89-17-049
478-116-500	AMD	89-15-023	479-116-040	NEW-P	89-10-053	480-08-180	REP-E	89-17-050
			479-116-040	NEW-E	89-10-054	480-08-190	REP	89-21-036
				NEW	89-14-005	480-08-190	REP-C	89-17-049
							REP-E	89-17-050

Table of WAC Sections Affected as of 12/31/89

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-08-190	REP	89-21-036	480-09-140	NEW-P	89-13-090	480-09-470	NEW-P	89-13-090
480-08-200	REP-C	89-17-049	480-09-140	NEW-C	89-17-049	480-09-470	NEW-C	89-17-049
480-08-200	REP-E	89-17-050	480-09-140	NEW-E	89-17-050	480-09-470	NEW-E	89-17-050
480-08-200	REP	89-21-036	480-09-140	NEW	89-21-036	480-09-470	NEW	89-21-036
480-08-208	NEW-E	89-08-004	480-09-150	NEW-P	89-13-090	480-09-475	NEW-P	89-13-090
480-08-208	NEW-P	89-08-109	480-09-150	NEW-C	89-17-049	480-09-475	NEW-C	89-17-049
480-08-208	REP-E	89-11-006	480-09-150	NEW-E	89-17-050	480-09-475	NEW-E	89-17-050
480-08-208	NEW-C	89-11-085	480-09-150	NEW	89-21-036	480-09-475	NEW	89-21-036
480-08-208	NEW-C	89-13-028	480-09-200	NEW-P	89-13-090	480-09-480	NEW-P	89-13-090
480-08-208	NEW-P	89-15-041	480-09-200	NEW-C	89-17-049	480-09-480	NEW-C	89-17-049
480-08-210	REP-C	89-17-049	480-09-200	NEW-E	89-17-050	480-09-480	NEW-E	89-17-050
480-08-210	REP-E	89-17-050	480-09-200	NEW	89-21-036	480-09-480	NEW	89-18-009
480-08-210	REP	89-21-036	480-09-210	NEW-P	89-13-090	480-09-500	NEW-P	89-13-090
480-08-220	REP-C	89-17-049	480-09-210	NEW-C	89-17-049	480-09-500	NEW-C	89-17-049
480-08-220	REP-E	89-17-050	480-09-210	NEW-E	89-17-050	480-09-500	NEW-E	89-17-050
480-08-220	REP	89-21-036	480-09-210	NEW	89-21-036	480-09-500	NEW	89-21-036
480-08-230	REP-C	89-17-049	480-09-220	NEW-P	89-13-090	480-09-510	NEW-P	89-13-090
480-08-230	REP-E	89-17-050	480-09-220	NEW-C	89-17-049	480-09-510	NEW-C	89-17-049
480-08-230	REP	89-21-036	480-09-220	NEW-E	89-17-050	480-09-510	NEW-E	89-17-050
480-08-240	REP-C	89-17-049	480-09-220	NEW	89-21-036	480-09-510	NEW	89-21-036
480-08-240	REP-E	89-17-050	480-09-230	NEW	89-21-036	480-09-600	NEW-P	89-13-090
480-08-240	REP	89-21-036	480-09-300	NEW-P	89-13-090	480-09-600	NEW-C	89-17-049
480-08-250	REP-C	89-17-049	480-09-300	NEW-C	89-17-049	480-09-600	NEW-E	89-17-050
480-08-250	REP-E	89-17-050	480-09-300	NEW-E	89-17-050	480-09-600	NEW	89-21-036
480-08-250	REP	89-21-036	480-09-300	NEW	89-21-036	480-09-610	NEW-P	89-13-090
480-08-260	REP-C	89-17-049	480-09-310	NEW-P	89-13-090	480-09-610	NEW-C	89-17-049
480-08-260	REP-E	89-17-050	480-09-310	NEW-C	89-17-049	480-09-610	NEW-E	89-17-050
480-08-260	REP	89-21-036	480-09-310	NEW-E	89-17-050	480-09-610	NEW	89-21-036
480-08-270	REP-C	89-17-049	480-09-310	NEW	89-21-036	480-09-620	NEW-P	89-13-090
480-08-270	REP-E	89-17-050	480-09-320	NEW-P	89-13-090	480-09-620	NEW-C	89-17-049
480-08-270	REP	89-21-036	480-09-320	NEW-C	89-17-049	480-09-620	NEW-E	89-17-050
480-08-280	REP-C	89-17-049	480-09-320	NEW-E	89-17-050	480-09-620	NEW	89-21-036
480-08-280	REP-E	89-17-050	480-09-320	NEW	89-21-036	480-09-700	NEW-P	89-13-090
480-08-280	REP	89-21-036	480-09-330	NEW-P	89-13-090	480-09-700	NEW-C	89-17-049
480-08-290	REP-C	89-17-049	480-09-330	NEW-C	89-17-049	480-09-700	NEW-E	89-17-050
480-08-290	REP-E	89-17-050	480-09-330	NEW-E	89-17-050	480-09-700	NEW	89-21-036
480-08-290	REP	89-21-036	480-09-330	NEW	89-21-036	480-09-705	NEW-P	89-13-090
480-08-300	REP-C	89-17-049	480-09-340	NEW-P	89-13-090	480-09-705	NEW-C	89-17-049
480-08-300	REP-E	89-17-050	480-09-340	NEW-C	89-17-049	480-09-705	NEW-E	89-17-050
480-08-300	REP	89-21-036	480-09-340	NEW-E	89-17-050	480-09-705	NEW	89-21-036
480-08-310	REP-C	89-17-049	480-09-340	NEW	89-21-036	480-09-710	NEW-P	89-13-090
480-08-310	REP-E	89-17-050	480-09-400	NEW-P	89-13-090	480-09-710	NEW-C	89-17-049
480-08-310	REP	89-21-036	480-09-400	NEW-C	89-17-049	480-09-710	NEW-E	89-17-050
480-08-320	REP-C	89-17-049	480-09-400	NEW-E	89-17-050	480-09-710	NEW	89-21-036
480-08-320	REP-E	89-17-050	480-09-400	NEW	89-21-036	480-09-720	NEW-P	89-13-090
480-08-320	REP	89-21-036	480-09-410	NEW-P	89-13-090	480-09-720	NEW-C	89-17-049
480-08-330	REP-C	89-17-049	480-09-410	NEW-C	89-17-049	480-09-720	NEW-E	89-17-050
480-08-330	REP-E	89-17-050	480-09-410	NEW-E	89-17-050	480-09-720	NEW	89-21-036
480-08-330	REP	89-21-036	480-09-410	NEW	89-21-036	480-09-730	NEW-P	89-13-090
480-09	NEW-C	89-16-048	480-09-420	NEW-P	89-13-090	480-09-730	NEW-C	89-17-049
480-09-010	NEW-C	89-17-049	480-09-420	NEW-C	89-17-049	480-09-730	NEW-E	89-17-050
480-09-010	NEW-P	89-13-090	480-09-420	NEW-E	89-17-050	480-09-730	NEW	89-21-036
480-09-010	NEW-C	89-17-049	480-09-420	NEW	89-21-036	480-09-735	NEW-P	89-13-090
480-09-010	NEW-E	89-17-050	480-09-425	NEW-P	89-13-090	480-09-735	NEW-C	89-17-049
480-09-010	NEW	89-21-036	480-09-425	NEW-C	89-17-049	480-09-735	NEW-E	89-17-050
480-09-015	NEW-P	89-17-049	480-09-425	NEW-E	89-17-050	480-09-735	NEW	89-21-036
480-09-015	NEW-E	89-17-050	480-09-425	NEW	89-21-036	480-09-736	NEW-P	89-13-090
480-09-015	NEW	89-21-036	480-09-430	NEW-P	89-13-090	480-09-736	NEW-C	89-17-049
480-09-100	NEW-P	89-13-090	480-09-430	NEW-C	89-17-049	480-09-736	NEW-E	89-17-050
480-09-100	NEW-C	89-17-049	480-09-430	NEW-E	89-17-050	480-09-736	NEW	89-21-036
