

October 2, 2002

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ISSUE 02-19



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of October 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out between double parentheses));~~
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

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

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

**2002-2003**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

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

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

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

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

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

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

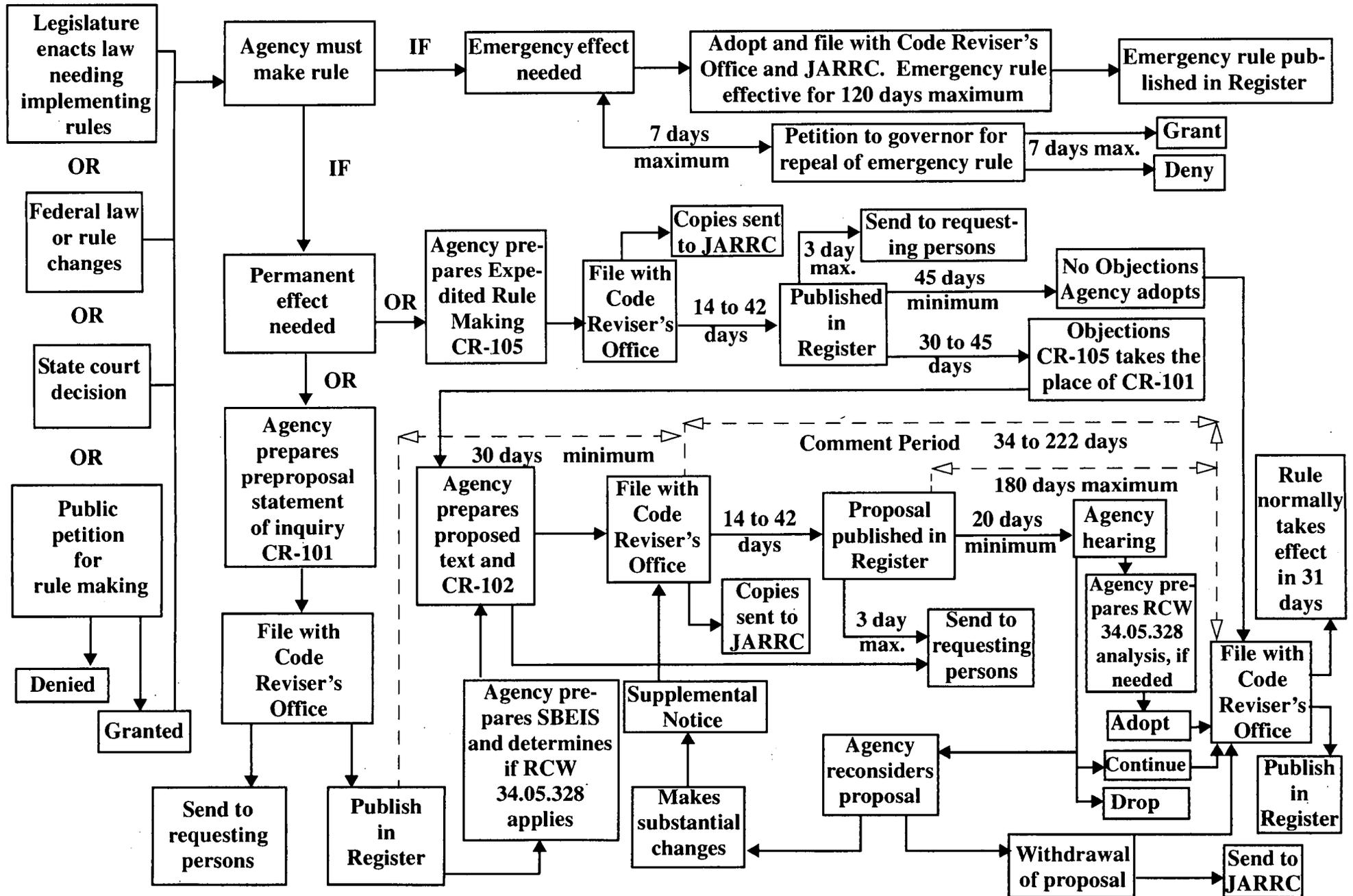
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 02-19-001****PREPROPOSAL STATEMENT OF INQUIRY  
MILITARY DEPARTMENT**

[Filed September 4, 2002, 2:29 p.m.]

Subject of Possible Rule Making: The 2002 regular legislative session, section 8, chapter 341 (HB 2595), authorizes the Department of Revenue to collect a new excise tax of \$.20 per radio access line per month beginning January 1, 2003. Funds will be deposited in the enhanced 911 account established in RCW 38.52.540. Rules are required to specify how these funds will be distributed to counties and carriers for providing wireless enhanced 911 service. Section 6, chapter 341, designates the enhanced 911 coordinator, with advice of the Enhanced 911 Advisory Committee, to establish uniform technical and operational standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.540.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 38.52.540 specifies that the state enhanced 911 coordinator, with the advice and assistance of the Enhanced 911 Advisory Committee, is authorized to specify by rule the additional purposes for which moneys, if available, may be expended from this account. Effective January 1, 2003, the enhanced 911 fund shall be used to support implementation of wireless enhanced 911 service statewide, including adequate funding of counties to enable implementation of wireless enhanced 911 service. RCW 38.52.561 designates the enhanced 911 coordinator, with advice of the Enhanced 911 Advisory Committee, to establish uniform technical and operational standards. Standards must be nondiscriminatory and uniform and must not exceed requirements set by the Federal Communications Commission.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Communications Commission, Washington, DC issues orders and rules governing wireless communications carriers, sometimes referred to as commercial mobile radio services (CMRS) providers, and has issued a schedule for implementation and upgrading of wireless carrier networks for enhanced 911 emergency services. State rules need to be consistent with FCC orders.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Griffith, Wireless Rule-making Coordinator, Building 20, Camp Murray, WA 98430-5122, (253) 512-7015.

August 30, 2002

Robert G. Oenning  
State Enhanced 911 Coordinator

**WSR 02-19-015****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed September 6, 2002, 2:16 p.m.]

Subject of Possible Rule Making: WAC 180-78A-505 Overview—Professional certificate program and 180-78A-535 Approval standard—Program design.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Two proposed amendments are needed:

(1) Removes the requirement of the completion of provisional status for admission to the professional certificate program.

(2) Allows an individual teaching in a state agency to be eligible for admission to a professional certificate program.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

September 6, 2002

Larry Davis  
Executive Director

**WSR 02-19-020****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed September 9, 2002, 3:39 p.m.]

The Medical Assistance Administration would like to withdraw preproposal statement of inquiry, filed was WSR 97-23-037 on November 17, 1997. This CR-101 relates to WAC 388-510-1030.

Brian Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 02-19-023**

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

(Health and Rehabilitation Services Administration)

[Filed September 9, 2002, 3:42 p.m.]

Subject of Possible Rule Making: New chapter 388-891 WAC, the Division of Vocational Rehabilitation (DVR) plans to adopt new rules in this chapter on disability-related academic accommodations for eligible DVR customers attending programs at institutions of higher education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: August 1998 amendments to the Rehabilitation Act of 1973, 34 Code of Federal Regulations, Part 361, RCW 74.29.020(8), 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DVR needs to adopt and implement rules to comply with changes in the August 1998 amendments to the Rehabilitation Act of 1973; United States Department of Education Code of Federal Regulations, Part 361 and the Americans with Disabilities Act of 1990 in regard to providing disability-related academic accommodations to DVR customers attending institutions of higher education.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Rehabilitation Services Administration (RSA); Washington State Department of Services for the Blind (DSB); Washington Rehabilitation Council (RC); United States Department of Justice; and consultation, review and comment will be used for coordinating the rule-making process.

Process for Developing New Rule: DVR welcomes the public to take part in developing the rules. Anyone interested in reviewing drafts of the rules should contact one of the staff persons indicated below. After the rules are drafted, DVR will route them for informal review and comment. Changes may be made to the draft based on the comments received. DVR will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. DVR will send a copy of the proposed rules for formal review and comment to everyone currently on the mailing list and anyone else requesting a copy. The public may then send formal written comments and/or attend a formal hearing to give comments in person. After the hearing, DVR considers comments received, makes revisions if appropriate, and files the final rule for adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Boston, (360) 438-8026, e-mail [bostok@dshs.wa.gov](mailto:bostok@dshs.wa.gov), or Phyllis Hansen, Program Administrator, (360) 438-8047 (V/TTY), e-mail [hansesa@dshs.wa.gov](mailto:hansesa@dshs.wa.gov); at the Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, 1-800-637-5627 (V/TTY), fax (360) 438-8007.

September 4, 2002

Bonita H. Jacques  
for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 02-19-048**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed September 11, 2002, 9:48 a.m.]

Subject of Possible Rule Making: Update WAC 236-48-123 to clarify bid pricing information disclosure requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are circumstances where it is in the best interest of the state to disclose pricing information at the time of bid opening.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy Manager, Department of General Administration, Office of State Procurement, P.O. Box 41017, Olympia, WA 98504-4017, phone (360) 902-7283, fax (360) 586-5944, e-mail [jzeigle@ga.wa.gov](mailto:jzeigle@ga.wa.gov).

September 10, 2002

Jack Zeigler  
Policy and Protest Manager

**WSR 02-19-049**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed September 11, 2002, 9:48 a.m.]

Subject of Possible Rule Making: Chapter 236-56 WAC, Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to delete obsolete references to units and functions no longer located in the department. Following Executive Order 97-02, the rules will be reviewed for readability and ease of use. No substantive policy changes are contemplated.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments on the formulation of the proposed rule may be submitted no later than October 18, 2002, to Steve Valandra, Public Records Officer, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

September 6, 2002

Martin D. Casey  
Rules Coordinator

**WSR 02-19-052****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed September 12, 2002, 8:12 a.m.]

Subject of Possible Rule Making: WAC 446-20-285 Employment—Conviction records—Child and adult abuse information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.97.030 and 43.830-845 [43.43.830-43.43.845].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed WAC amendment would remove the dissemination requirement of releasing conviction criminal history information based on an exact name and date of birth. This programming change will improve the name search results and provide a record even though search parameters used may be slightly different.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Cindy Haider, Washington State Patrol, Identification Section, P.O. Box 42633, Olympia, WA 98504, chaider@wsp.wa.gov, phone (360) 570-5230, fax (360) 570-5274.

September 4, 2002

Ronal W. Serpas  
Chief

**WSR 02-19-060****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed September 12, 2002, 1:10 p.m.]

Subject of Possible Rule Making: Revision of Group B public water systems regulations, chapter 246-291 WAC to consider maximum arsenic contaminant levels and to consider strategies to address implementation issues.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current federal standards of 50 ppb for arsenic in drinking water was set by EPA in 1975, based on a public health service standard originally established in 1942. A March 1999 report by the National Academy of Sciences concluded that the current standard does not achieve EPA's goal of protecting public health and should be lowered as soon as possible. Setting a lower standard will protect consumers against the effects on long-term, chronic exposure to arsenic in drinking water.

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

Process for Developing New Rule: The department will recruit interested parties to help in revising the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Program Develop-

ment Section, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147.

September 11, 2002

Don Sloma

Executive Director

**WSR 02-19-061****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed September 12, 2002, 1:11 p.m.]

Subject of Possible Rule Making: Revisions to the Group A public water systems regulation, chapter 246-290 WAC, are necessary to be consistent with federally promulgated Environmental Protection Agency (EPA) rules and regulations. The revisions that will be made to chapter 246-290 WAC will include those sections associated with: Arsenic, compliance and new source contaminant monitoring, Long-Term 1 enhanced surface water treatment rule and current rule language clarification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The primacy agreement between the Department of Health and EPA outlines a number of activities that the department must do in order for the division of drinking water to maintain primacy for Group A public water systems in the state. One of those activities involves rule adoption such that state regulations be consistent with federal rules. The public health objectives of the rules are to: (1) Strengthen protection from long-term exposure to arsenic; (2) strengthen microbial controls for small systems, i.e. those systems serving fewer than 10,000 people; and (3) clarify current rule language.

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

Process for Developing New Rule: The department will recruit interested parties to help in revising the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Program Development Section, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147.

September 11, 2002

Don Sloma

Executive Director

**WSR 02-19-080****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed September 16, 2002, 1:49 p.m.]

Subject of Possible Rule Making: Reporting requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under review is whether licensees should continue to report merchandise prizes on their activity reports.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: WestCoast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on October 11 and 12, 2002; at the DoubleTree Guest Suites Southcenter, 16500 Southcenter Parkway, Seattle, WA 98199, (206) 575-8220, on November 14 and 15, 2002; and at the WestCoast Hotel Olympia, 2300 Evergreen Park Drive S.W., Olympia, WA 98502, (360) 943-4000, on January 9 and 10, 2003.

September 16, 2002

Susan Arland  
Rules Coordinator

### WSR 02-19-081

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 16, 2002, 1:50 p.m.]

Subject of Possible Rule Making: Promotions for gambling activities and bussing bingo players.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, rules limit bingo licensees in their ability to bus bingo players to their games. Under review is whether restricting bussing of players is still needed. Additionally, a Promotions for Gambling Activities Rules Package was adopted at the May 2002, commission meeting and this package will streamline any remaining rules that were not adopted last May.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA

98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: WestCoast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on October 11 and 12, 2002; at the DoubleTree Guest Suites Southcenter, 16500 Southcenter Parkway, Seattle, WA 98199, (206) 575-8220, on November 14 and 15, 2002; and at the WestCoast Hotel Olympia, 2300 Evergreen Park Drive S.W., Olympia, WA 98502, (360) 943-4000, on January 9 and 10, 2003.

September 16, 2002

Susan Arland  
Rules Coordinator

### WSR 02-19-082

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed September 16, 2002, 1:51 p.m.]

Subject of Possible Rule Making: Card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, house-banked card rooms utilize video tapes to record surveillance in card rooms. This filing is to generate discussion regarding the use of digitally recorded surveillance, as a substitute for video taped surveillance.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: WestCoast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on October 11 and 12, 2002; at the DoubleTree Guest Suites Southcenter, 16500 Southcenter Parkway, Seattle, WA 98199, (206) 575-8220, on November 14 and 15, 2002; and at the WestCoast Hotel Olympia, 2300 Evergreen Park Drive S.W., Olympia, WA 98502, (360) 943-4000, on January 9 and 10, 2003.

September 16, 2002

Susan Arland  
Rules Coordinator

**WSR 02-19-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Dental Hygiene)

[Filed September 16, 2002, 3:41 p.m.]

Subject of Possible Rule Making: WAC 246-815-020 Dental hygiene examination eligibility, 246-815-050 Examination, 246-815-100 Licensure by interstate endorsement of credentials, 246-815-110 Application procedures for approval of dental hygiene expanded functions education programs, and 246-815-115 Exception procedures for approval of dental hygiene expanded functions education programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW, RCW 43.70.280, 18.29.120, 18.29.130, 18.29.140, and 18.29.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Dental Hygiene Examining Committee has recently accepted the central regional dental testing service (CRDTS) examination for endorsement applicants. The rules need to be revised to bring them up-to-date to accurately reflect the examination standards.

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

Process for Developing New Rule: Collaborative rule making, there will be an open rules forum held on October 4, 2002, at the Dental Hygiene Examining Committee meeting. The meeting will take place at the WestCoast SeaTac Hotel in the Cascade Room.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki L. Brown, Program Manager, Dental Hygiene Program, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4865, fax (360) 64-9077 [664-9077], e-mail vicki.brown@doh.wa.gov.