480-09-100	NEW-E	89-17-050	480-09-430	NEW	89-21-036	480-09-740	NEW-P	89-13-090
480-09-100	NEW	89-21-036	480-09-440	NEW-P	89-13-090	480-09-740	NEW-C	89-17-049
480-09-110	NEW-P	89-13-090	480-09-440	NEW-C	89-17-049	480-09-740	NEW-E	89-17-050
480-09-110	NEW-C	89-17-049	480-09-440	NEW-E	89-17-050	480-09-740	NEW	89-21-036
480-09-110	NEW-E	89-17-050	480-09-440	NEW	89-21-036	480-09-745	NEW-P	89-13-090
480-09-110	NEW	89-21-036	480-09-450	NEW-P	89-13-090	480-09-745	NEW-C	89-17-049
480-09-120	NEW-P	89-13-090	480-09-450	NEW-C	89-17-049	480-09-745	NEW-E	89-17-050
480-09-120	NEW-C	89-17-049	480-09-450	NEW-E	89-17-050	480-09-745	NEW	89-21-036
480-09-120	NEW-E	89-17-050	480-09-450	NEW	89-21-036	480-09-750	NEW-P	89-13-090
480-09-120	NEW	89-21-036	480-09-460	NEW-P	89-13-090	480-09-750	NEW-C	89-17-049
480-09-130	NEW-P	89-13-090	480-09-460	NEW-C	89-17-049	480-09-750	NEW-E	89-17-050
480-09-130	NEW-C	89-17-049	480-09-460	NEW-E	89-17-050	480-09-750	NEW	89-21-036
480-09-130	NEW-E	89-17-050	480-09-460	NEW	89-21-036	480-09-760	NEW-P	89-13-090
480-09-130	NEW	89-21-036	480-09-465	NEW-P	89-13-090	480-09-760	NEW-C	89-17-049
480-09-135	NEW-P	89-17-049	480-09-465	NEW-C	89-17-049	480-09-760	NEW-E	89-17-050
480-09-135	NEW-E	89-17-050	480-09-465	NEW-E	89-17-050	480-09-760	NEW	89-21-036
480-09-135	NEW	89-21-036	480-09-465	NEW	89-21-036	480-09-770	NEW-P	89-13-090

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-09-770	NEW-C	89-17-049	480-35-080	NEW-E	89-20-051	480-90-256	REP	89-08-030
480-09-770	NEW-E	89-17-050	480-35-080	NEW	89-23-049	480-90-261	REP-P	89-05-042
480-09-770	NEW	89-21-036	480-35-090	NEW-P	89-20-049	480-90-261	REP	89-08-030
480-09-780	NEW-P	89-13-090	480-35-090	NEW-E	89-20-051	480-90-266	REP-P	89-05-042
480-09-780	NEW-C	89-17-049	480-35-090	NEW	89-23-049	480-90-266	REP	89-08-030
480-09-780	NEW-E	89-17-050	480-35-100	NEW-P	89-20-049	480-90-271	REP-P	89-05-042
480-09-780	NEW	89-21-036	480-35-100	NEW-E	89-20-051	480-90-271	REP	89-08-030
480-09-800	NEW-P	89-13-090	480-35-100	NEW	89-23-049	480-90-276	REP-P	89-05-042
480-09-800	NEW-C	89-17-049	480-35-110	NEW-P	89-20-049	480-90-281	REP-P	89-05-042
480-09-800	NEW-E	89-17-050	480-35-110	NEW-E	89-20-051	480-90-281	REP	89-08-030
480-09-800	NEW	89-21-036	480-35-110	NEW	89-23-049	480-90-286	REP-P	89-05-042
480-09-810	NEW-P	89-13-090	480-35-120	NEW-P	89-20-049	480-90-286	REP	89-08-030
480-09-810	NEW-C	89-17-049	480-35-120	NEW-E	89-20-051	480-100-031	AMD-P	89-09-070
480-09-810	NEW-E	89-17-050	480-35-120	NEW	89-23-049	480-100-031	AMD-C	89-11-084
480-09-810	NEW	89-21-036	480-40-065	NEW-P	89-23-046	480-100-031	AMD	89-12-070
480-09-815	NEW-P	89-13-090	480-40-065	NEW-C	90-02-026	480-100-031	AMD-W	89-19-047
480-09-815	NEW-C	89-17-049	480-40-100	NEW-P	89-23-046	480-100-031	AMD-P	89-19-048
480-09-815	NEW-E	89-17-050	480-50-090	NEW-C	90-02-026	480-100-031	AMD	90-01-058
480-09-815	NEW	89-21-036	480-50-090	AMD-P	89-19-048	480-105-001	REP-P	89-08-111
480-09-820	NEW-P	89-13-090	480-50-090	AMD	90-01-058	480-105-001	REP-W	89-12-067
480-09-820	NEW-C	89-17-049	480-62-085	NEW-P	89-19-048	480-105-001	REP-P	89-12-068
480-09-820	NEW-E	89-17-050	480-62-085	NEW	90-01-058	480-105-001	REP	89-15-043
480-09-820	NEW	89-21-036	480-70-050	AMD-P	90-02-008	480-105-005	REP-P	89-08-111
480-09-830	NEW-P	89-13-090	480-70-325	NEW-P	89-23-046	480-105-005	REP-W	89-12-067
480-09-830	NEW-C	89-17-049	480-70-325	NEW-C	90-02-026	480-105-005	REP-P	89-12-068
480-09-830	NEW-E	89-17-050	480-70-330	AMD	89-06-021	480-105-005	REP	89-15-043
480-09-830	NEW	89-21-036	480-70-335	NEW-P	89-23-046	480-105-010	REP-P	89-08-111
480-12-100	REP-W	89-20-048	480-70-335	NEW-C	90-02-026	480-105-010	REP-W	89-12-067
480-12-165	AMD-P	89-23-046	480-70-350	AMD-P	89-19-048	480-105-010	REP-P	89-12-068
480-12-165	AMD-C	90-02-026	480-70-350	AMD	90-01-058	480-105-010	REP	89-15-043
480-12-180	AMD	89-06-021	480-70-400	AMD	89-06-021	480-105-010	REP-P	89-08-111
480-12-180	AMD-P	89-23-046	480-70-405	AMD	90-06-021	480-105-020	REP-P	89-12-067
480-12-180	AMD-C	90-02-026	480-70-500	NEW-P	90-02-008	480-105-020	REP-W	89-12-068
480-12-190	AMD	89-06-021	480-70-510	NEW-P	90-02-008	480-105-020	REP	89-15-043
480-12-195	AMD	89-06-021	480-70-520	NEW-P	90-02-008	480-105-030	REP-P	89-08-111
480-12-195	AMD-P	89-23-046	480-70-530	NEW-P	90-02-008	480-105-030	REP-W	89-12-067
480-12-195	AMD-C	90-02-026	480-70-540	NEW-P	90-02-008	480-105-030	REP-P	89-12-068
480-12-250	AMD-W	89-19-047	480-70-550	NEW-P	90-02-008	480-105-030	REP	89-15-043
480-12-250	AMD-P	89-19-048	480-70-560	NEW-P	90-02-008	480-105-040	REP-P	89-08-111
480-12-250	AMD	90-01-058	480-70-570	NEW-P	90-02-008	480-105-040	REP-W	89-12-067
480-12-285	AMD	89-04-045	480-75-010	NEW-P	89-19-048	480-105-040	REP-P	89-12-068
480-12-375	AMD-W	89-20-048	480-75-010	NEW	90-01-058	480-105-040	REP	89-15-043
480-12-375	AMD-P	89-24-017	480-80-070	AMD-P	89-12-072	480-105-050	REP-P	89-08-111
480-12-445	AMD-P	89-06-020	480-80-070	AMD	89-15-042	480-105-050	REP-W	89-12-067
480-12-445	AMD	89-09-071	480-80-330	AMD-P	89-08-110	480-105-050	REP-P	89-12-068
480-12-990	AMD-W	89-20-048	480-80-330	AMD	89-12-038	480-105-050	REP	89-15-043
480-30-095	AMD	89-06-021	480-80-390	NEW-P	89-12-069	480-105-060	REP-P	89-08-111
480-30-097	NEW-P	89-23-046	480-80-390	NEW-C	89-17-041	480-105-060	REP-W	89-12-067
480-30-097	NEW-C	90-02-026	480-80-390	NEW	89-19-038	480-105-060	REP-P	89-12-068
480-30-100	AMD	89-06-021	480-90-031	AMD-P	89-09-070	480-105-060	REP	89-15-043
480-30-100	AMD-P	89-23-046	480-90-031	AMD-C	89-11-084	480-105-070	REP-P	89-08-111
480-30-100	AMD-C	90-02-026	480-90-031	AMD	89-12-070	480-105-070	REP-W	89-12-067
480-30-120	AMD-W	89-19-047	480-90-031	AMD-W	89-19-047	480-105-070	REP-P	89-12-068
480-30-120	AMD-P	89-19-048	480-90-031	AMD-P	89-19-048	480-105-070	REP	89-15-043
480-30-120	AMD	90-01-058	480-90-031	AMD	90-01-058	480-105-080	REP-P	89-08-111
480-35-010	NEW-P	89-20-049	480-90-071	AMD-P	89-13-071	480-105-080	REP-W	89-12-067
480-35-010	NEW-E	89-20-051	480-90-071	AMD-C	89-16-047	480-105-080	REP-P	89-12-068
480-35-010	NEW	89-23-049	480-90-071	AMD	89-17-034	480-105-080	REP	89-15-043
480-35-020	NEW-P	89-20-049	480-90-201	REP-P	89-05-042	480-107-001	NEW-P	89-08-111
480-35-020	NEW-E	89-20-051	480-90-201	REP	89-08-030	480-107-001	NEW-W	89-12-067
480-35-020	NEW	89-23-049	480-90-206	REP-P	89-05-042	480-107-001	NEW-P	89-12-068
480-35-030	NEW-P	89-20-049	480-90-206	REP	89-08-030	480-107-001	NEW	89-15-043
480-35-030	NEW-E	89-20-051	480-90-216	REP-P	89-05-042	480-107-005	NEW-P	89-08-111
480-35-030	NEW	89-23-049	480-90-216	REP	89-08-030	480-107-005	NEW-W	89-12-067
480-35-040	NEW-P	89-20-049	480-90-221	REP-P	89-05-042	480-107-005	NEW-P	89-12-068
480-35-040	NEW-E	89-20-051	480-90-221	REP	89-08-030	480-107-005	NEW	89-15-043
480-35-040	NEW	89-23-049	480-90-226	REP-P	89-05-042	480-107-010	NEW-P	89-08-111
480-35-050	NEW-P	89-20-049	480-90-226	REP	89-08-030	480-107-010	NEW-W	89-12-067
480-35-050	NEW-E	89-20-051	480-90-231	REP-P	89-05-042	480-107-010	NEW-P	89-12-068
480-35-060	NEW-P	89-20-049	480-90-231	REP	89-08-030	480-107-010	NEW	89-15-043
480-35-060	NEW-E	89-20-051	480-90-241	REP-P	89-05-042	480-107-020	NEW-P	89-08-111
480-35-060	NEW	89-23-049	480-90-246	REP-P	89-05-042	480-107-020	NEW-W	89-12-067
480-35-070	NEW-P	89-20-049	480-90-246	REP	89-08-030	480-107-020	NEW-P	89-12-068
480-35-070	NEW-E	89-20-051	480-90-251	REP	89-05-042	480-107-020	NEW	89-15-043
480-35-070	NEW	89-23-049	480-90-251	REP-P	89-08-030	480-107-030	NEW-P	89-08-111
480-35-080	NEW-P	89-20-049	480-90-256	REP-P	89-05-042	480-107-030	NEW-W	89-12-067

Table of WAC Sections Affected as of 12/31/89

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-107-030	NEW-P	89-12-068	480-122-060	AMD-P	89-08-024	504-08-320	REP	89-23-117
480-107-030	NEW	89-15-043	480-122-060	AMD-E	89-08-025	504-08-330	REP-E	89-18-017
480-107-040	NEW-P	89-08-111	480-122-060	AMD	89-11-020	504-08-330	REP-P	89-20-036
480-107-040	NEW-W	89-12-067	504-04-010	NEW-E	89-18-017	504-08-330	REP	89-23-117
480-107-040	NEW-P	89-12-068	504-04-010	NEW-P	89-20-036	504-08-340	REP-E	89-18-017
480-107-040	NEW	89-15-043	504-04-010	NEW	89-23-117	504-08-340	REP-P	89-20-036
480-107-050	NEW-P	89-08-111	504-04-020	NEW-E	89-18-017	504-08-340	REP	89-23-117
480-107-050	NEW-W	89-12-067	504-04-020	NEW-P	89-20-036	504-08-350	REP-E	89-18-017
480-107-050	NEW-P	89-12-068	504-04-020	NEW	89-23-117	504-08-350	REP-P	89-20-036
480-107-050	NEW	89-15-043	504-04-110	NEW-E	89-18-017	504-08-350	REP	89-23-117
480-107-060	NEW-P	89-08-111	504-04-110	NEW-P	89-20-036	504-08-360	REP-E	89-18-017
480-107-060	NEW-W	89-12-067	504-04-110	NEW	89-23-117	504-08-360	REP-P	89-20-036
480-107-060	NEW-P	89-12-068	504-04-120	NEW-E	89-18-017	504-08-360	REP	89-23-117
480-107-060	NEW	89-15-043	504-04-120	NEW-P	89-20-036	504-08-400	REP-E	89-18-017
480-107-070	NEW-P	89-08-111	504-04-120	NEW	89-23-117	504-08-400	REP-P	89-20-036
480-107-070	NEW-W	89-12-067	504-04-130	NEW-E	89-18-017	504-08-400	REP	89-23-117
480-107-070	NEW-P	89-12-068	504-04-130	NEW-P	89-20-036	504-08-410	REP-E	89-18-017
480-107-070	NEW	89-15-043	504-04-130	NEW	89-23-117	504-08-410	REP-P	89-20-036
480-107-080	NEW-P	89-08-111	504-04-140	NEW-E	89-18-017	504-08-410	REP	89-23-117
480-107-080	NEW-W	89-12-067	504-04-140	NEW-P	89-20-036	504-08-420	REP-E	89-18-017
480-107-080	NEW-P	89-12-068	504-04-140	NEW	89-23-117	504-08-420	REP-P	89-20-036
480-107-080	NEW	89-15-043	504-08-001	REP-E	89-18-017	504-08-420	REP	89-23-117
480-107-090	NEW-P	89-08-111	504-08-001	REP-P	89-20-036	504-08-510	REP-E	89-18-017
480-107-090	NEW-W	89-12-067	504-08-001	REP	89-23-117	504-08-510	REP-P	89-20-036
480-107-090	NEW-P	89-12-068	504-08-010	REP-E	89-18-017	504-08-510	REP	89-23-117
480-107-090	NEW	89-15-043	504-08-010	REP-P	89-20-036	504-08-520	REP-E	89-18-017
480-107-100	NEW-P	89-08-111	504-08-010	REP	89-23-117	504-08-520	REP-P	89-20-036
480-107-100	NEW-W	89-12-067	504-08-080	REP-E	89-18-017	504-08-520	REP	89-23-117
480-107-100	NEW-P	89-12-068	504-08-080	REP-P	89-20-036	504-08-530	REP-E	89-18-017
480-107-100	NEW	89-15-043	504-08-080	REP	89-23-117	504-08-530	REP-P	89-20-036
480-107-110	NEW-P	89-08-111	504-08-090	REP-E	89-18-017	504-08-530	REP	89-23-117