September 16, 2002

M. C. Selecky  
Secretary

**WSR 02-19-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed September 17, 2002, 10:28 a.m.]

Subject of Possible Rule Making: Expand and revise rules for the community scholarship matching grant program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and section 611 (7)(g), chapter 7, Laws of 2001 2nd sp.s. (ESSB 6153 - Operating Budget).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With only limited statutory language in the budget bill and an increased appropriation, we consider it necessary to revise and expand the rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail bettyg@hecb.wa.gov, phone (360) 753-7852, fax (360) 704-6252.

August 30, 2002

B. Gebhardt  
Associate Director

**WSR 02-19-097**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Filed September 17, 2002, 3:09 p.m.]

The Department of Ecology is withdrawing the following CR-101 filing: Administrative Order 98-20, WSR 99-05-060 dated February 16, 1999, chapter 173-201A WAC, Surface water quality standards.

This CR-101 is being withdrawn because it is outdated, and is being replaced with a new CR-101, Administrative Order 02-14. This action is necessary to broaden the scope of changes being proposed in the regulation, and to allow for a timely notice to those interested in reviewing proposed changes to the water quality standards.

Megan White  
Program Manager  
Water Quality

**WSR 02-19-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 02-14—Filed September 17, 2002, 3:11 p.m.]

Subject of Possible Rule Making: Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington, these amendments would modify the existing surface water quality standards for Washington. This rule making will propose to revise the surface water quality standards by:

- Moving from the current class-based system to a use-based system for designating beneficial uses of waters (for example swimming and aquatic life habitat) in Washington.
- Making changes to criteria (for example temperature and bacteria) for designated uses of the waters.
- Providing more clarity and detail on implementing the regulation, including the state's antidegradation policy.
- Organizing the structure and sections of the regulation to make it easier to use.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 90.84 and 90.54 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These changes are being undertaken to incorporate new science, provide more detail and clarity on implementing the regulations, and better tailor the criteria assigned to our waters to the characteristic uses that actually exist in those waters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal agencies include Environmental Protection Agency (EPA), US Fish and Wildlife Services, and National Marine Fisheries Service, US Food and Drug Administration (FDA) and the US Public Health Service. State agencies include Departments of Health, Natural Resources, Transportation, Agriculture, Fish and Wildlife and Community, Trade and Economic Development (CTED). The coordination between agencies will also include Washington tribes, local municipalities, environmental interests, the regulated industry, and other interested parties.

Coordination during rule making includes: Work groups, advisory committees, consulting on the expertise of the agencies and interested parties, and distribution lists (e-mail and mailings).

Process for Developing New Rule: This rule making will continue to use public workshops, special stakeholder work sessions, collection and review of new water quality data, media releases, public hearings, fact sheets, FAQs, and distribution lists (e-mail and mailings).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For the latest information related to the development of amendments to this rule interested parties can:

(1) Visit the water quality standards website <http://www.ecy.wa.gov/programs/wq/swqs/index.html>.

(2) Sign up to be on the distribution list.

(3) Participate in the written public comment periods and public hearings offered after draft language has been proposed.

If interested parties have questions or comments they can contact Mark Hicks, Department of Ecology, P.O. Box 47600, Olympia, WA 98505-7600, (360) 407-6477, e-mail [mhic461@ecy.wa.gov](mailto:mhic461@ecy.wa.gov), fax (360) 407-6426.

September 17, 2002

Megan White

Program Manager

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Consistency in language.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

September 6, 2002

Sharon M. Tolton

Deputy Director

## WSR 02-19-100

### PREPROPOSAL STATEMENT OF INQUIRY

#### CRIMINAL JUSTICE

#### TRAINING COMMISSION

[Filed September 18, 2002, 8:10 a.m.]

Subject of Possible Rule Making: WAC 139-35-005  
Firearms certification—Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 Commission powers and duties—Rules and regulations.

**WSR 02-19-011**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Filed September 5, 2002, 4:40 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 02-14-152.

**Title of Rule:** Unfair practices in the sale of single premium credit insurance.

**Purpose:** Prohibit certain unfair or deceptive practices regarding the sale or issuance of single premium credit insurance in connection with a residential mortgage loan.

**Other Identifying Information:** Insurance Commissioner Matter No. R 2002-03.

**Statutory Authority for Adoption:** RCW 48.02.060, 48.18.100, 48.18.110, 48.18.120, 48.18.480, 48.20.450, 48.20.460, 48.30.010, 48.30.300, 48.34.100.

**Statute Being Implemented:** RCW 48.02.060, 48.18.100, 48.18.110, 48.18.120, 48.18.480, 48.20.450, 48.20.460, 48.30.010, 48.30.300, 48.34.100.

**Summary:** The proposed rule would make it an unfair practice for an insurer or licensee to issue or sell single premium credit insurance in connection with a residential mortgage loan unless (a) the term of the single premium credit insurance policy is the same as the term of the loan; (b) the borrower is given the option to buy credit insurance paid with monthly premiums; and (c) the credit insurance policy provides for a full refund of premiums to the borrower if the credit insurance is cancelled within sixty days of the date of the loan.

**Reasons Supporting Proposal:** The proposed rule eliminates or limits the predatory impacts of certain lending and insuring practices connected with residential mortgage loans. Consumers will have more information and options to better protect themselves from unfair or deceptive practices.

**Name of Agency Personnel Responsible for Drafting:** Lisa Smego, Tumwater, Washington, (360) 586-3110; **Implementation:** Beth Berendt, Tumwater, Washington, (360) 664-4627; and **Enforcement:** Carol Sureau, Tumwater, Washington, (360) 586-1189.

**Name of Proponent:** Mike Kreidler, Insurance Commissioner, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed rule would make it an unfair practice for an insurer or licensee to issue or sell single premium credit insurance in connection with a residential mortgage loan unless (a) the term of the single premium credit insurance policy is the same as the term of the loan; (b) the borrower is given the option to buy credit insurance paid with monthly premiums; and (c) the credit insurance policy provides for a full refund of premiums to the borrower if the credit insurance is cancelled within sixty days of the date of the loan.

The proposed rule eliminates or limits the predatory impacts of certain insurance sales practices connected with residential mortgage loans. The issue of single premium

credit insurance has been a source of consumer complaints and regulatory attention in the state of Washington and across the nation. Consumers often are unaware that they are purchasing an insurance product in connection with their residential mortgage loan. Consumers often do not know that "single premium" credit insurance has been added to the principal of their loan. When single premium credit insurance is added to a mortgage loan, the consumer pays in several ways. First, the consumer has less equity in their home because they used home equity to pay for credit insurance. Second, the consumer will pay interest on insurance premium for the life of the loan. Finally, while the loan may be financed for up to thirty years, the actual insurance product may be for a much shorter period, perhaps as short as three or five years. As a result, the consumer will pay interest on an insurance coverage that has not been in effect for most of the duration of the loan.

The proposed rules allow insurers or licensees to issue or sell single premium credit insurance if three conditions are met:

- The term of the insurance policy is the same as the term of the loan.
- The consumer is given the option to purchase a monthly premium product.
- The consumer may cancel the coverage and receive a full premium refund during the first sixty days after the date of the loan.

The proposed rules provide significant consumer protection against the worst predatory sales practices associated with single premium credit insurance and provide the consumer the information and options to make better decisions about their insurance needs.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The commissioner does not believe that any insurers impacted by this proposed rule product are small businesses for the purposes of RCW 19.85.020.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule for the purposes of RCW 34.05.328.

**Hearing Location:** Best Western Executive, Vashon Room, 200 Taylor Avenue, Seattle, WA 98109, on October 24, 2002, at 6:00 p.m.

**Assistance for Persons with Disabilities:** Contact Lori Villaflores by October 21, 2002, TDD (360) 664-3154 or (360) 407-0198.

**Submit Written Comments to:** Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by October 23, 2002.

**Date of Intended Adoption:** November 12, 2002.

September 5, 2002

Mike Kreidler

Insurance Commissioner

PROPOSED

NEW SECTION

**WAC 284-30-505 Standards for the sale of single premium credit insurance.** (1) Definitions that apply to this rule:

(a) "Licensee" means every insurance agent, broker or solicitor licensed under chapter 48.17 RCW.

(b) "Residential mortgage loan" means any loan secured by a mortgage or deed of trust on residential real estate which has a maximum of four housing units.

(c) "Single premium credit insurance" means credit insurance purchased with a single premium payment at inception of coverage.

(2) Beginning January 1, 2003, it is an unfair practice for any insurer or licensee to issue or sell single premium credit insurance in connection with a residential mortgage loan unless:

(a) The term of the single premium credit insurance policy is the same as the term of the loan;

(b) The borrower is given the option to buy credit insurance paid with monthly premiums; and

(c) The credit insurance policy provides for a full refund of premiums to the borrower if the credit insurance is canceled within sixty days of the date of the loan.

**WSR 02-19-024****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed September 9, 2002, 3:44 p.m.]

Original Notice.

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

Title of Rule: WAC 388-71-0440 Am I eligible for MPC-funded services?

Purpose: This amended WAC was mistakenly left out of the filing packet for the revisions of chapters 388-15, 388-71, and 388-110 WAC filed as WSR 02-04-096. This change to WAC 388-71-0440 is only to correct a WAC cross reference with no effect to the content of the rule. Proposed rules filed as WSR 02-04-096, when adopted, will make the WAC cross reference to WAC 388-15-202 obsolete.

Other Identifying Information: This proposed rule-making notice is being filed without prior filing of a CR-101 preproposal statement of inquiry. A CR-101 notice is not required for proposed rules that "only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect." RCW 34.05.310 (4)(d).

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.39A.090.

Statute Being Implemented: RCW 74.39A.090.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kristi Olson, AASA, 640 Woodland Square Loop, P.O. Box 45600, Olympia, WA 98505 [98504]-5600, (360) 725-2537.

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: See Purpose above.

Proposal does not change existing rules. These proposed rules update cross references within WAC 388-71-0440.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule only corrects an obsolete WAC cross reference and therefore will not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules do not meet the definition of a significant legislative rule, and are exempt under RCW 34.05.328 (5)(b)(iv) "Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (Parking off 11th and Jefferson), 1115 Washington, Olympia, WA 98504, on October 22, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 18, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 22, 2002.

Date of Intended Adoption: Not sooner than October 23, 2002.

September 4, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

**WAC 388-71-0440 Am I eligible for MPC-funded services?** To be eligible for MPC-funded services you must:

(1) Have unmet need for assistance with at least one unmet direct personal care task listed in WAC ((~~388-15-202(17))~~) 388-71-202; and

(2) Be certified as Title 19 categorically needy, as defined in WAC 388-500-0005.

(3) Be assessed by department staff or designee using a department approved comprehensive assessment and have a determination of unmet needs for HCP services.

**WSR 02-19-025  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Division of Employment and Assistance Programs)

[Filed September 9, 2002, 3:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-073.

Title of Rule: WAC 388-424-0020 Alien status and requirements for the federal food stamp program.

Purpose: Amend the rule to implement eligibility for federal food stamp benefits to certain disabled immigrants and comply with the requirements of the federal Farm Security and Rural Investment Act of 2002 (Public Law 107-171, Section 4401).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: WAC 388-424-0020 Explains the requirements for a noncitizen to qualify for federal food stamp benefits. This change expands eligibility to certain qualified aliens who receive disability cash or medical benefits.

Reasons Supporting Proposal: With passage of the Farm Security and Rural Investment Act of 2002, congress expanded eligibility for federal food stamp benefits to certain disabled immigrants.

This change is to permanently adopt these federal requirements that the department is implementing through emergency adoption effective October 1, 2002.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, HR 2646 - Farm Security and Rural Investment Act of 2002 (P.L. 107-171, Section 4401).

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-424-0020 Alien status and requirements for the federal food stamp program, explains the require-

ments for a noncitizen to qualify for federal food stamp benefits.

Proposal Changes the Following Existing Rules: This change expands eligibility to certain qualified aliens who receive disability cash or medical benefits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of these rules only affect client eligibility for services, do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of significant legislative rule, and are exempt under RCW 34.05.328 (5)(b)(iii), "Rules adopting or incorporating by reference without material change federal statutes or regulations."

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (Parking off 11th and Jefferson), 1115 Washington, Olympia, WA 98504, on October 22, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 18, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov by 5:00 p.m., October 22, 2002.

Date of Intended Adoption: No earlier than October 23, 2002.

September 4, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-01-058, filed 12/11/98, effective 1/11/99)

**WAC 388-424-0020** How does my alien status ((and)) impact my eligibility ((requirements)) for the federal food stamp program((+))? (1) ((For federal food stamps, an alien)) If you are not a U.S. citizen, you must meet ((one of)) the following conditions ((in column 1 and one of the conditions in column 2.)) and be otherwise eligible in order to receive federal food stamp benefits:

**Column 1**

- Refugee
- Asylee
- Deportation withheld
- Cuban or Haitian entrant
- Aliens lawfully admitted for permanent residence (immigrants)
- Parolee for at least one year
- Conditional Entrant
- Battered spouse, battered child, or parent or child of a battered person as defined in WAC 388-424-0005

**Column 2**

((The following noncitizens)) You are ((only)) eligible for seven years ((after admitted or)) from the date you entered the U.S. or from the date you were granted INS status:  
 Refugee/Amerasian/Asylee  
 Deportation withheld/Cuban or Haitian entrant  
((The above noncitizens may be eligible even if they become immigrants within)) If you entered the U.S. under an INS status listed above, you are still eligible for federal food stamps eve if you change your INS status to immigrant during the seven-year period.((?))

PROPOSED

~~((There is no time limit for the following noncitizens))~~ You may be eligible for federal benefits without a time limit if you meet any of the following conditions:

1. You are a permanent resident ~~((aliens with))~~ alien and you have worked or can get credit for forty Social Security Administration (SSA) work quarters.
2. You are a honorably discharged ~~((veterans))~~ veteran, you are in active duty military (other than training), or you are the spouse, ~~((and))~~ or unmarried dependent ~~((children))~~ child of someone who meets this requirement.
3. ~~((Lawfully))~~ You are blind or disabled and receive cash or medical benefits based on supplemental Security Income (SSI) disability or blindness criteria.
4. You were legally living in U.S. on August 22, 1996 and:
  - a. ~~((Now))~~ You are currently under age eighteen, or
  - b. ~~((Disabled or blind, or~~
  - e. ~~Sixty-five or older or))~~ You were born on or before August 22, ~~((1996))~~ 1931.

(2) In addition to the above noncitizens, ~~((the following, legally residing in the U.S., are))~~ you may be eligible for federal food ~~((stamps-))~~ stamp benefits if you legally live in the U.S. and are a member of one of the following groups:

(a) Hmong or Highland Laotian tribe members ~~((and))~~ including the tribal member's spouse and dependent children when tribe ~~((rendered assistance to))~~ assisted the U.S. during the Vietnam era ~~((-))~~ beginning August 5, 1964 and ending May 7, 1975;

(b) Canadian born American Indians who are fifty percent American Indian blood ~~((-))~~; and

(c) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(3) If you are a lawful permanent ~~((residents))~~ resident, you can receive credit for SSA work quarters by:

(a) Earning enough money to qualify for work quarters; ~~((or))~~

(b) Getting credit for quarters earned by a parent or step-parent while ~~((the alien is))~~ you are under eighteen; or

(c) Getting credit for quarters earned by a spouse ~~((during their marriage if the alien remains))~~ while you are married ~~((to the spouse or the spouse is))~~ if you are still married to them or they are deceased.

(4) ~~((Lawful permanent residents))~~ You cannot receive credit for a SSA work quarter after January 1, 1997 if ~~((receiving))~~ you received TANF, nonemergency Medicaid, or food stamp benefits during ~~((that))~~ the quarter.

(5) If you apply for TANF, nonemergency Medicaid, or food stamp benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.

(6) You can get federal food stamp benefits for up to six months while we wait for verification of your eligibility if you or the department:

(a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or

(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federal food stamp benefits. If you requested this proof, you must provide proof that the agency has accepted this request.

WSR 02-19-042

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 11, 2002, 8:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-073.

Title of Rule: WAC 388-450-0185 General information about earned income disregard and income deductions for food assistance programs.

Purpose: The Division of Employment and Assistance Programs is amending the rule to implement a change in the food assistance standard deduction as required under the federal Farm Security and Rural Investment Act of 2002.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: WAC 388-450-0185 explains the deductions that are subtracted from a client's income when determining their benefit level for food assistance.

Reasons Supporting Proposal: With passage of HR 2646, Farm Security and Rural Investment Act of 2002, congress replaced the flat standard deduction of \$134 with a deduction that is the larger amount of 8.31% of the federal poverty rate for the client's assistance unit or \$134 whichever is greater. This is capped at the standard for six members.

This change is to permanently adopt these federal requirements that the department is implementing through emergency adoption effective October 1, 2002.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, HR 2647, Farm Security and Rural Investment Act of 2002 (Public Law 107-171, Section 4103).

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules only affect client eligibility for services, and do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of significant legislative rule and are exempt under RCW 34.05.328 (5)(b)(iii), "This section does not apply to... Rules adopting or incorporating by reference without material change federal statutes or regulations...."

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters (parking at 11th and Washington), 1115 Washington, Olympia, WA 98504, on October 22, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 18, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 22, 2002.

Date of Intended Adoption: No earlier than October 23, 2002.

September 6, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0185** (~~General information about earned~~) Does the department count all of my income (disregard and income deductions) to determine my eligibility and benefits for food assistance (programs)? We subtract the following amounts (are deducted from a household's income to compute) from your assistance unit's (AU's) countable income before we determine your food assistance (program benefits) benefit amount:

(1) ~~((One hundred thirty-four dollars per household per month))~~ A standard deduction based on the number of people in your AU under WAC 388-408-0035:

<u>Eligible and ineligible AU members</u>	<u>Standard deduction</u>
<u>1</u>	<u>\$134</u>
<u>2</u>	<u>\$134</u>
<u>3</u>	<u>\$134</u>
<u>4</u>	<u>\$134</u>
<u>5</u>	<u>\$147</u>
<u>6 or more</u>	<u>\$168</u>

(2) ~~Twenty percent of (the household's) your AU's gross earned income (earned income (disregard) deduction);~~

(3) ~~((The amount of the household's incurred or))~~ Your AU's expected monthly dependent care expense as described below:

(a) ~~The dependent care must be needed for (an assistance unit))~~ AU member to (seek, accept or continue employment; or):

(i) Keep work, look for work, or accept work;

(ii) Attend training or education to prepare for employment; or

(iii) Meet employment and training requirements under chapter 388-444 WAC.

~~(b) ((The care must be needed for an assistance unit member to attend training or education in preparation for to employment;~~

~~(e) The expense must be payable to someone outside of the food assistance household; and~~

~~(d) The deduction cannot exceed))~~ We subtract allowable dependent care expenses that are payable to someone outside or your AU:

(i) Up to two hundred dollars for each dependent under age two (years of age); ((or)) and

(ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) ~~((Nonreimbursable monthly))~~ Medical expenses over thirty-five dollars (incurred or expected to be incurred) a month owed or anticipated by an elderly or disabled household member as ((specified)) described under WAC 388-450-0200.

(5) Legally obligated current or back child support paid ~~((for a person who is not a member of the household))~~ to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as ((provided)) described in WAC 388-450-0190.

PROPOSED

**WSR 02-19-044**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 11, 2002, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-073.

Title of Rule: WAC 388-450-0190 How does the department figure my shelter cost income deduction for food assistance? and 388-450-0195 Utility allowances for food assistance programs.

Purpose: The Division of Employment and Assistance Programs is amending the rules to comply with federal requirements to annually adjust the maximum shelter deduction and standard utility allowance for food assistance.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.9.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.9.

Summary: WAC 388-450-0190, explains how the excess shelter deduction is calculated and sets the maximum shelter deduction for households that do not include an elderly or disabled individual.

WAC 388-450-0195, indicates which utility allowance (if any) we use to determine the household's shelter deduction in WAC 388-450-0185.

This revision adopts the new maximum shelter deduction and standard utility allowance standards for federal fiscal year 2003 which begins on October 2, 2002.

Reasons Supporting Proposal: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes new maximum shelter standards at the end of each federal fiscal year to be used in the next federal fiscal year. In addition, FNS requires the department to adjust the standard utility allowance each year.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, 7 C.F.R. 273.9.

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

Proposal Changes the Following Existing Rules: This revision adopts the federal shelter deduction and standard utility allowance for federal fiscal year 2003 that begins on October 1, 2002.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes only affect client eligibility for services and do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of significant legislative rule and are exempt under RCW 34.05.328 (5)(b)(iii),

"Rules adopting or incorporating by reference without material change federal statutes or regulations."

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking at 11th and Washington), 1115 Washington, Olympia, WA 98504, on October 22, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by October 18, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., October 22, 2002.

Date of Intended Adoption: Not earlier than October 23, 2002.

September 6, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

**WAC 388-450-0190 How does the department figure my shelter cost income deduction for food assistance?** The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or any amount you pay ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost:

(a) Ongoing rent, lease, and mortgage payments;

(b) Property taxes;

(c) Homeowner's association or condo fees;

(d) Homeowner's insurance for the building only;

~~((d))~~ (e) Utility allowance your AU is eligible for under WAC 388-450-0195;

~~((e))~~ (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

~~((f))~~ (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

(i) AU intends to return to the home;

(ii) AU has current occupants who are not claiming the shelter costs for food assistance purposes; and

(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

~~(a) ((Up to a maximum of three hundred dollars if no one in your AU is elderly or disabled and you were found eligible for benefits prior to March 1, 2001; or~~

~~(b)) Up to a maximum of three hundred ((fifty-four)) sixty-seven dollars if no one in your AU is elderly or disabled and you were found eligible for benefits or were recertified for benefits either on or after March 1, 2001; or~~

~~((e)) (b) The entire amount if someone in your AU is elderly or disabled, even if the amount is over three hundred ((fifty-four)) sixty-seven dollars.~~

**AMENDATORY SECTION** (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

**WAC 388-450-0195 Utility allowances for food assistance programs.** (1) For food assistance programs, "**utilities**" include the following:

- (a) Heating and cooking fuel;
- (b) Cooling and electricity;
- (c) Water and sewerage;
- (d) Garbage and trash collection; and
- (e) Basic telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your food assistance benefits.

~~((3)) (a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.~~

Assistance Unit (AU) Size	Utility Allowance
1	<del>\$(249))</del> <u>275</u>
2	<del>\$(256))</del> <u>283</u>
3	<del>\$(264))</del> <u>291</u>
4	<del>\$(271))</del> <u>300</u>
5	<del>\$(279))</del> <u>308</u>
6 or more	<del>\$(287))</del> <u>316</u>

~~((4)) (b) If your AU does not qualify For the SUA and you have utility costs other than telephone costs, you get a limited utility allowance (LUA) of ((one)) two hundred ((ninety-eight)) fifteen dollars.~~

~~((5)) (c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ((thirty-three)) thirty-five dollars.~~

**WSR 02-19-047**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed September 11, 2002, 9:43 a.m.]

The Department of Licensing hereby withdraws proposed rule WAC 308-48-015 filed with your office on June 27, 2002, as part of WSR 02-14-059.

If you have any questions, please contact the Funeral and Cemetery Licensing Office, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 664-1555.

Dennis McPhee  
Program Manager

**WSR 02-19-056**

**PROPOSED RULES**

**WHATCOM COMMUNITY COLLEGE**

[Filed September 12, 2002, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-103.

Title of Rule: Student rights and responsibilities, chapter 132U-120 WAC.

Purpose: To update and clarify students' rights and responsibilities and to update the student grievance process.

Statutory Authority for Adoption: RCW 28B.50.130 and 28B.50.140.

Summary: Updates and clarifies the process for student complaints. Updates and clarifies the process regarding student rights and responsibilities.

Name of Agency Personnel Responsible for Drafting: Jennifer Dixon, Laidlaw Center Room 116, (360) 676-2170; Implementation and Enforcement: Patricia Onion, Laidlaw Center Room 116, (360) 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: See Purpose above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications are attached to this policy. No costs imposed on small business through adoption of this rule amendment.

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal government operations.

Hearing Location: Syre Student Center, Room 107/108, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, on October 24, 2002, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Bill Culwell by October 15, 2002, TTY (360) 647-3279 or (360) 676-2170 ext. 3220.

Submit Written Comments to: Jennifer Dixon, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, fax (360) 676-2171, by October 15, 2002.

Date of Intended Adoption: November 12, 2002.

September 11, 2002  
Jennifer Dixon  
Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-010 Title.** This chapter shall be known as the ~~((code of))~~ student rights and responsibilities code of Whatcom Community College.

NEW SECTION

**WAC 132U-120-015 Purpose.** Whatcom Community College, as a state supported institution of higher education, has a primary mission to provide effective quality education designed to foster the development of students' knowledge, communication and critical thinking skills, personal integrity, global understanding, and appreciation of diversity. Students and college personnel share responsibility for this common mission by contributing to a learning environment that promotes academic honesty, social justice, understanding, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Students have obligations to fulfill both their particular roles within the academic community and those obligations as citizens of their larger community. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. Any student charged with a violation of college policies or regulations is guaranteed fair judicial process and when found in violation, appropriate disciplinary action.

The student's rights and responsibilities code is implemented to support the aforementioned purpose to assist in the protection of the rights and freedoms of all members of the college community.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-020 Definitions.** As used in this chapter, the following words and phrases shall be defined as follows:

~~((1))~~ "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty.

~~((2))~~ "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

~~((3))~~ "Assembly" shall mean any overt activity engaged in by two 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.

~~((4))~~ "Associated students" shall mean the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

"ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

~~((5))~~ "Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

~~((6))~~ "President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

~~((7))~~ "Code of conduct" refers to the Whatcom Community College code of student rights and responsibilities.

"College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

~~((8))~~ "College community" shall mean trustees, students, employees, and guests on college-owned or controlled facilities, including distance learning environments.

"College facilities" shall mean and include any and all personal property and real property that the college owns, uses, or controls including all buildings and appurtenances affixed thereon or attached thereto district-wide. College facilities extend to affiliated websites, distance learning classroom environments, and agencies or institutions that have educational agreements with Whatcom Community College.

~~((9))~~ "College official" shall mean any person who is employed by the college or authorized to act as an agent of the college in performing assigned administrative or professional responsibilities.

"Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

"Dean of students" shall mean the chief student affairs officer who is the administrator responsible for student services or designee.

"Demonstrations" 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.

~~((10))~~ "Director of student programs" shall mean the administrator responsible for student programs and activities or designee.

"Disciplinary ~~((action))~~ sanctions" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean or the president issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

~~((11))~~ "~~Controlled substance~~" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

~~((12))~~ "Distance learning" shall mean various methods of instructional delivery that include, but are not limited to, online courses, telecourses, and interactive video courses.

"Faculty" or "instructor" shall mean any full-time or part-time academic employee of the ~~((district))~~ college or an affiliated institution whose assignment is one of a combination of instruction, counseling or library services.

~~((13))~~ "Free speech area" shall be designated by the college president and can be reserved by student groups and

organizations through the office of student programs and activities.

"Instructional day" shall mean any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held. Saturdays and Sundays are not regularly scheduled instructional days.

"President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

"Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

((14)) "Student," unless otherwise qualified, shall mean and include any person who is ~~((registered))~~ enrolled for classes at the college, including any person enrolled in distance learning courses.

~~((15))~~ "Petition review" "Student rights and responsibilities committee" shall mean the judicial body provided in this chapter.

~~((16))~~ "Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

~~WAC 132U-120-030 Jurisdiction. ((1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity which is held on or in noncollege facilities.~~

~~(2) Faculty members, other college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to (a) possible prosecution under the state criminal law; (b) any other civil or criminal remedies available to the public; or (c) appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.~~

~~(3) Statutory authority of the Revised Code of Washington cited in this document is on file and available in the administrative office.) The student rights and responsibilities code is a guideline for expected student behavior at the college. All rules and provisions in the code apply to every student on campus or in a college facility. Such rules and provisions also apply to students while they are present at or engaged in college-sponsored activities held in noncollege facilities. The college is not a policing agent for students when they are off campus but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and its members.~~

Students, college employees, or members of the public who violate, or aid or abet another in violation of this chapter shall be subject to:

- (1) Criminal and civil prosecution;
- (2) Restriction from any college property or facilities, the violation of which could result in criminal trespass;

(3) Any other civil or criminal remedies available to the public;

(4) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

The college may carry out disciplinary proceedings prior to, simultaneous, or following civil or criminal proceedings in the court.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-040 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

- (1) Academic freedom.
- (a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
- (b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may post or distribute ((or post)) printed or published material ((subject to official procedures printed and available in the administrative office)). Such distribution and posting is subject to college rules and procedures available in the student programs office.

(4) ((Off campus)) Outside speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the ((administrative)) student programs office.

(5) Commercial activities.

(a) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless the activities clearly serve educational objectives and fit within the mission of the college. The commercial activities may be conducted under the sponsorship or the request of a college department or official student organization.

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(b) These sponsored commercial activities must be scheduled and approved by the director of student programs conducted in a manner not to interfere with or operate to the detriment of college functions or the free flow of pedestrian or vehicular traffic.

(6) Student participation in college governance.

(a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.

(b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).

(c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.

(7) Right of assembly.

(a) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students may conduct or may participate in any assembly on college facilities provided that such assemblies:

(i) Are conducted in an orderly manner;

(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

(iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or

(iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(b) Any student group or student organization that intends to conduct an assembly must reserve the college "free speech area" through the office of the director of student programs.

(c) Assemblies that violate these rules may be ordered to disperse by a college official. If the college "free speech area" is available, the college official may allow the activities to move to that area. If the assembly does not respond to the instructions within a reasonable time, the college official shall call the police to handle as a civil matter.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

WAC 132U-120-050 Student responsibilities. ((Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(1) Personal offenses:)) As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize

their impact on others, and take responsibility for their actions.

Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct. Grounds for disciplinary action include, but are not limited to, the following:

(1) Student misconduct.

(a) Assault, reckless endangerment, intimidation or interference upon another person ((in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended)).

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior ((which)) that interferes with the rights of others or ((which)) obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow ((instructor's instructions, thereby infringing upon the rights and privileges of other students)) the instructions of a college official, thereby infringing upon the rights and privileges of others.

(d) Providing false information to the college, forgery, or alteration of records.

((d)) (e) Illegal assembly, disruption, obstruction ((or disruption. Any assembly)) or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

((e)) (f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

((f)) (i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

((g)) (j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

((2) Property offenses-

(a)) (k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

(l) Theft and robbery. Theft of the property of the district or of another as defined in ((the)) RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended.

Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.