480-107-110	NEW-W	89-12-067	504-08-090	REP-P	89-20-036	504-08-540	REP-E	89-18-017
480-107-110	NEW-P	89-12-068	504-08-090	REP	89-23-117	504-08-540	REP-P	89-20-036
480-107-110	NEW	89-15-043	504-08-100	REP-E	89-18-017	504-08-540	REP	89-23-117
480-107-120	NEW-P	89-08-111	504-08-100	REP-P	89-20-036	504-08-550	REP-E	89-18-017
480-107-120	NEW-W	89-12-067	504-08-100	REP	89-23-117	504-08-550	REP-P	89-20-036
480-107-120	NEW-P	89-12-068	504-08-110	REP-E	89-18-017	504-08-550	REP	89-23-117
480-107-120	NEW	89-15-043	504-08-110	REP-P	89-20-036	504-08-560	REP-E	89-18-017
480-107-130	NEW-P	89-08-111	504-08-110	REP	89-23-117	504-08-560	REP-P	89-20-036
480-107-130	NEW-W	89-12-067	504-08-120	REP-E	89-18-017	504-08-560	REP	89-23-117
480-107-130	NEW-P	89-12-068	504-08-120	REP-P	89-20-036	504-08-570	REP-E	89-18-017
480-107-130	NEW	89-15-043	504-08-120	REP	89-23-117	504-08-570	REP-P	89-20-036
480-107-140	NEW-P	89-08-111	504-08-130	REP-E	89-18-017	504-08-570	REP	89-23-117
480-107-140	NEW-W	89-12-067	504-08-130	REP-P	89-20-036	504-15-010	NEW-P	90-01-105
480-107-140	NEW-P	89-12-068	504-08-130	REP	89-23-117	504-15-020	NEW-P	90-01-105
480-107-140	NEW	89-15-043	504-08-140	REP-E	89-18-017	504-15-030	NEW-P	90-01-105
480-107-150	NEW-P	89-08-111	504-08-140	REP-P	89-20-036	504-15-040	NEW-P	90-01-105
480-107-150	NEW-W	89-12-067	504-08-140	REP	89-23-117	504-15-050	NEW-P	90-01-105
480-107-150	NEW-P	89-12-068	504-08-230	REP-E	89-18-017	504-15-060	NEW-P	90-01-105
480-107-150	NEW	89-15-043	504-08-230	REP-P	89-20-036	504-15-080	NEW-P	90-01-105
480-107-160	NEW-P	89-08-111	504-08-230	REP	89-23-117	504-15-100	NEW-P	90-01-105
480-107-160	NEW-W	89-12-067	504-08-240	REP-E	89-18-017	504-15-200	NEW-P	90-01-105
480-107-160	NEW-P	89-12-068	504-08-240	REP-P	89-20-036	504-15-210	NEW-P	90-01-105
480-107-160	NEW	89-15-043	504-08-240	REP	89-23-117	504-15-220	NEW-P	90-01-105
480-107-170	NEW-P	89-08-111	504-08-250	REP-E	89-18-017	504-15-250	NEW-P	90-01-105
480-107-170	NEW-W	89-12-067	504-08-250	REP-P	89-20-036	504-15-300	NEW-P	90-01-105
480-107-170	NEW-P	89-12-068	504-08-250	REP	89-23-117	504-15-350	NEW-P	90-01-105
480-107-170	NEW	89-15-043	504-08-260	REP-E	89-18-017	504-15-360	NEW-P	90-01-105
480-110-031	AMD-W	89-19-047	504-08-260	REP-P	89-20-036	504-15-410	NEW-P	90-01-105
480-110-031	AMD-P	89-19-048	504-08-260	REP	89-23-117	504-15-420	NEW-P	90-01-105
480-110-031	AMD	90-01-058	504-08-270	REP-E	89-18-017	504-15-430	NEW-P	90-01-105
480-110-066	AMD-P	89-20-050	504-08-270	REP-P	89-20-036	504-15-440	NEW-P	90-01-105
480-110-081	AMD-P	89-20-050	504-08-270	REP	89-23-117	504-15-450	NEW-P	90-01-105
480-120-021	AMD	89-04-044	504-08-280	REP-E	89-18-017	504-15-460	NEW-P	90-01-105
480-120-027	AMD-P	89-08-110	504-08-280	REP-P	89-20-036	504-15-470	NEW-P	90-01-105
480-120-027	AMD	89-12-038	504-08-280	REP	89-23-117	504-15-510	NEW-P	90-01-105
480-120-031	AMD-P	89-15-050	504-08-290	REP-E	89-18-017	504-15-520	NEW-P	90-01-105
480-120-031	AMD	89-23-048	504-08-290	REP-P	89-20-036	504-15-540	NEW-P	90-01-105
480-120-033	AMD-P	89-19-048	504-08-290	REP	89-23-117	504-15-560	NEW-P	90-01-105
480-120-033	AMD	90-01-058	504-08-300	REP-E	89-18-017	504-15-580	NEW-P	90-01-105
480-120-041	AMD	89-04-044	504-08-300	REP-P	89-20-036	504-15-600	NEW-P	90-01-105
480-120-081	AMD-P	89-23-047	504-08-300	REP	89-23-117	504-15-650	NEW-P	90-01-105
480-120-081	AMD-C	90-02-027	504-08-310	REP-E	89-18-017	504-15-750	NEW-P	90-01-105
480-120-106	AMD	89-04-044	504-08-310	REP-P	89-20-036	504-15-810	NEW-P	90-01-105
480-120-138	AMD-P	89-16-108	504-08-310	REP	89-23-117	504-15-830	NEW-P	90-01-105
480-120-138	AMD-P	90-01-059	504-08-320	REP-E	89-18-017	504-15-860	NEW-P	90-01-105
480-120-141	NEW	89-04-044	504-08-320	REP-P	89-20-036	504-15-900	NEW-P	90-01-105

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
516-11-010	AMD-P	90-02-029	516-28-045	NEW	89-11-039	516-60-003	AMD-P	90-02-029
516-11-010	AMD-E	90-02-030	516-28-050	NEW-P	89-05-049	516-60-003	AMD-E	90-02-030
516-11-030	REP-P	90-02-029	516-28-050	NEW	89-11-039	516-60-004	AMD-P	90-02-029
516-11-030	REP-E	90-02-030	516-28-060	NEW-P	89-05-049	516-60-004	AMD-E	90-02-030
516-11-040	AMD-P	90-02-029	516-28-060	NEW	89-11-039	516-60-005	AMD-P	90-02-029
516-11-040	AMD-E	90-02-030	516-28-065	NEW-P	89-05-049	516-60-005	AMD-E	90-02-030
516-11-050	REP-P	90-02-029	516-28-065	NEW	89-11-039	516-60-006	AMD-P	90-02-029
516-11-050	REP-E	90-02-030	516-31-010	AMD-P	90-02-029	516-60-006	AMD-E	90-02-030
516-11-060	AMD-P	90-02-029	516-31-010	AMD-E	90-02-030	516-60-007	AMD-P	90-02-029
516-11-060	AMD-E	90-02-030	516-36	AMD-P	90-02-029	516-60-007	AMD-E	90-02-030
516-11-070	AMD-P	90-02-029	516-36	AMD-E	90-02-030	516-60-015	AMD-P	90-02-029
516-11-070	AMD-E	90-02-030	516-36-001	AMD-P	90-02-029	516-60-015	AMD-E	90-02-030
516-11-080	AMD-P	90-02-029	516-36-001	AMD-E	90-02-030	516-60-016	AMD-P	90-02-029
516-11-080	AMD-E	90-02-030	516-36-020	AMD-P	90-02-029	516-60-016	AMD-E	90-02-030
516-11-090	AMD-P	90-02-029	516-36-020	AMD-E	90-02-030	516-60-017	AMD-P	90-02-029
516-11-090	AMD-E	90-02-030	516-36-030	AMD-P	90-02-029	516-60-017	AMD-E	90-02-030