~~((b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.~~

~~((e)) (m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.~~

~~((n) Unauthorized use of college or associated students' equipment and supplies. Converting of college equipment ((e)), supplies or computer systems for personal gain or use without proper authority.~~

~~((3) Status offenses.~~

~~((a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.~~

~~((b)) (o) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.~~

~~((e)) (p) Illegal entry. Entering or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.~~

~~((q) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.~~

~~((r) Refusal to provide identification ((in appropriate circumstances. Refusal to provide positive identification)) (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.~~

~~((d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.~~

~~((e)) (s) Smoking. Smoking in any classroom or laboratory, the library, vehicle, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.~~

~~((f)) (t) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.~~

~~((g)) (u) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.~~

~~((h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.) (v) Computer, telephone, or electronic technology violation. Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the Internet.~~

~~((w) Computer trespass. Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Whatcom Community College.~~

~~((x) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.~~

~~((y) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.~~

~~((2) Academic dishonesty. Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.~~

~~((a) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.~~

~~((b) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.~~

~~((c) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.~~

~~((d) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.~~

~~Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:~~

~~((i) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.~~

(ii) In cases of academic dishonesty, the instructor or dean of students may adjust the student's grade. The instructor may also refer the matter to the dean of students for disciplinary action.

(3) Classroom conduct. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the dean of students or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The dean may impose a disciplinary probation that restricts the student from the classroom until the student has met with the dean and the student agrees to comply with the specific conditions outlined by the dean for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-060 Trespass.** The president or ((his or her)) designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ((ingress and/or egress)) movement of persons from facilities owned and/or operated by the college. Any ((individual)) person who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

#### NEW SECTION

**WAC 132U-120-065 Judicial authority.** The dean of students or designee is responsible for the administration of the student rights and responsibility code. The dean's responsibility includes the authority to adjudicate and administer sanctions for violations of the code pursuant to the conduct proceedings in WAC 132U-120-075.

#### NEW SECTION

**WAC 132U-120-075 Conduct proceedings.** Any member of the college community may report, orally or in writing, alleged violations to the dean of students. The dean of students or designee will then proceed to investigate the accuracy of the alleged violations. If the dean of students or designee finds that there is a sufficient basis to consider the allegations, the conduct hearing process will proceed as follows:

(1) Any student accused of violating any provision of the code of conduct shall be called for an initial meeting with the dean of students. The student shall be informed of which

rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from the disciplinary proceedings.

(2) After considering the evidence in the case and interviewing the accused student, the dean may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate.

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal.

(d) Impose additional sanctions of reprimand, probation, limited dismissal, or expulsion, subject to the student's right of appeal. Following the hearing, the dean shall notify the student in writing within ten instructional days of the decision, the reasons for the decision, and information about the appeals process.

(3) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the dean may impose any sanction authorized by this code in addition to placing a hold on the student records and restricting the student from further enrollment.

(4) The written decision of the dean shall become final unless appealed.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-080 Disciplinary ((action)) sanctions.** ~~((The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, and pursuant to the right of appeal as outlined in this chapter.))~~ A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. In conjunction, students found to have committed a form of misconduct are subject to the following sanctions.

(1) Disciplinary warning. Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132U-120-050. Reprimands shall be made in writing to the student by the ((president, or his or her)) dean of students or designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the ((president or his or her designee(s))) dean placing conditions upon the student's continued attendance ((for violation of WAC

~~132U-120-050~~). Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in ~~((extra-curricular))~~ activities, fines or restitution for damage, or other possible penalties. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) ~~((Limited dismissal))~~ Suspension. Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) Expulsion. Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

### NEW SECTION

**WAC 132U-120-095 Summary suspension.** The dean of students or designee may summarily suspend any student from the college if the dean has reason to believe that the student presents a danger either to self or others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to a serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) **Initial summary suspension proceedings.** If the dean of students believes it is necessary to exercise the authority to summarily suspend a student, the dean shall:

(a) Notify the student of the alleged misconduct and violation(s) of the code of student conduct. This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address, or shall be personally served.

(b) The notice shall be entitled, "notice of summary suspension proceedings" and shall state:

(i) The charges against the student including the reference to the law and/or code of conduct.

(ii) The specified date, time, and location that the student must appear before the dean for a hearing. The hearing shall be held as soon as practical after the summary suspension.

(iii) A warning that the student shall be considered trespassing and the police will be called if the student enters the college campus other than to meet with the dean of students or to attend the disciplinary hearing.

(2) **Emergency procedure.** The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official

should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

(3) **Procedures of summary suspension hearing.**

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the dean of students will preside over the meeting.

(b) The dean shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) **Decision by the dean.** The dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action that is appropriate, if the dean finds probable cause to believe that:

(a) The student against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The dean is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(5) **Notice of suspension.**

(a) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(b) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three instructional days following the conclusion of the hearing with the dean.

(c) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

(d) If the student submits a written appeal of the disciplinary sanction to the student rights and responsibilities committee, the student may only enter the campus to attend the appeal hearing and the suspension shall otherwise remain in effect until the student is notified of the written decision of the committee. If the student rights and responsibilities committee upholds the suspension and the student submits a written appeal to the college president, the suspension shall remain in effect until the student is notified of the final decision of the president.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-100 Appeals—~~((Generally))~~ Overview.** (1) Student appeals contesting any disciplinary action

~~((may be made by the student(s) involved. Such appeals)) or summary suspension shall be made in the following order:~~

~~(a) ((Disciplinary action taken by the dean or his or her designee(s) may be appealed to the petition review committee, which may, at the request of the student(s), hear the case de novo.~~

~~(b) Disciplinary recommendations made by the petition review committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean and the petition review committee. The president's decision shall be final.)~~ The student may appeal the disciplinary action or summary suspension imposed by the dean by submitting a written request for a hearing to the chairperson of the student rights and responsibilities committee within ten instructional days of the postmark of the written decision of the dean.

(b) The student may appeal disciplinary or summary suspension decisions of the student rights and responsibilities committee to the president of the college. The written appeal must be submitted within ten instructional days of the postmark of the written recommendation of the chairperson of the student rights and responsibilities committee.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within ten ((working days from the date on which the student was notified that disciplinary action was being taken.

~~(3) All decisions shall be sent from the office of the assistant to the president. Written decisions shall include the signature of the petition review committee chairperson. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.)~~ instructional days of the postmark of the written decision.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

WAC 132U-120-110 ((Composition and structure of the petition review)) Structure of the student rights and responsibilities committee. (1) The ~~((petition review))~~ student rights and responsibilities committee shall be composed of a chairperson and four members. For the appeal of disciplinary sanctions, the chairperson shall be ((that)) the dean ((who did not handle the initial disciplinary proceedings)) for instruction and the members shall be chosen as follows:

(a) Two ~~((members shall be))~~ students in good academic standing appointed by the ASWCC president for a one-year term; and

(b) One ~~((member shall be a))~~ faculty member appointed by the president of the college for a three-year term; and

(c) One ~~((member shall be an))~~ administrator appointed by the president for a two-year term.

(d) Members of the ~~((petition review))~~ student rights and responsibilities committee shall be chosen by no later than October ~~((15))~~ 30 of each academic year.

~~(e) ((Petition review))~~ Student rights and responsibilities committee members shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the ~~((petition review))~~ student rights and responsibilities committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

~~(3) ((The chairperson shall preside over all proceedings in cases relating to student violation of the rules of conduct established by this chapter. He or she shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing. The chairperson shall be responsible for (a) maintaining a record of the proceedings, (b) drafting findings of fact, conclusions of law and recommendations at the conclusion of the hearing, (c) issuing subpoenas, (d) administering oaths and affirmations and (e) examining witnesses; provided, that no person shall be forced to divulge information which he could not be forced to divulge in a court of law.~~

~~(4))~~ A quorum for all proceedings of the ~~((petition review))~~ student rights and responsibilities committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

WAC 132U-120-120 Hearing procedures before the ((petition review)) student rights and responsibilities committee. (1) The ~~((petition review))~~ student rights and responsibilities committee shall conduct a hearing within ~~((fourteen working))~~ twenty instructional days after ~~((disciplinary action has been referred to it))~~ the chairperson receives the student's written appeal of the disciplinary sanctions imposed by the dean.

~~((2) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of his or her relationship with the institution, and where the person (a) waives the opportunity for an informal hearing, or (b) by his conduct in the judgement of the hearing officer makes it impossible to conduct an informal hearing, or (c) is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing according to the provisions of RCW 28B-19-110 and the guidelines of this chapter. Where a formal hearing is neither required by law nor requested by the student or the college, the matter may be resolved informally. Informal hearings before the petition review committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.~~

~~(3) The student has a right to a fair and impartial hearing before the petition review committee on any charge of violat~~

ing the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(4) Written notice of the time and place of the hearing before the petition review committee shall be given to the student by personal service or registered mail. Service will be regarded as complete upon deposit with the United States postal service. Such notice shall be afforded not less than ten calendar days in advance of the hearing and shall be issued by the committee chairperson. The notice shall include:

(a) A statement of time, place and nature of the disciplinary proceedings; and

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of conduct involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(5) The committee has the power to issue subpoenas on its own motion or the motion of a party according to the provisions of RCW 28B.19.130.

(6) The student shall be entitled to:

(a) Hear and examine the evidence against him or her and be informed of the identity of its source; and

(b) Present evidence in his or her own behalf and cross-examine witnesses testifying on behalf of the college as to factual matters; and

(c) Take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the chairperson at least five working days prior to the hearing.

(8) In all disciplinary proceedings, the college may be represented by a designee appointed by the committee chairperson. That designee will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the committee chairperson may elect to have the college represented by an assistant attorney general.

(9) The chairperson shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the petition review committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(10) The record in a formal hearing shall contain: (a) All documents, motions, and intermediate rulings; (b) evidence received and considered; (c) a statement of matters officially noticed; and (d) questions and offers of proof, objections, and rulings thereon.

(11) All records of disciplinary proceedings shall be maintained in the administrative office and shall be available only during the course of the disciplinary proceedings to the

petition review committee, the student and his/her attorney, and any other college official designated by the president.

(12) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

(13) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(14) The time of the hearing may be advanced by the petition review committee at the request of the student or continued for good cause.

(15) Hearings conducted by the petition review committee generally will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(16) If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the petition review committee may exclude that person from the hearing room.

(17) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.)) (2)

The chairperson shall give the student written notice of the time, date, and location of the hearing and the specific charges against the student. This notice shall be provided no less than seven instructional days prior to the hearing. Service will be regarded as complete upon deposit with the United States postal service.

(3) The student may be represented by counsel of the student's own choosing provided that the student pays the legal expenses and notifies the chairperson five instructional days prior to the hearing.

(4) The college may be represented by the dean of students, or designee, including an assistant attorney general.

(5) Hearings before the student rights and responsibilities committee shall be conducted in a manner that will bring about a prompt, fair resolution of the matter. The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Hearings shall be closed to the public, except for immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. The chairperson may choose whether or not to let witnesses remain for any part of the hearing that does not include their testimony. If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the petition review committee may exclude that person from the hearing room.

(7) The student has a right to a fair and impartial hearing before the student rights and responsibilities committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(8) The dean of students, or designee, shall make the first presentation. Upon completion of the presentation by the

dean of students, or designee, the student may make a presentation and may present any witnesses. Either side may offer a rebuttal.

(9) The chairperson may allow the committee members, dean of students, or designee, student or student's representative, to ask questions of any witness.

(10) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing.

(11) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(12) The administrative assistant to the chairperson shall take notes during the hearing and prepare a written summary of all evidence, facts, and testimony presented to the student rights and responsibilities committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(13) All records of disciplinary proceedings shall be maintained in the office of the chairperson and shall be available only during the course of the disciplinary proceedings to the student rights and responsibilities committee, the student and the student's attorney, and any other college official designated by the chairperson.

(14) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-140 Decision by the ((petition review)) student rights and responsibilities committee.** (1) Upon conclusion of the disciplinary hearing, the ((petition review)) student rights and responsibilities committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) ((The committee's written decision shall include findings of fact, conclusions of law and recommendations for final disposal of the matter at issue.

(3)) Within seven working days of the conclusion of the hearing, the student will be ((provided)) mailed or otherwise served with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of ((his or her)) the right, within ((seven calendar days)) ten instructional days of the postmark, to submit a written statement to the president of the college appealing the recommendation of the ((petition review)) student rights and responsibilities committee.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-150 Final appeal.** ((1) Any student feeling aggrieved by the findings or conclusions of an appeal to the petition review committee may appeal the same in writing to the president within seven calendar days following notification of the student of the action taken by the committee. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his findings and decision only on the official written record of the case and on any reports or recommendations of the petition review committee and/or of the dean who conducted the original hearing.)) The student may make a final appeal in writing to the president within ten instructional days following the postmark on the written notification of the action taken by the student rights and responsibilities committee. The president may suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. The president shall base the decision on the written appeal of the student, the official written record of the case and any reports or recommendations of the student rights and responsibilities committee, and/or of the dean who conducted the original hearing. The decision of the president is final.

## STUDENT COMPLAINT PROCEDURE

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-260 ((Student grievances.)) Purpose.** The purpose of this ((section through section 132U-120-320)) procedure is to:

- Protect each student's freedom of expression in the ((classroom)) learning environment; ((to))

- Protect each student from improper, arbitrary or capricious academic evaluations ((as evidenced by the student's final course grade; and to afford)) (grades) or actions made by an instructor;

- Offer each student reasonable protection against arbitrary or capricious actions taken ((outside the classroom by other members of the college community)) by college officials;

- Provide a mechanism for students to express concerns in an effort to improve the learning environment.

The emphasis of this procedure is on informal resolution of the complaint. Most differences are best resolved by direct, courteous, and respectful communication. Formal complaints, which involve hearings before the student rights and responsibilities committee, should be rare.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-270 ((Grievances)) Complaints excluded.** (1) ((A)) Students may not use ((the provisions of these sections as the basis)) this procedure for filing a ((griev-

ance)) complaint based on the outcome of summary suspension or other disciplinary proceedings (~~described in earlier sections of this student rights and responsibilities code~~)).

(2) Federal and state laws, rules, and regulations, in addition to policies, regulations and procedures adopted by the college or the board of trustees, and/or the state board for community (college education or the board of trustees of Community College District No. 21 shall) and technical colleges are not ((be)) grievable matters.

(3) (~~Students shall use chapter 132U 300 WAC for grievances pertaining to sexual or handicapped discrimination.~~) Different procedures are required for complaints regarding sexual harassment or illegal discrimination. These procedures are available from the dean for educational services and the personnel director.

## NEW SECTION

**WAC 132U-120-285 Time limits.** (1) The student must file a complaint within **one academic quarter** after the action that gives rise to the complaint. For this purpose, fall quarter is considered to be the academic quarter following both spring and summer quarters. The appropriate dean may modify the time limit due to exceptional circumstances such as extended illness.

(2) Every effort will be made by the appropriate dean to investigate and resolve the complaint as soon as possible. When the instructor or staff member concerned is unavailable during a quarter break, sabbatical leave, or other extenuating circumstances, the dean will outline for the student a timeline for the process.

(3) When the instructor or staff member concerned is no longer employed by the college and does not expect to return, the appropriate dean shall confer with appropriate parties and make a decision.

### (a) **Step 1 informal resolution.**

(i) Students who believe a college faculty or staff member has unfairly treated them shall first discuss their concerns directly with that person. If the complaint involves a grade, the student should first discuss the grade, including the reason the student believes the grade has been awarded improperly or in an arbitrary or capricious manner, with the course instructor. The purpose of this discussion should be to clarify the perceived problem and request specific action. **Most misunderstandings related to grades can be resolved at this level.**

(ii) If the complaint is not resolved or if the student is apprehensive about talking directly with the staff or faculty member involved, the student may request an appointment with the department chair or appropriate associate dean/dean. The department chair or associate dean/dean may act as a mediator to resolve the complaint in a prompt and fair manner.

### (b) **Step 2 formal letter.**

(i) In the unlikely event that an informal resolution is not achieved, the student may initiate a formal complaint by writing a **letter to the faculty or staff member and the appropriate dean** within one academic quarter after the incident

that gave rise to the complaint. The formal complaint letter must include a:

- Description of the situation including dates and times;
- Summary of the actions taken by the student to resolve the complaint up to that point; and
- Proposed solution.

In a grade dispute, the student should submit specific information on performance scores, attendance, and any syllabus or written material on course grading criteria that the instructor provided to the student.

(ii) The dean shall attempt to resolve the problem by:

(A) Serving as an intermediary between the student and the faculty or staff member and bringing about a resolution that is satisfactory to all concerned; or

(B) Reviewing the facts of the situation and making a decision. The dean shall investigate the student's written complaint. The investigation may include a written response from the instructor including the course syllabus, the grade reported for the student, the evaluation criteria for the course, and the performance scores and attendance data achieved by the student in that course.

(iii) The dean shall conclude this step with a written decision that is mailed to the student's last known address.

(c) **Step 3 appeal to the student rights and responsibilities committee.**

(i) If the complaint is not satisfactorily resolved in Step 2, the student may request a hearing to be conducted by the student rights and responsibilities committee by submitting a written request to the dean within ten instructional days of the postmark on the written decision of the dean. The written appeal by the student must clearly state errors in fact or matters in extenuation or mitigation that justify the appeal.

(ii) If the student asks a representative to assist during the hearing, the student shall submit in writing along with the hearing request, the name, address, and telephone number of the representative. The instructor or staff member may also have a representative assist during the hearing and must provide contact information to the chairperson.

(iii) All written documents concerning the complaint shall be forwarded to the chairperson of the student rights and responsibilities committee by the dean upon receiving the student's hearing request. Copies of these documents shall be made available to the committee members, the student, and the faculty or staff member to whom the complaint is directed three instructional days prior to the hearing.

(iv) The student rights and responsibilities committee shall be composed of a chairperson and four members. For a student complaint formal appeal, the chairperson shall be the dean who did not handle the initial formal complaint and the members shall be selected as follows:

- (A) Two students in good academic standing appointed by the ASWCC president for a one-year term;
- (B) One faculty member appointed by the president of the college for a three-year term;
- (C) One administrator appointed by the president of the college for a two-year term;
- (D) Members of the committee shall be selected no later than October 30 of each academic year;

(E) An appropriate substitute member shall be appointed if a member of the hearing committee is unable to consider the formal complaint for any reason (including, but not limited to, conflict of interest, matters of conscience, or related reasons);

(F) A quorum shall consist of a chairperson and at least three members; provided, that one student, one faculty member, and one administrator are present.

(v) The hearing before the committee shall be conducted within twenty instructional days of receiving the written appeal. Notice of the hearing date and time shall be given to all parties involved five instructional days prior to the hearing.

(vi) A student-initiated complaint hearing shall be an informal and closed hearing. The administrative assistant to the chairperson shall electronically record the hearing and take written notes.

(vii) Both the student and the instructor shall be invited to present oral arguments that shall be restricted to issues related to the complaint. Members of the committee may question both the student and instructor.

(viii) At the conclusion of the hearing, the committee shall deliberate and:

- Request additional information to be considered at a future hearing;
- Recommend that the dean's decision be upheld;
- Find that there are sufficient reasons to modify or overrule the dean's decision and recommend alternatives to the president.

(ix) Within five instructional days after concluding the hearing, the committee shall make a written recommendation to the president.

(x) The president, after reviewing the record of the case prepared by the chairperson of the student rights and responsibilities committee and any appeal statement filed by any party to the grievance, shall issue either a written acceptance of the recommendations of the committee or written directions regarding alternative courses of action. The written findings of the president are final.

(xi) All written statements and testimony considered during the complaint process and a copy of the final decision by the president shall be retained on file by the chairperson of the student rights and responsibilities committee for one year following the complaint.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-320 Withdrawal of ~~((grievance)) complaint.~~ ~~((+))~~** At any time during the ~~((grievance)) complaint~~ procedure, the ~~((grievant)) student~~ may officially withdraw the ~~((grievance)) complaint or appeal~~ in writing. ~~((Further, any appeal of the operational dean's decision forwarded to the office of the president may be officially withdrawn in writing at any time by the appellant.~~

~~((2))~~ In the event the ~~((grievant or appellant)) student~~ fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered ~~((to constitute))~~ a withdrawal of the ~~((grievance)) complaint~~ or appeal.

AMENDATORY SECTION (Amending Order 88-03, filed 7/8/88)

**WAC 132U-120-330 Administrative, faculty and staff grievances.** Any administrator, faculty member or staff member who is the subject of a student's ~~((grievance)) complaint~~ and who is dissatisfied with the results of the student ~~((grievance)) complaint~~ proceedings shall file a grievance under the appropriate grievance procedure established by Whatcom Community College.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132U-120-070	Delegation of disciplinary authority.
WAC 132U-120-090	Initial disciplinary proceedings.
WAC 132U-120-130	Evidence admissible in hearings.
WAC 132U-120-190	Summary suspension proceedings.
WAC 132U-120-200	Procedures of summary suspension hearing.
WAC 132U-120-210	Decision by the dean.
WAC 132U-120-220	Notice of suspension.
WAC 132U-120-230	Suspension for failure to appear.
WAC 132U-120-240	Appeals from summary suspension hearing.
WAC 132U-120-250	Final decision.
WAC 132U-120-280	Grievance procedures.
WAC 132U-120-290	Appeals.
WAC 132U-120-300	Final decision regarding student grievances.
WAC 132U-120-310	Nature of grievance proceedings.

WSR 02-19-057

PROPOSED RULES

WHATCOM COMMUNITY COLLEGE

[Filed September 12, 2002, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-104.

Title of Rule: Control of dogs, chapter 132U-52 WAC.

Purpose: To update and bring into compliance the current wording.

Statutory Authority for Adoption: RCW 28B.50.130.

PROPOSED

Statute Being Implemented: None.

Summary: Updates and clarifies wording that the use of service animals (dogs) included assisting persons with mental and physical disabilities.

Name of Agency Personnel Responsible for Drafting: Jennifer Dixon, Laidlaw Center Room 116, (360) 676-2170; Implementation and Enforcement: Patricia Onion, Laidlaw Center Room 116, (360) 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: See Purpose above.

Proposal Changes the Following Existing Rules: Clarifies wording that the use of dogs includes assisting persons with mental and physical disabilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications are attached to this policy. No costs imposed on small business through adoption of this rule amendment.

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal government operations.

Hearing Location: Syre Student Center, Room 107/108, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, on October 24, 2002, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Bill Culwell by October 15, 2002, TTY (360) 647-3279 or (360) 676-2170 ext. 3220.

Submit Written Comments to: Jennifer Dixon, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, fax (360) 676-2170 ext. 3275, by October 15, 2002.

Date of Intended Adoption: November 12, 2002.

September 11, 2002

Jennifer Dixon

Rules Coordinator

AMENDATORY SECTION (Amending Order 88-02, filed 3/15/88)

**WAC 132U-52-010 Control of dogs.** Dogs are not permitted in Whatcom Community College buildings or on college property except ~~((when they are,))~~ for:

(1) ~~((seeing eye dogs, (2) dogs trained for assisting the hearing impaired under immediate control of their owners, or (3)))~~ Service animals under immediate control of their owners that are trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability; or

(2) Dogs authorized by the ((dean of instruction)) chief student affairs officer (or designee) for educational purposes.

(Statutory authority: RCW 28B.50.140(10))

## WSR 02-19-062

### PROPOSED RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 12, 2002, 3:26 p.m.]

Continuance of WSR 02-16-036.

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

Title of Rule: WAC 356-05-465 Veteran.

Purpose: Continuance of adoption date to November 14, 2002.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on November 14, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by November 7, 2002, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by November 11, 2002.

Date of Intended Adoption: November 14, 2002.

September 12, 2002

E. C. Matt

Secretary

## WSR 02-19-077

### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 02-06—Filed September 16, 2002, 12:16 p.m.]

Continuance of WSR 02-15-181.

Preproposal statement of inquiry was filed as WSR 02-08-073.

Title of Rule: Chapter 173-157 WAC, Underground artificial storage and recovery.

Purpose: The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and standards for identification and mitigation of potential adverse impacts to ground water quality or the environment.

This continuance is being filed in order to respond to the requests the department received to extend the comment period beyond September 9. The Department of Ecology has agreed to accept comments through September 16, 2002.

Statutory Authority for Adoption: RCW 90.03.370 (2)(b), 90.44.460.

Statute Being Implemented: RCW 90.03.370, chapter 90.44 RCW.

Summary: Chapter 173-157 WAC outlines the process the Department of Ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

Name of Agency Personnel Responsible for Drafting: Kathleen Ensenat, Department of Ecology, Headquarters, (360) 407-6780; Implementation and Enforcement: Joe Stohr, Program Manager, Department of Ecology, Headquarters, (360) 407-6602.

Name of Proponent: Department of Ecology, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This will create a "third line" for processing permits for applicants that already hold a right to the source water.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and, standards for identification and mitigation of potential adverse impacts to ground water quality or the environment. Chapter 173-157 WAC outlines the process the Department of Ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

Under this proposal, an application for a reservoir permit for an ASR project must contain, at a minimum:

- (1) A general description (conceptual model) of the hydrogeologic system prepared and certified by a hydrogeologist licensed in the state of Washington.
- (2) A project operation plan with a general description of the pilot and operational phases of the ASR project prepared and certified by an engineer or geologist licensed in the state of Washington.
- (3) A description of the legal framework for the proposed project.
- (4) An environmental assessment and analysis of any potential adverse conditions or potential impacts to the surrounding environment that might result from the project.
- (5) A project mitigation plan, if required.
- (6) A project monitoring plan.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the substantive requirements for obtaining an ASR permit are mandated by RCW 90.03.370 (2)(a). Furthermore, those requirements are essential to prevent infringement on existing water rights and environmental damage from improper ASR design or operation.

RCW 34.05.328 applies to this rule adoption. It has been determined that this rule would be considered a significant legislative rule. Therefore, the requirements of RCW 34.05.328 are being met.

Hearing Location: No additional hearings will be held. Comments may be mailed, faxed, or submitted electronically at <http://www.ecy.wa.gov/programs/wr/asr/asr-home.html>.

Assistance for Persons with Disabilities: Contact Christine Corrigan by 5:00 p.m. on September 16, 2002, TDD (360) 407-6006 or (360) 407-6607.

Submit Written Comments to: Kathleen Ensenat, 300 Desmond Drive, Lacey, WA 98504, Kspa461@ecy.wa.gov, phone (360) 407-6780, fax (360) 407-7162, comments must be received by 5:00 p.m. on September 16, 2002.

Date of Intended Adoption: November 9, 2002.

September 12, 2002

Linda Hoffman

Deputy Director

**WSR 02-19-087**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (By the Code Reviser's Office)  
 [Filed September 17, 2002, 8:33 a.m.]

WAC 232-28-266, proposed by the Department of Fish and Wildlife in WSR 02-06-121 appearing in issue 02-06 of the State Register, which was distributed on March 20, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 02-19-088**  
**PROPOSED RULES**  
**BOARD OF INDUSTRIAL**  
**INSURANCE APPEALS**  
 [Filed September 17, 2002, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-144.

Title of Rule: Chapter 263-12 WAC, Practice and procedure before the board of Industrial Insurance Appeals.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-045, 263-12-050, 263-12-059, 263-12-060, 263-12-065, 263-12-093, 263-12-115, 263-12-150; and adding new sections WAC 263-12-117, and 263-12-156.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: The proposed revisions make a number of housekeeping changes by clarifying and simplifying language and punctuation; clarifying duties and powers of industrial appeals judges regarding the closing of the record; clarifies limitation of time for filing appeals under the special death benefit provision of the law enforcement officers' and fire fighters' retirement system (chapter 41.26 RCW); clarifies denial of appeals based on the department record. Cre-

ates two new sections, WAC 263-12-117, regarding evidence by deposition and procedure at deposition; and WAC 263-12-156, which defines board review of a final order.

Reasons Supporting Proposal: Rules are being modified to meet the WAC migration and clear writing mandates.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David E. Threedy, 2430 Chandler Court S.W., Olympia, WA, (360) 753-6823.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 263-12-045, the rule clarifies the duties and powers of industrial appeals judges by allowing the judge to close the record in the event the parties do not confirm witnesses or present evidence within the timelines prescribed by the judge.

WAC 263-12-050, to clarify the language and punctuation used in the rule.

WAC 263-12-059, to clarify the language used in the rule.

WAC 263-12-060, to clarify the language regarding time limitations for filing of appeals under the special death benefit provision of the law enforcement officers' and fire fighters' retirement system (chapter 41.26 RCW).

WAC 263-12-065, clarifies the language regarding the denial of appeals based on the department record.

WAC 263-12-093, clarifies the language used in the rule by making reference to the appropriate WAC.

WAC 263-12-115, to simplify the language used in the rule regarding depositions. The rule change eliminates language that is included in a separate rule regarding evidence by deposition and procedure at deposition (WAC 263-12-117).

WAC 263-12-150, clarifies the language used in the rule by referring to the appropriate WAC.

New section WAC 263-12-117, creates new section regarding evidence by deposition and procedure at deposition.

New section WAC 263-12-156, creates a new section regarding board review of a final order.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on financial issues in the amendments being made. They are basically clarification of procedural rules relating to administrative hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rule changes are not legislative; they relate to procedures related to agency hearings or clarify language of a rule without changing its effect.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA, on November 19, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Donalda Ball by November 7, 2002, (360) 753-6823 ext. 183.

Submit Written Comments to: David E. Threedy, P.O. Box 42401, Olympia, WA 98504-2401, fax (360) 586-5611, by November 18, 2002.

Date of Intended Adoption: November 19, 2002.

September 16, 2002

David E. Threedy

Executive Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-20 issue of the Register.

**WSR 02-19-092**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed September 17, 2002, 12:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-069.

Title of Rule: Amendments to WAC 460-16A-205 to update existing and adopt new North American Securities Administrators Association (NASAA) guidelines and statements of policy.

Purpose: The Washington Securities Division uses guidelines and policies created by NASAA as the basis for regulating certain offerings and licensees. These guidelines and policies are periodically updated and occasionally new guidelines and policies are adopted. This amendment would update Washington's regulations to reflect the latest versions of all previously adopted guidelines. It would also adopt NASAA's risk disclosure guidelines and guidelines for general obligation financing by religious organizations for the first time. This will facilitate greater uniformity with the many other states that rely on NASAA guidelines and policies.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.450.

Summary: WAC 460-16A-205 (1)(f), (h), (k), (m), (n), (p), (s), (t), and (u) would be amended to adopt the most recent version of the subject NASAA guidelines and codified in those subsections. New subsection (1)(w) would adopt the "general obligation financing by religious denomination guidelines," while new subsection (1)(x) would adopt the "risk disclosure guidelines."