516-11-100	AMD-P	90-02-029	516-36-030	AMD-E	90-02-030	516-60-030	AMD-P	90-02-029
516-11-100	AMD-E	90-02-030	516-36-040	AMD-P	90-02-029	516-60-030	AMD-E	90-02-030
516-11-110	AMD-P	90-02-029	516-36-040	AMD-E	90-02-030	516-108-010	NEW-P	90-02-029
516-11-110	AMD-E	90-02-030	516-37	AMD-P	90-02-029	516-108-010	NEW-E	90-02-030
516-13-020	AMD-P	90-02-029	516-37	AMD-E	90-02-030	516-108-020	NEW-P	90-02-029
516-13-020	AMD-E	90-02-030	516-37-001	AMD-P	90-02-029	516-108-020	NEW-E	90-02-030
516-22	AMD-C	89-10-006	516-37-001	AMD-E	90-02-030	516-108-030	NEW-P	90-02-029
516-22-035	NEW-P	89-05-049	516-37-005	AMD-P	90-02-029	516-108-030	NEW-E	90-02-030
516-22-035	NEW	89-11-039	516-37-005	AMD-E	90-02-030	516-108-040	NEW-P	90-02-029
516-22-040	NEW-P	89-05-049	516-37-010	AMD-P	90-02-029	516-108-040	NEW-E	90-02-030
516-22-040	NEW	89-11-039	516-37-010	AMD-E	90-02-030	516-108-050	NEW-P	90-02-029
516-22-134	AMD-P	90-02-029	516-37-011	AMD-P	90-02-029	516-108-050	NEW-E	90-02-030
516-22-134	AMD-E	90-02-030	516-37-011	AMD-E	90-02-030	516-108-060	NEW-P	90-02-029
516-22-138	AMD-P	89-05-049	516-37-100	AMD-P	90-02-029	516-108-060	NEW-E	90-02-030
516-22-138	AMD	89-11-039	516-37-100	AMD-E	90-02-030	516-108-070	NEW-P	90-02-029
516-22-146	AMD-P	90-02-029	516-38	AMD-P	90-02-029	516-108-070	NEW-E	90-02-030
516-22-146	AMD-E	90-02-030	516-38	AMD-E	90-02-030	516-108-080	NEW-P	90-02-029
516-22-150	AMD-P	90-02-029	516-38-050	AMD-P	90-02-029	516-108-080	NEW-E	90-02-030
516-22-150	AMD-E	90-02-030	516-38-050	AMD-E	90-02-030	516-108-090	NEW-P	90-02-029
516-22-200	REP-P	89-05-049	516-38-051	AMD-P	90-02-029	516-108-090	NEW-E	90-02-030
516-22-200	REP	89-11-039	516-38-051	AMD-E	90-02-030	516-133-020	NEW-P	90-02-029
516-22-210	AMD-P	89-05-049	516-38-110	AMD-P	90-02-029	516-133-020	NEW-E	90-02-030
516-22-210	AMD	89-11-039	516-38-110	AMD-E	90-02-030	516-400-010	NEW-P	90-02-029
516-22-250	REP-P	89-05-049	516-38-115	AMD-P	90-02-029	516-400-010	NEW-E	90-02-030
516-22-250	REP	89-11-039	516-38-115	AMD-E	90-02-030			
516-24-001	AMD-P	90-02-029	516-38-116	AMD-P	90-02-029			
516-24-001	AMD-E	90-02-030	516-38-116	AMD-E	90-02-030			
516-24-050	AMD-P	90-02-029	516-38-117	AMD-P	90-02-029			
516-24-050	AMD-E	90-02-030	516-38-117	AMD-E	90-02-030			
516-24-060	AMD-P	90-02-029	516-52-001	AMD-P	90-02-029			
516-24-060	AMD-E	90-02-030	516-52-001	AMD-E	90-02-030			
516-24-115	AMD-P	90-02-029	516-52-020	NEW-P	90-02-029			
516-24-115	AMD-E	90-02-030	516-52-020	NEW-E	90-02-030			
516-24-120	REP-P	90-02-029	516-56	AMD-P	90-02-029			
516-24-120	REP-E	90-02-030	516-56	AMD-E	90-02-030			
516-24-130	AMD-P	90-02-029	516-56-001	AMD-P	90-02-029			
516-24-130	AMD-E	90-02-030	516-56-001	AMD-E	90-02-030			
516-26-010	AMD-P	90-02-029	516-56-002	AMD-P	90-02-029			
516-26-010	AMD-E	90-02-030	516-56-002	AMD-E	90-02-030			
516-26-020	AMD-P	90-02-029	516-56-010	AMD-P	90-02-029			
516-26-020	AMD-E	90-02-030	516-56-010	AMD-E	90-02-030			
516-26-090	AMD-P	90-02-029	516-56-011	AMD-P	90-02-029			
516-26-090	AMD-E	90-02-030	516-56-011	AMD-E	90-02-030			
516-26-100	AMD-P	90-02-029	516-56-012	AMD-P	90-02-029			
516-26-100	AMD-E	90-02-030	516-56-012	AMD-E	90-02-030			
516-26-100	AMD-E	90-02-030	516-56-021	AMD-P	90-02-029			
516-28	NEW-C	89-10-006	516-56-021	AMD-E	90-02-030			
516-28-010	NEW-P	89-05-049	516-56-021	AMD-E	90-02-030			
516-28-010	NEW	89-11-039	516-56-023	AMD-P	90-02-029			
516-28-015	NEW-P	89-05-049	516-56-023	AMD-E	90-02-030			
516-28-015	NEW	89-11-039	516-56-030	AMD-P	90-02-029			
516-28-020	NEW-P	89-05-049	516-56-030	AMD-E	90-02-030			
516-28-020	NEW	89-11-039	516-56-050	AMD-P	90-02-029			
516-28-025	NEW-P	89-05-049	516-56-050	AMD-E	90-02-030			
516-28-025	NEW	89-11-039	516-56-060	AMD-P	90-02-029			
516-28-030	NEW-P	89-05-049	516-56-060	AMD-E	90-02-030			
516-28-030	NEW	89-11-039	516-56-070	AMD-P	90-02-029			
516-28-035	NEW-P	89-05-049	516-56-070	AMD-E	90-02-030			
516-28-035	NEW	89-11-039	516-60-001	AMD-P	90-02-029			
516-28-040	NEW-P	89-05-049	516-60-001	AMD-E	90-02-030			
516-28-040	NEW	89-11-039	516-60-002	AMD-P	90-02-029			
516-28-045	NEW-P	89-05-049	516-60-002	AMD-E	90-02-030			

Table of WAC Sections Affected After 1/1/90

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-04-010	AMD	90-02-108	154-04-110	REP-P	90-02-086	173-306-345	NEW-P	90-02-088
51-04-015	NEW	90-02-108	154-08-050	AMD-P	90-02-086	173-306-350	NEW-P	90-02-088
51-04-018	NEW	90-02-108	154-12-010	AMD-P	90-02-086	173-306-400	NEW-P	90-02-088
51-04-020	AMD	90-02-108	154-12-015	AMD-P	90-02-086	173-306-405	NEW-P	90-02-088
51-04-025	NEW	90-02-108	154-12-030	AMD-P	90-02-086	173-306-410	NEW-P	90-02-088
51-04-030	NEW	90-02-108	154-12-050	AMD-P	90-02-086	173-306-440	NEW-P	90-02-088
51-04-035	NEW	90-02-108	154-12-070	AMD-P	90-02-086	173-306-450	NEW-P	90-02-088
51-04-037	NEW	90-02-108	154-12-080	AMD-P	90-02-086	173-306-470	NEW-P	90-02-088
51-04-040	NEW	90-02-108	154-12-085	AMD-P	90-02-086	173-306-480	NEW-P	90-02-088
51-04-050	NEW	90-02-108	154-12-086	AMD-P	90-02-086	173-306-490	NEW-P	90-02-088
51-04-060	NEW	90-02-108	154-12-087	AMD-P	90-02-086	173-306-495	NEW-P	90-02-088