Reasons Supporting Proposal: Many states rely on NASAA guidelines and policies as the basis for their regulations. This proposal will facilitate greater uniformity with those states and decrease the possibility of an issuer being subjected to conflicting or inconsistent regulations.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: Helen Howell, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington Securities Division uses guidelines and policies created by NASAA as the basis for regulating certain offerings and licensees. These guidelines and policies are periodically updated and occasionally new guidelines and policies are adopted. This amendment would update Washington's regulations to reflect the latest versions of all previously adopted guidelines. It would also adopt NASAA's risk disclosure guidelines and guidelines for general obligation financing by religious organizations for the first time. Many states rely on NASAA guidelines and policies as the basis for their regulations. This proposal will facilitate greater uniformity with those states and decrease the possibility of an issuer being subjected to conflicting or inconsistent regulations.

Proposal Changes the Following Existing Rules: WAC 460-16A-205 (1)(f), (h), (k), (m), (n), (p), (s), (t), and (u) would be amended to adopt the most recent version of the subject NASAA guidelines codified in those subsections. New subsection (1)(w) would adopt the "general obligation financing by religious denomination guidelines," while new subsection (1)(x) would adopt the "risk disclosure guidelines."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

RCW 34.05.328 does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in RCW 34.05.328.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on October 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by October 21, 2002, TDD (360) 664-8126 or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail [wbeatty@dfi.wa.gov](mailto:wbeatty@dfi.wa.gov), by October 22, 2002.

Date of Intended Adoption: October 23, 2002.

September 13, 2002

Helen P. Howell

Director

**AMENDATORY SECTION** (Amending WSR 98-17-013, filed 8/10/98, effective 9/10/98)

**WAC 460-16A-205 Adoption of NASAA statements of policy.** (1) In order to promote uniform regulation, the administrator adopts the following North American Securities Administrators Association (NASAA) statements of policy for offerings registering pursuant to RCW 21.20.180 or 21.20.210:

(a) Registration of publicly offered cattle feeding programs, as adopted September 17, 1980;

(b) Registration of commodity pool programs, as adopted with amendments through August 30, 1990;

(c) Equipment programs, as adopted with amendments through October 24, 1991;

(d) Registration of oil and gas programs, as adopted with amendments through October 24, 1991;

(e) Real estate investment trusts, as adopted with amendments through September 29, 1993;

(f) Real estate programs, as adopted with amendments through ~~((October 24, 1991))~~ September 29, 1993;

(g) Loans and other material affiliated transactions, as adopted with amendments through November 18, 1997;

(h) Options and warrants, as adopted with amendments through ~~((November 18, 1997))~~ September 28, 1999;

(i) Registration of direct participation programs - omnibus guidelines, as adopted March 29, 1992;

(j) Mortgage program guidelines, as adopted September 10, 1996;

(k) Church bonds, as adopted ~~((April 29, 1981))~~ April 14, 2002;

(l) Health care facility offerings, pertaining to the offering of nonprofit health care facility bonds, as adopted April 5, 1985;

(m) Corporate securities definitions, as adopted ~~((April 27, 1997))~~ September 28, 1999;

(n) Impoundment of proceeds, as adopted with amendments through ~~((April 27, 1997))~~ September 28, 1999;

(o) Preferred stock, as adopted with amendments through April 27, 1997;

(p) Promotional shares, as adopted ~~((November 18, 1997))~~ September 28, 1999, except that the term promotional shares shall be limited to those equity securities which were issued within the last three years and that all promotional shares in excess of twenty-five percent of the shares to be outstanding upon completion of the offering may be required to be deposited in escrow absent adequate justification that escrow of such shares is not in the public interest and not necessary for the protection of investors;

(q) Registration of asset-backed securities, as adopted October 25, 1995, except for offerings registering or required to register pursuant to chapter 460-33A WAC or RCW 21.20.705 through 21.20.855;

(r) Promoters' equity investment, as adopted with amendments through April 27, 1997;

(s) Specificity in use of proceeds, as adopted ~~((April 27, 1997))~~ September 28, 1999;

(t) Underwriting expenses, underwriter's warrants, selling expenses, and selling security holders, as adopted with amendments through ~~((April 27, 1997))~~ September 28, 1999;

(u) Unsound financial condition, as adopted ~~((April 27, 1997))~~ September 28, 1999; ~~((and))~~

(v) Unequal voting rights, as adopted October 24, 1991;

(w) Guidelines for general obligation financing by religious denominations, as adopted April 17, 1994; and

(x) Risk disclosure guidelines, as adopted September 9, 2001.

(2) An offering registering pursuant to RCW 21.20.180 or 21.20.210 that falls within one or more of the statements of policy listed in subsection (1) of this section must comply with the requirements of said statement of policy or policies.

(3) The statements of policy referred to in subsection (1) of this section are found in *CCH NASAA Reports* published by Commerce Clearing House. Copies are also available at the office of the securities administrator.

**WSR 02-19-094**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed September 17, 2002, 1:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-170.

Title of Rule: Title 390 WAC, rules relating to enforcement procedures, transfers of campaign funds and reporting by major political party organizations.

Purpose: To clarify statutory requirements under chapter 42.17 RCW.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.095 and [42.17].370.

Summary: The proposed rule changes would amend and clarify the status of a complainant at an open commission hearing, clarify the appropriateness of transfers of surplus and nonsurplus funds and provide direction to major political party organizations on the designation of bona fide political party committees.

Reasons Supporting Proposal: The proposed rule amendments will clarify the statutory requirements under chapter 42.17 RCW and provide guidance to candidates, political committees and the public on procedures at public hearings and the Public Disclosure Commission (PDC) filing process.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, PDC 711, Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, PDC 711, Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule changes would provide guidance to candidates and authorized committees as to under what circumstances surplus and nonsurplus funds may be transferred to other candidates or political committees, direct the major political party organizations to notify the PDC, in writing, of the designated county central committees and legislative district committees that are to be considered bona fide political party committees and outline the role of complainants in compliance matters before the commission in accordance with the current Administrative Procedure Act.

These proposed rule changes provide direction and clarification to candidates, political committees and the general public on statutory provisions of chapter 42.17 RCW.

Proposal Changes the Following Existing Rules: The proposed rule amendments will clarify the statutory require-

ments; provide guidance to candidates, political committees and the public on procedures at public hearings and on the PDC filing process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rules does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on October 29, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Byrant by phone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, dellis@pdc.wa.gov, by October 21, 2002.

Date of Intended Adoption: October 29, 2002.

September 17, 2002

Susan Harris

Assistant Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-16-234 Transfers of surplus and nonsurplus candidate funds.** (1) One candidate may reimburse another for the former's proportionate share of ((a)) documented and properly reported joint campaign expenses without the transaction constituting a "transfer" within the meaning of RCW 42.17.095.

(2) ~~((A candidate may transfer any amount of his or her surplus funds to an exempt contributions account of a party or caucus committee.))~~ Candidate surplus funds may be transferred, without limit, to a bona fide political party or to a caucus political committee.

(3) ~~((If a candidate transfers his or her surplus funds to an account, other than an exempt account of a bona fide political party or caucus, the candidate may only transfer up to the \$2,500 to the bona fide political party or \$500 to the caucus committee per year.~~

~~((4) Transfers to exempt accounts must be made by a separate written instrument.))~~ Except as provided in subsections (1) and (2) of this section, no candidate or candidate's authorized committee may transfer surplus or nonsurplus funds to any other candidate or political committee.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

**WAC 390-17-200 Major political party organizations.** (1) With respect to a major political party, each of the following is considered a separate organization for purposes of making and receiving contributions: governing body of

the state organization, county central committee and legislative district committee.

(2) Each major political party is restricted to one state central committee, one county central committee per county and one legislative district committee per legislative district.

(3) Each major political party shall designate each county central committee and each legislative district committee and shall notify the commission in writing of the names, addresses, telephone numbers, and e-mail addresses of each committee officer within two weeks following the designation (~~(by filing a PDC Form C-1pe)~~).

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

**WAC 390-37-030 Enforcement procedures—Status of citizen complainant and others.** (1) When a citizen complaint has been filed with the (~~(commission)~~) agency, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the (~~(commission)~~) staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding. (~~(The complainant or any other person wishing to be heard in a compliance matter may request permission in advance of a public hearing on the matter or at such hearing, and the commission may grant such person a reasonable opportunity to be heard.)~~)

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).

## WSR 02-19-099

### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 02-03—Filed September 17, 2002, 3:13 p.m.]

Supplemental Notice to WSR 02-11-101.

Preproposal statement of inquiry was filed as WSR 02-05-054.

Title of Rule: Dangerous waste regulations, chapter 173-303 WAC.

Purpose: To adopt a conditional exclusion for prescription drugs, and for controlled substances based on an emergency rule that was adopted on January 25, 2002, and to make technical corrections.

Statutory Authority for Adoption: Chapter 70.105 and 70.105D RCW.

Statute Being Implemented: Chapter 70.105 RCW.

Summary: A conditional exclusion is being proposed to allow controlled substances that are held as evidence by law

enforcement agencies or that are managed by licensees and registrants of the State Board Pharmacy or Drug Enforcement Administration to be destroyed in incinerators. Other changes are technical corrections.

Reasons Supporting Proposal: The existing regulations are a barrier to feasible management of these substances and there are suitable alternatives that will be allowed by this proposal.

Name of Agency Personnel Responsible for Drafting: Ty Thomas, Lacey, Washington, (360) 407-6758; Implementation and Enforcement: Greg Sorlie, Lacey, Washington, (360) 407-6702.

Name of Proponent: Department of Ecology, governmental.

Rule is necessary because of federal law, 40 C.F.R. 266.205 (d) and (e).

Explanation of Rule, its Purpose, and Anticipated Effects: The dangerous waste regulations set forth the requirements for determining if solid wastes are dangerous wastes, establish a system for tracking dangerous waste from generation to treatment or disposal, and establish requirements for facilities that manage dangerous waste so that all dangerous wastes are managed safely and responsibly in Washington state. The regulations also exempt a variety of wastes which can be managed safely and appropriately in a manner other than that required for most wastes.

Proposal Changes the Following Existing Rules: Law enforcement agencies within the state of Washington confiscate drugs, including controlled substances, during the course of their work. The controlled substances are kept as evidence until the case is adjudicated. When no longer needed as evidence, law enforcement agencies follow their own policies for the destruction of the controlled substances. These policies include incineration, witnessed by a law enforcement officer. There is only one waste-to-energy facility in Washington that is currently able to take these wastes; however its permit prohibits the burning of dangerous waste. Some controlled substances designated as state-only dangerous wastes in the state of Washington. This conditional exclusion will make it possible for these wastes to be disposed of at the waste to energy facility.

Controlled substances collected by law enforcement agencies within the state of Washington must be handled according to law enforcement policy to assure consistency in handling procedures. Deviations from the policy can put the law enforcement agency at risk for liability, loss of accreditation of their evidence rooms, and may impact case development. Law enforcement agencies have limited budgets for evidence disposal and varying disposal needs. The absence of the option for incinerating controlled substances is an impediment to a necessary element of police work.

This conditional exclusion from the dangerous waste regulations applies only to wastes that are regulated as state-only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations. Ecology does not have the authority to exempt any drug that is a regulated waste under federal law from regulation. The drugs that are regulated as state-only dangerous waste are regulated primarily due to their toxicity. Incineration is an appropriate

method of disposal for these low volume, low toxicity wastes.

An emergency rule was adopted on January 25, 2002, to exempt these wastes. A permanent rule is being proposed to conditionally exempt the same wastes covered by the emergency rule. In addition, the conditional exclusion is being expanded to include controlled substances held by facilities that are licensees or registrants of the State Board of Pharmacy (board) or Drug Enforcement Administration (DEA). These facilities include hospitals, pharmacies, universities and reverse distributors. Expanding the rule to include these additional facilities will make it easier for them to comply with the regulations on the management and disposal of controlled substances implemented by the board and the DEA. It will provide them with an option that improves their ability to comply with other regulations.

Based on input ecology received during the public hearing that was held in June 2002 for the proposed conditional exclusion for controlled substances, the exclusion has been expanded to include legend drugs. Legend drugs are a class of drugs also known as prescription drugs. Ecology reviewed information that was provided by representatives of the pharmaceutical and medical community that was presented at that hearing. The inclusion of legend drugs will provide better handling and disposal options like those found for controlled substances.

Other proposed changes to the regulations include correcting citations and other typographical errors. During the recent authorization process that ecology underwent with the Environmental Protection Agency (EPA), several minor corrections were noted for consistency with the federal hazardous waste regulations. These changes add no new requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed exemption has no adverse impact on any business, large or small. While not changing the standard to which the relevant substances must be treated, it exempts the affected entities from several administrative requirements: (1) There is no need to obtain an EPA/state ID#; (2) there is no requirement to manifest and manage waste at a treatment, storage and disposal facility as dangerous waste; and (3) wastes can be disposed of in a facility that is not allowed to accept dangerous wastes. Thus there is no cost increase imposed on any party.

RCW 34.05.328 applies to this rule adoption. It has been determined that the conditional exclusion would be considered a significant legislative rule. Thus, it is subject to the requirements of RCW 34.05.328 and those requirements are being followed, as appropriate.

Hearing Location: Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98502, on October 29, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Marnie Black by October 25, 2002, TDD (360) 407-6006 or (360) 407-6759.

Submit Written Comments to: Patricia Hervieux, pher461@ecy.wa.gov, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6715, for questions, call (360) 407-6756, by 5 p.m. on November 12, 2002.

Date of Intended Adoption: December 30, 2002.

September 16, 2002

Linda Hoffman

Deputy Director

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-045 References to EPA's hazardous waste and permit regulations.** (1) Any references in this chapter to any parts, subparts, or sections from EPA's hazardous waste regulations, including 40 CFR Parts 260 through 280 and Part 124, are in reference to those rules as they existed on July 1, 1999. Copies of the appropriate referenced federal requirements are available upon request from the department.

(2) The following sections and any cross-reference to these sections are not incorporated or adopted by reference because they are provisions that EPA cannot delegate to states:

(a) 40 CFR Parts 260.1 (b)(4)-(6) and 260.20-22.

(b) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(c) 40 CFR Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (~~except for 268.44(h)~~) (a) through (g).

(d) 40 CFR Parts 270.1 (c)(1)(i); 270.3; 270.60(b); and 270.64.

(e) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(3) Where EPA's regulations are incorporated by reference:

(a) "Regional administrator" means "the department."

(b) "Administrator" means "director."

(c) "Director" means "department."

(d) These substitutions should be made as appropriate. They should not be made where noted otherwise in this chapter. They should not be made where another EPA region is referred to, where a provision cannot be delegated to the state, or where the director referred to is the director of another agency.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-070 Designation of dangerous waste.**

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not their solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that their waste is designated DW or EHW is subject to all applicable requirements of this chapter.

(c) The requirements for the small quantity generator exemption are found in subsection (8) of this section.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), even if they no longer exhibit a characteristic at the point of land disposal; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not meet any of the criteria of WAC 173-303-100.

Such solid waste will include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(c) Notwithstanding subsections (1) and (2) of this section and provided the debris does not exhibit a characteristic identified in WAC 173-303-090, the following materials are not subject to regulation under this chapter:

(i) Hazardous debris that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR section 268.45; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(ii) Debris that the department, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(3) Designation procedures.