51-04-070	NEW	90-02-108	154-12-090	AMD-P	90-02-086	173-306-500	NEW-P	90-02-088
51-06-010	AMD	90-02-108	154-12-107	REP-P	90-02-086	173-306-900	NEW-P	90-02-088
51-06-020	AMD	90-02-108	154-12-110	AMD-P	90-02-086	173-306-9901	NEW-P	90-02-088
51-06-030	REP	90-02-108	154-24-010	AMD-P	90-02-086	173-336-010	REP-W	90-02-097
51-06-040	REP	90-02-108	154-32-010	AMD-P	90-02-086	173-336-010	REP-P	90-02-098
51-06-050	REP	90-02-108	154-32-020	AMD-P	90-02-086	173-336-020	REP-W	90-02-097
51-06-060	REP	90-02-108	154-40	AMD-P	90-02-086	173-336-020	REP-P	90-02-098
51-06-070	AMD	90-02-108	154-40-010	AMD-P	90-02-086	173-336-030	REP-W	90-02-097
51-06-080	REP	90-02-108	154-44-010	AMD-P	90-02-086	173-336-030	REP-P	90-02-098
51-06-090	REP	90-02-108	154-64-050	AMD-P	90-02-086	173-338-010	REP-W	90-02-097
51-06-100	REP	90-02-108	173-18-090	AMD-C	90-02-107	173-338-010	REP-P	90-02-098
51-06-110	REP	90-02-108	173-18-200	AMD-C	90-02-107	173-338-020	REP-W	90-02-097
51-06-120	AMD	90-02-108	173-19-1104	AMD	90-02-105	173-338-020	REP-P	90-02-098
51-08-010	AMD	90-02-108	173-19-2512	AMD	90-02-106	173-338-030	REP-W	90-02-097
51-10	AMD	90-02-110	173-19-2519	AMD	90-02-101	173-338-030	REP-P	90-02-098
51-12-220	AMD	90-02-110	173-166	AMD-P	90-02-096	173-338-040	REP-W	90-02-097
51-12-403	AMD	90-02-110	173-166-010	AMD-P	90-02-096	173-338-040	REP-P	90-02-098
51-12-404	AMD	90-02-110	173-166-020	AMD-P	90-02-096	173-338-050	REP-W	90-02-097
51-12-426	AMD	90-02-110	173-166-030	AMD-P	90-02-096	173-338-050	REP-P	90-02-098
51-12-601	AMD	90-02-110	173-166-040	AMD-P	90-02-096	173-340	AMD-W	90-02-097
51-12-608	AMD	90-02-110	173-166-050	AMD-P	90-02-096	173-340	AMD-P	90-02-098
51-16-030	AMD	90-02-110	173-166-060	AMD-P	90-02-096	173-340-010	REP-W	90-02-097
51-16-050	AMD	90-02-110	173-166-070	AMD-P	90-02-096	173-340-010	REP-P	90-02-098
51-18-010	NEW	90-02-110	173-166-080	NEW-P	90-02-096	173-340-020	REP-W	90-02-097
51-18-020	NEW	90-02-110	173-166-090	NEW-P	90-02-096	173-340-020	REP-P	90-02-098
51-18-030	NEW	90-02-110	173-166-100	NEW-P	90-02-096	173-340-030	REP-W	90-02-097
51-18-040	NEW	90-02-110	173-166-110	NEW-P	90-02-096	173-340-030	REP-P	90-02-098
51-18-050	NEW	90-02-110	173-166-120	NEW-P	90-02-096	173-340-040	REP-W	90-02-097
132Y-108-010	NEW-P	90-02-062	173-166-130	NEW-P	90-02-096	173-340-040	REP-P	90-02-098
132Y-108-020	NEW-P	90-02-062	173-306-010	NEW-P	90-02-088	173-340-050	REP-W	90-02-097
132Y-108-030	NEW-P	90-02-062	173-306-050	NEW-P	90-02-088	173-340-050	REP-P	90-02-098
132Y-108-040	NEW-P	90-02-062	173-306-100	NEW-P	90-02-088	173-340-100	NEW-W	90-02-097
132Y-108-050	NEW-P	90-02-062	173-306-150	NEW-P	90-02-088	173-340-100	NEW-P	90-02-098
132Y-108-060	NEW-P	90-02-062	173-306-200	NEW-P	90-02-088	173-340-110	NEW-W	90-02-097
132Y-108-070	NEW-P	90-02-062	173-306-300	NEW-P	90-02-088	173-340-110	NEW-P	90-02-098
132Y-108-080	NEW-P	90-02-062	173-306-310	NEW-P	90-02-088	173-340-120	NEW-W	90-02-097
132Y-133-020	NEW-P	90-02-063	173-306-320	NEW-P	90-02-088	173-340-120	NEW-P	90-02-098
154-04-035	REP-P	90-02-086	173-306-330	NEW-P	90-02-088	173-340-130	NEW-W	90-02-097
154-04-041	NEW-P	90-02-086	173-306-340	NEW-P	90-02-088	173-340-130	NEW-P	90-02-098

Table of WAC Sections Affected After 1/1/90

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-340-140	NEW-W	90-02-097	180-75-034	REP	90-02-073	180-87-050	NEW	90-02-075
173-340-140	NEW-P	90-02-098	180-75-035	REP	90-02-073	180-87-055	NEW	90-02-075
173-340-200	NEW-W	90-02-097	180-75-037	REP	90-02-073	180-87-060	NEW	90-02-075
173-340-200	NEW-P	90-02-098	180-75-038	REP	90-02-073	180-87-065	NEW	90-02-075
173-340-210	NEW-W	90-02-097	180-75-039	REP	90-02-073	180-87-070	NEW	90-02-075
173-340-210	NEW-P	90-02-098	180-75-040	REP	90-02-073	180-87-080	NEW	90-02-075
173-340-300	NEW-W	90-02-097	180-75-042	REP	90-02-073	180-87-085	NEW	90-02-075
173-340-300	NEW-P	90-02-098	180-75-043	REP	90-02-073	180-87-090	NEW	90-02-075
173-340-310	NEW-W	90-02-097	180-75-044	REP	90-02-073	180-87-095	NEW	90-02-075
173-340-310	NEW-P	90-02-098	180-75-045	AMD	90-02-073	220-16-440	NEW-P	90-02-112
173-340-320	NEW-W	90-02-097	180-75-081	AMD	90-02-073	220-16-450	NEW-P	90-02-112
173-340-320	NEW-P	90-02-098	180-75-084	REP	90-02-073	220-20-020	AMD-P	90-02-111
173-340-330	NEW-W	90-02-097	180-75-086	REP	90-02-073	220-20-025	AMD-P	90-02-111
173-340-330	NEW-P	90-02-098	180-75-199	REP	90-02-073	220-56-105	AMD-P	90-02-112
173-340-340	NEW-W	90-02-097	180-78-191	AMD	90-02-074	220-56-115	AMD-P	90-02-112
173-340-340	NEW-P	90-02-098	180-78-191	AMD	90-02-104	220-56-125	AMD-P	90-02-112
173-340-350	NEW-W	90-02-097	180-78-192	REP	90-02-074	220-56-126	AMD-P	90-02-112
173-340-350	NEW-P	90-02-098	180-78-192	REP	90-02-104	220-56-127	NEW-P	90-02-112
173-340-360	NEW-W	90-02-097	180-78-193	REP	90-02-074	220-56-128	AMD-P	90-02-112
173-340-360	NEW-P	90-02-098	180-78-193	REP	90-02-104	220-56-160	AMD-P	90-02-112
173-340-360	NEW-W	90-02-097	180-78-193	REP	90-02-104	220-56-165	AMD-P	90-02-112
173-340-400	NEW-W	90-02-097	180-78-194	REP	90-02-104	220-56-175	AMD-P	90-02-112
173-340-400	NEW-P	90-02-098	180-78-194	REP	90-02-104	220-56-180	AMD-P	90-02-112
173-340-410	NEW-W	90-02-097	180-78-195	REP	90-02-074	220-56-190	AMD-P	90-02-112
173-340-410	NEW-P	90-02-098	180-78-195	REP	90-02-104	220-56-195	AMD-P	90-02-112
173-340-420	NEW-W	90-02-097	180-78-197	REP	90-02-074	220-56-197	AMD-P	90-02-112
173-340-420	NEW-P	90-02-098	180-78-197	REP	90-02-104	220-56-205	AMD-P	90-02-112
173-340-430	NEW-W	90-02-097	180-78-198	REP	90-02-074	220-56-205	AMD-P	90-02-112
173-340-430	NEW-P	90-02-098	180-78-198	REP	90-02-104	220-56-230	NEW-P	90-02-112
173-340-500	NEW-W	90-02-097	180-78-199	REP	90-02-074	220-56-235	AMD-P	90-02-112
173-340-500	NEW-P	90-02-098	180-78-199	REP	90-02-104	220-56-240	AMD-P	90-02-112
173-340-510	NEW-W	90-02-097	180-86-003	NEW	90-02-076	220-56-282	AMD-P	90-02-112
173-340-510	NEW-P	90-02-098	180-86-005	NEW	90-02-076	220-56-307	NEW-P	90-02-112
173-340-520	NEW-W	90-02-097	180-86-010	NEW	90-02-076	220-56-310	AMD-P	90-02-112
173-340-520	NEW-P	90-02-098	180-86-012	NEW	90-02-076	220-56-320	AMD-P	90-02-112
173-340-530	NEW-W	90-02-097	180-86-015	NEW	90-02-076	220-56-330	AMD-P	90-02-112
173-340-530	NEW-P	90-02-098	180-86-020	NEW	90-02-076	220-56-350	AMD-P	90-02-112
173-340-540	NEW-W	90-02-097	180-86-030	NEW	90-02-076	220-56-380	AMD-P	90-02-112
173-340-540	NEW-P	90-02-098	180-86-035	NEW	90-02-076	220-56-400	AMD-P	90-02-112
173-340-550	NEW-W	90-02-097	180-86-040	NEW	90-02-076	220-57-140	AMD-P	90-02-112
173-340-550	NEW-P	90-02-098	180-86-050	NEW	90-02-076	220-57-160	AMD-P	90-02-112
173-340-560	NEW-W	90-02-097	180-86-055	NEW	90-02-076	220-57-220	AMD-P	90-02-112
173-340-560	NEW-P	90-02-098	180-86-065	NEW	90-02-076	220-57-242	NEW-P	90-02-112
173-340-600	NEW-W	90-02-097	180-86-070	NEW	90-02-076	220-57-260	AMD-P	90-02-112
173-340-600	NEW-P	90-02-098	180-86-075	NEW	90-02-076	220-57-270	AMD-P	90-02-112
173-340-610	NEW-W	90-02-097	180-86-085	NEW	90-02-076	220-57-290	AMD-P	90-02-112
173-340-610	NEW-P	90-02-098	180-86-090	NEW	90-02-076	220-57-315	AMD-P	90-02-112
173-340-700	NEW-W	90-02-097	180-86-095	NEW	90-02-076	220-57-328	NEW-P	90-02-112
173-340-700	NEW-P	90-02-098	180-86-097	NEW	90-02-076	220-57-465	AMD-P	90-02-112
173-340-800	NEW-W	90-02-097	180-86-100	NEW	90-02-076	220-57-497	NEW-P	90-02-112
173-340-800	NEW-P	90-02-098	180-86-105	NEW	90-02-076	220-57-505	AMD-P	90-02-112
173-340-810	NEW-W	90-02-097	180-86-110	NEW	90-02-076	220-57-515	AMD-P	90-02-112
173-340-810	NEW-P	90-02-098	180-86-115	NEW	90-02-076	220-57-530	NEW-P	90-02-112
173-340-820	NEW-W	90-02-097	180-86-120	NEW	90-02-076	220-57A-080	AMD-P	90-02-112
173-340-820	NEW-P	90-02-098	180-86-130	NEW	90-02-076	220-57A-180	AMD-P	90-02-112
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173-340-830	NEW-P	90-02-098	180-86-140	NEW	90-02-076	232-28-61728	NEW	90-02-070
173-340-840	NEW-W	90-02-097	180-86-145	NEW	90-02-076	232-28-61729	NEW	90-02-071
173-340-840	NEW-P	90-02-098	180-86-150	NEW	90-02-076	232-28-61802	NEW-E	90-02-067
173-340-850	NEW-W	90-02-097	180-86-155	NEW	90-02-076	232-28-61803	NEW-E	90-02-068
173-340-850	NEW-P	90-02-098	180-86-160	NEW	90-02-076	232-28-61804	NEW-E	90-02-069
173-340-860	NEW-W	90-02-097	180-86-165	NEW	90-02-076	232-28-61805	NEW-E	90-02-066
173-340-860	NEW-P	90-02-098	180-86-170	NEW	90-02-076	248-19-220	AMD	90-02-093
173-340-870	NEW-W	90-02-097	180-86-175	NEW	90-02-076	248-98-001	AMD-P	90-02-072
173-340-870	NEW-P	90-02-098	180-86-180	NEW	90-02-076	248-98-003	NEW-P	90-02-072
173-340-880	NEW-W	90-02-097	180-86-185	NEW	90-02-076	248-98-005	NEW-P	90-02-072
173-340-880	NEW-P	90-02-098	180-86-200	NEW	90-02-076	248-98-010	AMD-P	90-02-072
173-340-890	NEW-W	90-02-097	180-87-001	NEW	90-02-075	248-98-015	NEW-P	90-02-072
173-340-890	NEW-P	90-02-098	180-87-003	NEW	90-02-075	248-98-020	AMD-P	90-02-072
180-75-005	AMD	90-02-073	180-87-005	NEW	90-02-075	248-98-025	NEW-P	90-02-072
180-75-018	REP	90-02-073	180-87-010	NEW	90-02-075	248-98-030	AMD-P	90-02-072
180-75-019	REP	90-02-073	180-87-015	NEW	90-02-075	248-98-035	NEW-P	90-02-072
180-75-020	REP	90-02-073	180-87-020	NEW	90-02-075	248-98-040	AMD-P	90-02-072
180-75-025	REP	90-02-073	180-87-025	NEW	90-02-075	248-98-045	NEW-P	90-02-072
180-75-026	REP	90-02-073	180-87-030	NEW	90-02-075	248-98-050	AMD-P	90-02-072
180-75-027	REP	90-02-073	180-87-035	NEW	90-02-075	248-98-060	AMD-P	90-02-072
180-75-030	REP	90-02-073	180-87-040	NEW	90-02-075	248-98-080	AMD-P	90-02-072
180-75-033	REP	90-02-073	180-87-045	NEW	90-02-075	248-98-085	NEW-P	90-02-072

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-98-090	AMD-P	90-02-072	308-320-010	NEW	90-02-060	392-142-250	NEW	90-02-077
248-98-095	NEW-P	90-02-072	308-320-010	NEW-E	90-02-061	392-142-255	NEW	90-02-077
248-98-098	NEW-P	90-02-072	308-320-020	NEW	90-02-060	392-142-260	NEW	90-02-077
248-98-100	AMD-P	90-02-072	308-320-020	NEW-E	90-02-061	392-142-265	NEW	90-02-077
248-98-102	NEW-P	90-02-072	308-320-030	NEW	90-02-060	392-142-270	NEW	90-02-077
248-98-104	NEW-P	90-02-072	308-320-030	NEW-E	90-02-061	392-191-001	AMD	90-02-078
248-98-110	AMD-P	90-02-072	308-320-040	NEW	90-02-060	392-191-005	AMD	90-02-078
248-98-120	AMD-P	90-02-072	308-320-040	NEW-E	90-02-061	392-191-010	AMD	90-02-078