(a) To determine whether or not a solid waste is designated as a dangerous waste a person must:

(i) First, determine if the waste is a listed discarded chemical product, WAC 173-303-081;

(ii) Second, determine if the waste is a listed dangerous waste source, WAC 173-303-082;

(iii) Third, if the waste is not listed in WAC 173-303-081 or 173-303-082, or for the purposes of compliance with the federal land disposal restrictions as adopted by reference in

WAC 173-303-140, determine if the waste exhibits any dangerous waste characteristics, WAC 173-303-090; and

(iv) Fourth, if the waste is not listed in WAC 173-303-081 or 173-303-082, and does not exhibit a characteristic in WAC 173-303-090, determine if the waste meets any dangerous waste criteria, WAC 173-303-100.

(b) A person must check each section, in the order set forth, until they determine whether the waste is designated as a dangerous waste. Once the waste is determined to be a dangerous waste, further designation is not required except as required by subsection (4) or (5) of this section. If a person has checked the waste against each section and the waste is not designated, then the waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW must comply with the requirements of WAC 173-303-072.

(c) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person must either:

(i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or

(ii) Apply knowledge of the waste in light of the materials or the process used, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated properly; and

(B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site.

(4) Testing required. Notwithstanding any other provisions of this chapter, the department may require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110 to determine whether or not the waste is designated under the dangerous waste lists, characteristics, or criteria, WAC 173-303-080 through 173-303-100. Such testing may be required if the department has reason to believe that the waste would be designated DW or EHW by the dangerous waste lists, characteristics, or criteria, or if the department has reason to believe that the waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW). If a person, pursuant to the requirements of this subsection, determines that the waste is a dangerous waste or that its designation must be changed, then they are subject to the applicable requirements of this chapter 173-303 WAC. The department will base a requirement to test a waste on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another person's already designated DW or EHW;

(c) Evidence that the person's waste has historically been a DW or EHW;

(d) Evidence or information about a person's manufacturing materials or processes which indicate that the wastes may be DW or EHW; or

(e) Evidence that the knowledge or test results a person has regarding a waste is not sufficient for determining whether or not it designated and/or designated properly.

(5) Additional designation required. A generator must manage dangerous waste under the most stringent management standards that apply. The following subsections describe how waste that has been designated as DW under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, or in the case of (c) of this subsection, under the lists, characteristics, or criteria, must be further designated under the dangerous waste criteria, WAC 173-303-100. This further designation under the criteria is necessary because it may change how the waste must be managed. Additional designation is required when:

(a) The waste is designated as DW with a QEL of 220 pounds and the generator otherwise qualifies as a small quantity generator. In this case, a generator must determine if their DW is also designated as a toxic EHW, WAC 173-303-100, with a QEL of 2.2 pounds; or

(b) The waste is designated as DW and the waste is to be discharged to a POTW operating under WAC 173-303-802(4) (Permits by rule). In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100; or

(c) The waste is designated as a state-only DW and the waste is to be:

(i) Burned for energy recovery, as used oil, under the provisions of WAC 173-303-515; or

(ii) Land disposed within the state. In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, they must use all the dangerous waste numbers which they know are assignable to the waste from the dangerous waste lists, characteristics, or criteria. For example, if the waste is ignitable *and* contains more than 5 mg/l leachable lead when tested for the toxicity characteristic, they must use the dangerous waste numbers of D001 and D008. This will not be construed as requiring a person to designate their waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is subject to the full requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or meets the criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to the requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste. In such cases, they must consider the aggregate quantity of their wastes when determining whether or not their waste amounts exceed the specific limits for waste accumulation or the specific quantity exclusion limits (QEL) for

waste generation. Waste quantities must be aggregated for all wastes with common QEL's. Example: If a person generates 100 pounds of an ignitable waste and 130 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (230 pounds) exceeds their common QEL of 220 pounds. On the other hand, if a person generates one pound of a toxic EHW and 218 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QEL's). (Note: In order to remain a small quantity generator, the total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, must not equal or exceed 220 pounds. Not more than 2.2 pounds of a waste with a 2.2 pound QEL may be part of that total.)

(c) When making the quantity determinations of this subsection and WAC 173-303-170 through 173-303-230, generators must include all dangerous wastes they generate, except dangerous waste that:

(i) Is exempt from regulation under WAC 173-303-071; or

(ii) Is recycled under WAC 173-303-120 (2)(a), (3)(c), (e), ((~~o~~)) (h) or (5); or

(iii) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in WAC 173-303-040; or

(iv) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under WAC 173-303-120 (4)(a); or

(v) Is spent lead-acid batteries managed under the requirements of WAC 173-303-120 (3)(f) and 173-303-520; or

(vi) Is universal waste managed under WAC 173-303-077 and 173-303-573.

(d) In determining the quantity of dangerous waste generated, a generator need not include:

(i) Dangerous waste when it is removed from on-site storage; or

(ii) Reserve; or

(iii) Spent materials that are generated, reclaimed, and subsequently reused on-site, as long as such spent materials have been counted once (Note: If after treatment or reclamation a residue is generated with a different waste code(s), that residue must be counted); or

(iv) The container holding/containing the dangerous waste as described under WAC 173-303-160(1).

(8) Small quantity generators.

(a) A person is a small quantity generator and subject to the requirements of this subsection if:

(i) Their waste is dangerous waste under subsection (3) of this section, and the quantity of waste generated per month (or the aggregated quantity if more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as described in WAC 173-303-070(7); and

(ii) The quantity accumulated or stored does not exceed 2200 pounds for wastes with a 220 pound QEL and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described

in WAC 173-303-081 (2)(iv) and 173-303-082 (2)(b) is 220 lbs); and

(iii) The total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, does not equal or exceed 220 pounds. If a person generates any dangerous wastes that exceed the QEL or accumulates or stores waste that exceeds the accumulation limits, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. A small quantity generator who generates in excess of the quantity exclusion limits or, accumulates, or stores waste in excess of the accumulation limits becomes subject to the full requirements of this chapter and cannot again be a small quantity generator until after all dangerous waste on-site at the time he or she became fully regulated have been removed, treated, or disposed.

Example. If a person generates four pounds of an acute hazardous waste discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste.

(Comment: If a generator generates acute hazardous waste in a calendar month in quantities greater than the QELs, all quantities of that acute hazardous waste are subject to full regulation under this chapter. "Full regulation" means the regulations applicable to generators of greater than 2200 pounds of dangerous wastes in a calendar month.)

(b) Small quantity generators will not be subject to the requirements of this chapter if they:

(i) Designate their waste in accordance with WAC 173-303-070; and

(ii) Manage their waste in a way that does not pose a potential threat to human health or the environment; and

(iii) Either treat or dispose of their dangerous waste in an on-site facility, or ensure delivery to an off-site facility, either of which, if located in the United States, is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage moderate-risk waste under chapter 173-304 WAC (Minimum functional standards for solid waste handling), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(E) Permitted, licensed, or registered to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to 40 CFR Part 258 or chapter 173-351 WAC;

(F) Permitted, licensed, or registered by a state to manage nonmunicipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 through 257.30;

(G) A publicly owned treatment works (POTW): Provided, That small quantity generator(s) comply with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a); or

(H) For universal waste managed under WAC 173-303-573, a universal waste handler or destination facility subject to the requirements of WAC 173-303-573; and

(iv) Submit an annual report in accordance with WAC 173-303-220 if they have obtained an EPA/state identification number pursuant to WAC 173-303-060.

(c) If a small quantity generator's wastes are mixed with used oil, the mixture is subject to WAC 173-303-510 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also regulated if it is destined to be burned for energy recovery.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-071 Excluded categories of waste.** (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste

under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes that are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste will not be deemed to be treating, storing, disposing of, or otherwise managing dangerous wastes for the purposes of regulation under this chapter, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain dangerous waste; and

(ii) Such facility does not accept dangerous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that dangerous wastes are not received at or burned in such facility;

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Reserve;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, 173-303-960, those sections specified in subsection (3) of this section, and 40 CFR Part 266;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are stored and disposed in a manner equivalent to the requirements of 40 CFR Part 761 Subpart D for PCB concentrations of 50 ppm or greater.

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(m) Reserve;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(vii) and (viii). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.)

produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of nonacute dangerous waste other than contaminated media, 1 kg of acutely hazardous waste, 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is

exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(ii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute dangerous waste, 1 kg of acute hazardous waste, and 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation:

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(V) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated mate-

rial from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in (w)(i) and (ii) of this subsection, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or ground water or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Part 265, Subpart W which is incorporated by reference at WAC 173-303-400 (3)(a), regardless of whether the plant generates a total of less than 220 pounds/month of dangerous waste; and

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(E) Prior to operating pursuant to this exclusion, the plant owner or operator submits to the department a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the department for reinstatement. The department may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

(F) Additional reports.

(I) Upon determination by the department that the storage of wood preserving wastewaters and spent wood preserving solutions in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store wood preserving wastewaters and spent wood preserving solutions. This authority applies to tanks and secondary containment systems used to store wood preserving wastewaters and spent wood preserving solutions in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of wood preserving wastewaters and spent wood preserving solutions or the generation of hazardous by-products. Such observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(II) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(III) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (w)(iii)(F)(I) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the wood preserving wastewaters and spent wood preserving solutions until such repairs or improvements are completed and approved by the department.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium. The waste generator must be able to demonstrate that:

(i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(iii) The waste is typically and frequently managed in nonoxidizing environments.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
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Generic exclusion levels for K061  
and K062 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
(2)Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020

Zinc	70
Generic exclusion levels for F006 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

(cc)(i) Oil-bearing hazardous secondary materials (that is, sludges, by-products, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911 - including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (that is, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph: Provided,

That the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in (cc)(ii) of this subsection, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (that is, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph, where such materials as generated would have otherwise met a listing under WAC 173-303-081 and 173-303-082, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in (cc)(i) of this subsection. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in WAC 173-303-081 and 173-303-082; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in WAC 173-303-040.

(dd) Dangerous waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are dangerous only because they exhibit the Toxicity Characteristic (TC) specified in WAC 173-303-090(8) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(ee) Biological treatment sludge from the treatment of one of the following wastes listed in WAC 173-303-9904 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K157) unless it exhibits one or more of the characteristics or criteria of dangerous waste.

(ff) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(gg) Shredded circuit boards being recycled: Provided, That they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(hh) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code

2911) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in WAC 173-303-090(5) and/or toxicity for benzene (WAC 173-303-090(8), waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process.

An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically colocated with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (that is, sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(ii) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in WAC 173-303-016(5).

(jj) Catalyst inert support media separated from one of the following wastes listed in WAC 173-303-9904 Specific Sources - Spent hydrotreating catalyst (EPA Hazardous Waste No. K171), and Spent hydrorefining catalyst (EPA Hazardous Waste No. K172). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria.

(kk) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed: Provided, That:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (February 8, 1999);

(ii) The solid wastes described in (kk)(i) of this subsection were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate does not exhibit any characteristic or criteria of dangerous waste nor is derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: If the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (for example, shutdown of wastewater treatment system): Provided, That the impoundment has a double liner, and: Provided further, That the leachate or gas condensate is removed from the impoundment and continues to be man-

aged in compliance with the conditions of this paragraph after the emergency ends.

(ll) Dredged material. Dredged material as defined in 40 CFR 232.2 that is subject to:

(i) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of a U.S. Army Corps of Engineers civil works project, the administrative equivalent of the permits referred to in (ll)(i) and (ii) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2 and 337.3.

(mm) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(nn) Controlled substances and legend drugs that are state-only dangerous wastes. Controlled substances as defined and regulated by 21 CFR Parts 1300-1399 and chapter 69.50 RCW (Schedule I through V drugs) and legend drugs as defined and regulated by chapter 69.41 RCW that are held in the custody of law enforcement agencies or possessed by any registrant or licensee as defined and regulated by 21 CFR Parts 1300-1399 and chapter 69.50 RCW and authorized to possess drugs within the state of Washington, and managed for destruction: Provided, That they are disposed of by incineration in a controlled combustion unit with a heat input rate greater than 250 million British thermal units/hour and a combustion zone temperature greater than 1500 degrees Fahrenheit or disposed by other methods approved by ecology.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-100 Dangerous waste criteria.** (1) Purpose. The purpose of this section is to describe methods for determining if a solid waste is a dangerous waste by the criteria set forth in this section. The dangerous waste criteria consist of:

(a) Toxic dangerous wastes; and

(b) Persistent dangerous wastes.

(2) References. The National Institute for Occupational Safety and Health's (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is adopted by reference.

(3) A person must use data which is available to him, and, when such data is inadequate for the purposes of this section, must refer to the NIOSH RTECS to determine:

(a) Toxicity data or toxic category for each known constituent in the waste;

(b) Whether or not each known constituent of the waste is a halogenated organic compound or a polycyclic aromatic hydrocarbon as defined in WAC 173-303-040.

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(4) Quantity exclusion limit. A solid waste is a dangerous waste if it meets one or more of the dangerous waste criteria described in subsections (5) and (6) of this section. If a person's solid waste meets one or more of these criteria then he or she is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of the waste exceeds the following quantity exclusion limits:

(a) For toxic dangerous wastes designated as EHW (WT01), the quantity exclusion limit is 2.2 lbs. per month.

(b) For all other wastes designating under this section the quantity exclusion limit is 220 lbs. (100 kg) per month or per batch.

(5) Toxicity criteria. Except as provided in WAC 173-303-070 (4) or (5), a person must determine if a solid waste meets the toxicity criteria under this section by following either the instructions for book designation, when his knowledge of the waste is sufficient, or by testing the waste using the biological testing methods adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070(4), if a person knows only some of the toxic constituents in the waste or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for toxicity under this subsection.

(b) Book designation procedure. A person may determine if a waste meets the toxicity criteria by following the book designation instructions as follows:

(i) A person must determine the toxic category for each known constituent. The toxic category for each constituent may be determined from available data, or by obtaining data from the NIOSH RTECS and checking this data against the toxic category table, below. If data is available for more than one of the toxicity criteria (fish, oral, inhalation, or dermal), then the data indicating severest toxicity must be used, and the most acutely toxic category must be assigned to the constituent. If the NIOSH RTECS or other data sources do not agree on the same category, then the category arrived at using the NIOSH RTECS will be used to determine the toxic category. If toxicity data for a constituent cannot be found in the NIOSH RTECS, or other source reasonably available to a person, then the toxic category need not be determined for that constituent.

TOXIC CATEGORY TABLE

Toxic Category	Fish LC <sub>50</sub> (mg/L)*	Oral (Rat) LD <sub>50</sub> (mg/kg)	Inhalation (Rat) LC <sub>50</sub> (mg/L)	Dermal (Rabbit) LD <sub>50</sub> (mg/kg)
X	<0.01	<5	<.02	< 2
A	0.01 - <0.1	.5 - <5	.02 - <.2	2 - <20
B	0.1 - <1	5 - <50	.2 - <2	20 - <200
C	1 - <10	50 - <500	2 - <20	200 - <2000
D	10 - 100	500 - 5000	20 - 200	2000 - 20,000

Toxic Category	Fish LC <sub>50</sub> (mg/L)*	Oral (Rat) LD <sub>50</sub> (mg/kg)	Inhalation (Rat) LC <sub>50</sub> (mg/L)	Dermal (Rabbit) LD <sub>50</sub> (mg/kg)
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\* The LC<sub>50</sub> data must be from an exposure period greater than or equal to twenty-four hours. LC<sub>50</sub> data from any species is acceptable, however, if salmonid LC<sub>50</sub> data is available it will supersede all other fish data. If salmonid data is unavailable but fat-head minnow data is available, it will supersede all other fish species data.