248-98-130	NEW-P	90-02-072	308-320-050	NEW	90-02-060	392-191-020	AMD	90-02-078
248-98-135	NEW-P	90-02-072	308-320-050	NEW-E	90-02-061	392-191-025	NEW	90-02-078
248-98-998	NEW-P	90-02-072	308-320-060	NEW	90-02-060	392-191-030	NEW	90-02-078
248-98-999	REP-P	90-02-072	308-320-060	NEW-E	90-02-061	392-191-035	NEW	90-02-078
248-100-016	AMD-P	90-02-095	308-320-070	NEW	90-02-060	392-191-040	NEW	90-02-078
248-106-001	NEW	90-02-094	308-320-070	NEW-E	90-02-061	392-191-045	NEW	90-02-078
248-106-010	NEW	90-02-094	308-320-080	NEW	90-02-060	392-191-060	NEW	90-02-078
248-106-020	NEW	90-02-094	308-320-080	NEW-E	90-02-061	392-191-065	NEW	90-02-078
296-06-010	AMD-P	90-02-089	308-320-090	NEW	90-02-060	392-191-070	NEW	90-02-078
296-06-020	AMD-P	90-02-089	308-320-090	NEW-E	90-02-061	392-191-075	NEW	90-02-078
296-06-030	AMD-P	90-02-089	314-60-040	AMD	90-02-109	392-191-080	NEW	90-02-078
296-06-040	AMD-P	90-02-089	332-30-166	AMD	90-02-085	392-191-085	NEW	90-02-078
296-06-080	AMD-P	90-02-089	388-15-820	AMD-E	90-02-079	392-191-090	NEW	90-02-078
296-06-090	AMD-P	90-02-089	388-15-820	AMD-P	90-02-084	392-191-095	NEW	90-02-078
296-06-100	AMD-P	90-02-089	388-15-870	AMD-E	90-02-079	458-30-260	AMD	90-02-080
296-06-110	AMD-P	90-02-089	388-15-870	AMD-P	90-02-084	458-30-261	REP	90-02-080
296-06-120	AMD-P	90-02-089	388-15-880	AMD-E	90-02-079	458-30-262	NEW	90-02-080
296-06-130	AMD-P	90-02-089	388-15-880	AMD-P	90-02-084	460-44A-060	REP-P	90-02-087
296-06-140	AMD-P	90-02-089	388-98-003	NEW-P	90-02-099	460-44A-065	REP-P	90-02-087
296-06-150	AMD-P	90-02-089	388-98-003	NEW-E	90-02-100	460-44A-070	REP-P	90-02-087
296-06-170	AMD-P	90-02-089	392-142-005	AMD	90-02-077	460-44A-500	AMD-P	90-02-087
296-06-990	REP-P	90-02-089	392-142-010	AMD	90-02-077	460-44A-501	AMD-P	90-02-087
296-06-99001	REP-P	90-02-089	392-142-015	REP	90-02-077	460-44A-502	AMD-P	90-02-087
308-124E-014	AMD-P	90-02-103	392-142-020	REP	90-02-077	460-44A-503	AMD-P	90-02-087
308-124H	AMD-P	90-02-102	392-142-025	REP	90-02-077	460-44A-504	NEW-P	90-02-087
308-124H-011	NEW-P	90-02-102	392-142-030	REP	90-02-077	460-44A-508	AMD-P	90-02-087
308-124H-021	NEW-P	90-02-102	392-142-035	REP	90-02-077	460-46A	AMD-P	90-02-087
308-124H-025	NEW-P	90-02-102	392-142-040	REP	90-02-077	460-46A-010	AMD-P	90-02-087
308-124H-035	AMD-P	90-02-102	392-142-045	REP	90-02-077	460-46A-020	AMD-P	90-02-087
308-124H-036	AMD-P	90-02-102	392-142-050	REP	90-02-077	460-46A-025	AMD-P	90-02-087
308-124H-037	AMD-P	90-02-102	392-142-055	REP	90-02-077	460-46A-040	AMD-P	90-02-087
308-124H-041	NEW-P	90-02-102	392-142-060	REP	90-02-077	460-46A-090	AMD-P	90-02-087
308-124H-051	NEW-P	90-02-102	392-142-065	REP	90-02-077	460-46A-095	AMD-P	90-02-087
308-124H-061	NEW-P	90-02-102	392-142-070	REP	90-02-077	460-46A-100	AMD-P	90-02-087
308-124H-062	NEW-P	90-02-102	392-142-075	NEW	90-02-077	460-46A-105	AMD-P	90-02-087
308-124H-020	REP-P	90-02-102	392-142-080	NEW	90-02-077	460-46A-110	AMD-P	90-02-087
308-124H-030	REP-P	90-02-102	392-142-085	NEW	90-02-077	460-46A-145	AMD-P	90-02-087
308-124H-033	REP-P	90-02-102	392-142-090	NEW	90-02-077	460-46A-150	AMD-P	90-02-087
308-124H-038	REP-P	90-02-102	392-142-095	NEW	90-02-077	460-46A-155	AMD-P	90-02-087
308-124H-040	REP-P	90-02-102	392-142-100	NEW	90-02-077	460-46A-160	AMD-P	90-02-087
308-124H-043	REP-P	90-02-102	392-142-105	NEW	90-02-077	460-46A-165	AMD-P	90-02-087
308-124H-045	REP-P	90-02-102	392-142-110	NEW	90-02-077			
308-124H-050	REP-P	90-02-102	392-142-115	NEW	90-02-077			
308-124H-055	REP-P	90-02-102	392-142-120	NEW	90-02-077			
308-124H-060	REP-P	90-02-102	392-142-125	NEW	90-02-077			
308-124H-065	REP-P	90-02-102	392-142-130	NEW	90-02-077			
308-124H-070	REP-P	90-02-102	392-142-135	NEW	90-02-077			
308-124I-010	NEW-P	90-02-102	392-142-140	NEW	90-02-077			
308-124I-020	NEW-P	90-02-102	392-142-145	NEW	90-02-077			
308-124I-030	NEW-P	90-02-102	392-142-150	NEW	90-02-077			
308-124I-040	NEW-P	90-02-102	392-142-155	NEW	90-02-077			
308-124I-050	NEW-P	90-02-102	392-142-160	NEW	90-02-077			
308-124I-060	NEW-P	90-02-102	392-142-165	NEW	90-02-077			
308-124I-070	NEW-P	90-02-102	392-142-170	NEW	90-02-077			
308-124I-080	NEW-P	90-02-102	392-142-175	NEW	90-02-077			
308-124I-090	NEW-P	90-02-102	392-142-180	NEW	90-02-077			
308-124I-100	NEW-P	90-02-102	392-142-185	NEW	90-02-077			
308-124I-110	NEW-P	90-02-102	392-142-190	NEW	90-02-077			
308-124I-120	NEW-P	90-02-102	392-142-195	NEW	90-02-077			
308-124I-130	NEW-P	90-02-102	392-142-200	NEW	90-02-077			
308-124I-140	NEW-P	90-02-102	392-142-205	NEW	90-02-077			
308-124J-010	NEW-P	90-02-102	392-142-210	NEW	90-02-077			
308-124J-020	NEW-P	90-02-102	392-142-215	NEW	90-02-077			
308-124J-030	NEW-P	90-02-102	392-142-220	NEW	90-02-077			
308-124J-040	NEW-P	90-02-102	392-142-225	NEW	90-02-077			
308-124J-050	NEW-P	90-02-102	392-142-230	NEW	90-02-077			
308-124J-060	NEW-P	90-02-102	392-142-235	NEW	90-02-077			
308-124J-070	NEW-P	90-02-102	392-142-240	NEW	90-02-077			
308-124J-080	NEW-P	90-02-102	392-142-245	NEW	90-02-077			

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