Note: "Inhalation LC<sub>50</sub>" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for four hours or less, kills within fourteen days half of a group of ten rats each weighing between 200 and 300 grams.

(ii) A person whose waste contains one or more toxic constituents must determine the equivalent concentration for the waste from the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\sum X\%}{1} + \frac{\sum A\%}{10} + \frac{\sum B\%}{100} + \frac{\sum C\%}{1000} + \frac{\sum D\%}{10,000}$$

where  $\sum(X,A,B,C, \text{ or } D)\%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (A Category) - .01%; Endrin (A Category) - 1%; Benzene (D Category) - 4%; Phenol (C Category) - 2%; Dinoseb (B Category) - 5%; Water (nontoxic) - 87%. The equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{0\%}{1} + \frac{(0.01\% + 1.0\%)}{10} + \frac{5.0\%}{100} + \frac{2.0\%}{1000} + \frac{4.0\%}{10,000} \\ &= 0\% + 0.101\% + 0.05\% + 0.002\% + 0.0004\% = 0.1534\% \end{aligned}$$

So the equivalent concentration equals 0.1534%.

(iii) A person whose waste contains toxic constituents must determine its designation according to the value of the equivalent concentration:

(A) If the equivalent concentration is less than 0.001%, the waste is not a toxic dangerous waste; or

(B) If the equivalent concentration is equal to or greater than 0.001% and less than 1.0%, the person will designate the waste as DW and assign the dangerous waste number WT02; and

(C) If the equivalent concentration is equal to or less than 0.01%, the DW may also be a special waste; or

(D) If the equivalent concentration is equal to or greater than 1.0%, the person will designate the waste as EHW and assign the dangerous waste number WT01.

Example 1. Continued. The equivalent concentration of 0.1534% (from Example 1. above) is greater than 0.001% and less than 1.0%. The waste is DW and the dangerous waste number WT02 must be assigned. Since 0.1534% is also greater than 0.01%, the waste is not a special waste.

(iv) Reserve.

(c) Designation from bioassay data. A person may determine if a waste meets the toxicity criteria by following the bioassay designation instructions of either:

(i) The DW bioassay. To determine if a waste is DW, a person must establish the toxicity category range (D category

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toxicity or greater toxicity) of a waste by means of the 100 mg/L acute static fish test or the 5000 mg/kg oral rat test, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). If data from the test indicates that the waste is DW, then the person will assign the dangerous waste number WT02. Otherwise, the waste is not regulated as toxic dangerous waste. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to determine whether the waste is EHW, or in the case of state-only solid dangerous waste, if the person chooses to determine whether the waste is special waste; or

(ii) The EHW and special waste bioassay. To determine if a waste is EHW, a person must establish the toxicity category range of a waste by means of the fish bioassay at 10 mg/L or the rat bioassay at 50 mg/Kg, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). (NOTE: A fish bioassay at 1 mg/L corresponds with the definition of EHW, which includes toxic categories X-B. However, the fish bioassay is not reproducible at these low levels.) If data from the test indicates that the waste is EHW, then the person will assign the dangerous waste number WT01. Otherwise, the waste will be designated DW, and the person will assign the dangerous waste number WT02. A person with state-only solid waste may choose to test a waste to determine if it is special waste. Testing levels for special waste must be at 10 mg/L for the fish bioassay or 500 mg/Kg for the oral rat bioassay. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to test the waste in accordance with WAC 173-303-100 (5)(c)(i) to determine if the waste is not regulated as toxic dangerous waste.

(d) If the designation acquired from book designation and bioassay data do not agree, then bioassay data will be used to designate a waste. If a waste is designated as DW or EHW following the book designation procedure, a person may test the waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3), using either the static acute fish or the acute oral rat method, to demonstrate that the waste is not a dangerous waste or should be designated as DW and not EHW.

(e) A waste designated as DW by toxicity criteria must be assigned the dangerous waste number of WT02. A waste designated as EHW by toxicity criteria must be assigned the dangerous waste number of WT01.

(6) Persistence criteria. For the purposes of this section, persistent constituents are chemical compounds which are either halogenated organic compounds (HOC), or polycyclic aromatic hydrocarbons (PAH), as defined under WAC 173-303-040. Except as provided in WAC 173-303-070 (4) or (5), a person may determine the identity and concentration of persistent constituents by either applying knowledge of the waste or by testing the waste according to WAC 173-303-110 (3)(c) *Chemical Testing Methods for Designating Dangerous Waste*, February 1998.

(a) Except as provided in WAC 173-303-070(4), if a person knows only some of the persistent constituents in the waste, or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or

concentrations, then the waste is not designated for persistence under this subsection.

(b) When a waste contains one or more halogenated organic compounds (HOC) for which the concentrations are known, the total halogenated organic compound concentration must be determined by summing the concentration percentages for all of the halogenated organic compounds for which the concentration is known.

Example 2. A waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .020%. The total halogenated organic compound concentration would be:

$$\text{Total HOC Concentration (\%)} = .009\% + .012\% + .020\% = .041\%$$

(c) A person whose waste contains polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040, must determine the total PAH concentration by summing the concentration percentages of each of the polycyclic aromatic hydrocarbons for which they know the concentration.

Example 3. A person's waste contains: Chrysene - .08%; 3,4 - benzo(a)pyrene - 1.22%. The total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.30\%$$

(d) A person whose waste contains halogenated organic compounds and/or polycyclic aromatic hydrocarbons must determine its designation from the persistent dangerous waste table (~~or persistent dangerous waste criteria graph WAC 173-303-9907~~).

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains...	At a total concentration level of...	Then your waste's designation, and waste # are...
Halogenated Organic Compounds (HOC)	0.01% to 1.0% greater than 1.0%	DW, WP02 EHW, WP01
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*, WP03

\*No DW concentration level for PAH.

(7) Reserve.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-110 Sampling and testing methods.** (1) Purpose. This section sets forth the testing methods to be used to comply with the requirements of this chapter. Quality control procedures specified by the testing method or an approved equivalent method must be followed for the analytical result to be considered valid for designation. All methods and publications listed in this section are incorporated by reference.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below or the most recent version

of such methods for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

- (i) Crushed or powdered material - ASTM Standard D346-75;
- (ii) Extremely viscous liquid - ASTM Standard D140-70;
- (iii) Fly ash-like material - ASTM Standard D2234-86;
- (iv) Soil-like material - ASTM Standard D1452-80 (Reapproved 1990);
- (v) Soil or rock-like material - ASTM Standard D420-93;
- (vi) Containerized liquid wastes - "COLIWASA" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a), or the equivalent representative sampling method known as the plunger type sampler, described in ASTM D 5743-97, section 8.6; and,
- (vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards and the AC & D Liquid Sampler Method which can be obtained by writing to:

ASTM  
1916 Race Street  
Philadelphia, PA 19103.

AC & D Liquid Sampler Method

AC & D Liquid Samplers  
77 Symons Street  
Richland, WA 99352

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained by writing to the appropriate address below:

For copies of Department of Ecology test methods:

Attn: Test Procedures  
Hazardous Waste Section  
Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

For copies of SW 846, including updates, and 40 CFR Part 261:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402  
(202) 512-1800

For copies of ASTM methods:

ASTM  
1916 Race Street  
Philadelphia, PA 19103

For copies of APTI methods:

APTI  
National Technical Information Service  
5285 Port Royal Road

Springfield, VA 22161

The document titles and included test procedures are as follows:

(a) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication, SW-846 (Third Edition (November 1986) as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996), and IIIA (dated April 1998)). The Third Edition of SW-846 and its Updates (document number 955-001-00000-1) are available from the Superintendent of Documents. Update IIIA is available through EPA's Methods Information Communication Exchange (MICE) Service. MICE can be contacted by phone at (703) 821-4690. Update IIIA can also be obtained by contacting the U.S. Environmental Protection Agency, Office of Solid Waste (5307W), OSW Methods Team, 401 M Street, SW, Washington, D.C. 20460. Copies of the Third Edition and all of its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847;

(b) *Biological Testing Methods*, Department of Ecology Publication #80-12, the latest revision, describing procedures for:

- (i) Static acute fish toxicity test; and
- (ii) Acute oral rat toxicity test;

(c) *Chemical Testing Methods for Designating Dangerous Waste*, Department of Ecology Publication #97-407, February 1998 describing methods for testing:

- (i) Ignitability;
  - (ii) Corrosivity;
  - (iii) Reactivity;
  - (iv) Toxicity characteristic leaching procedure;
  - (v) Halogenated organic compounds; and
  - (vi) Polycyclic aromatic hydrocarbons.
- (d) Reserve;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and  
(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-86.

(f) 40 CFR Part 261 Appendix III *Chemical Analysis Test Methods*, which refers to appropriate analytical procedures to determine whether a sample contains a given toxic constituent in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, and 40 CFR Part 261 Appendix II, which refers to *Method 1311 Toxicity Characteristic Leaching Procedure*.

(g) The following publications for air emission standards.

(i) ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography, ASTM Standard D 1946-82.

(ii) ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), ASTM Standard D 2382-83.

(iii) ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM Standard E 169-87.

(iv) ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM Standard E 168-88.

(v) ASTM Standard Practice for Packed Column Gas Chromatography, ASTM Standard E 260-85.

(vi) ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, ASTM Standard D 2267-88.

(vii) ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by ((~~Isoteriscope~~)) Isoteniscope, ASTM Standard D 2879-((86)) 92.

(viii) APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December 1981.

(ix) "API Publication 2517, Third Edition," February 1989, "Evaporative Loss from External Floating-Roof Tanks," available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005.

(x) "ASTM Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteriscope," ASTM Standard D 2879-92, available from American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103.

(h) The following publications:

(i) "Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) U.S. EPA, "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019, Environmental Protection Agency, Research Triangle Park, NC.

(iii) "ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method, available from American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

(iv) Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry. Available from NTIS, PB99-121949, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(v) ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, ASTM Standard D-3278-78, available from American Society for Testing and Materials.

(vi) ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, ASTM Standard D-93-79 or D-93-80.

(vii) API Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005.

(4) Substantial changes to the testing methods described above will be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by

submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

**WAC 173-303-140 Land disposal restrictions.** (1) Purpose.

(a) The purpose of this section is to encourage the best management practices for dangerous wastes according to the priorities of RCW 70.105.150 which are, in order of priority:

- (i) Reduction;
- (ii) Recycling;
- (iii) Physical, chemical, and biological treatment;
- (iv) Incineration;
- (v) Stabilization and solidification; and
- (vi) Landfill.

(b) This section identifies dangerous wastes that are restricted from land disposal, describes requirements for restricted wastes, and defines the circumstances under which a prohibited waste may continue to be land disposed.

(c) For the purposes of this section, the term "landfill," as stated in the priorities of RCW 70.105.150, will be the same as the term "land disposal." Land disposal will be used in this section to identify the lowest waste management priority.

(2) Applicability.

The land disposal restrictions of this section apply to any person who owns or operates a dangerous waste treatment, storage, or disposal facility in Washington state and to any person who generates or transports dangerous waste.

(a) Land disposal restrictions for wastes designated in accordance with WAC 173-303-070 (3)(a)(i), (ii), and (iii) are the restrictions set forth by the Environmental Protection Agency in 40 CFR Part 268 which are incorporated by reference into this regulation and the restrictions set forth in subsections (3) through (7) of this section. The words "regional administrator" (in 40 CFR) will mean the "department," except for 40 CFR Parts 268.5 and 268.6; 268 Subpart B; ((and)) 268.42(b) and 268.44 (a) through (g). The authority for implementing these excluded CFR sections remains with the U.S. Environmental Protection Agency. The word "EPA" (in 40 CFR) means "Ecology" at 40 CFR 268.44(m). The exemption and exception provisions of subsections (3) through (7) of this section are not applicable to the federal land disposal restrictions.

(b) Land disposal restrictions for state-only dangerous waste are the restrictions set forth in subsections (3) through (7) of this section.

(3) Definitions.

When used in this section the following terms have the meaning provided in this subsection. All other terms have the meanings given under WAC 173-303-040.

(a) "Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents which have caused a waste to be a dangerous waste under this chapter.

(b) "Land disposal" means placement in a facility or on the land with the intent of leaving the dangerous waste at closure, and includes, but is not limited to, placement for disposal purposes in a: Landfill; surface impoundment; waste

pile; injection well; land treatment facility; salt dome or salt bed formation; underground cave or mine; concrete vault or bunker.

(c) "Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

(d) "Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity test of WAC 173-303-090 (6)(a)(iii).

(e) "Stabilization" and "solidification" mean a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

(4) Land disposal restrictions and prohibitions. The land disposal requirements of this subsection apply to land disposal in Washington state.

(a) Disposal of extremely hazardous waste (EHW). No person may land dispose of EHW, except as provided in subsection (5) of this section, at any land disposal facility in the state. No person may land dispose of EHW at the facility established under RCW 70.105.050, except as provided by subsections (5), (6), and (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(b) Disposal of liquid waste. Special requirements for bulk and containerized liquids.

(i) Effective May 8, 1985, the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. (40 CFR 264.314(a) which applies prior to May 8, 1985, is incorporated by reference.)

(ii) Containers holding free liquids must not be placed in a landfill unless:

(A) All free-standing liquid:

(I) Has been removed by decanting, or other methods; or

(II) Has been mixed with sorbent or stabilized (solidified) so that free-standing liquid is no longer observed; or

(III) Has been otherwise eliminated; or

(B) The container is very small, such as an ampule; or

(C) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(D) The container is a labpack and is disposed of in accordance with WAC 173-303-161 and this chapter.

(iii) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following tests must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference in WAC 173-303-110 (3)(a).

(iv) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: Materials listed or described in (b)(iv)(A) of

this subsection; materials that pass one of the tests in (b)(iv)(B) of this subsection; or materials that are determined by the department to be nonbiodegradable through WAC 173-303-910.

(A) Nonbiodegradable sorbents.

(I) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(II) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(III) Mixtures of these nonbiodegradable materials.

(B) Tests for nonbiodegradable sorbents.

(I) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(II) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or

(III) The sorbent material is determined to be nonbiodegradable under OECD (Organization for Economic Cooperation and Development) test 301B: [CO<sub>2</sub> Evolution (Modified Sturm Test)].

(v) Effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the department, or the department determines, that:

(A) The only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(B) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in 40 CFR Section 144.3.)

(c) Disposal of solid acid waste. No person may land dispose solid acid waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(d) Disposal of organic/carbonaceous waste.

(i) No person may land dispose organic/carbonaceous waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover,

treat, detoxify, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter. Organic/carbonaceous wastes must be incinerated as a minimum management method according to the dangerous waste management priorities as defined in subsection (1)(a) of this section.

(ii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to black mud generated from the caustic leach recovery of cryolite at primary aluminum smelting plants.

(iii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to any person who certifies to the department that recycling, treatment and incineration facilities are not available within a radius of one thousand miles from Washington state's borders. Such certification must be sent to the department by certified mail and must include: The name, address and telephone number of the person certifying; a brief description of the organic/carbonaceous waste covered by the certification; a discussion of the efforts undertaken to identify available recycling, treatment and incineration facilities; and the signature of the person responsible for the certification and development of information used to support the certification. Records and information supporting the certification must be retained by the certifying person and must be made available to the department upon request.

A certification that has been properly submitted to the department will remain valid until the department determines that a recycling, treatment or incineration facility is available within a radius of one thousand miles from Washington state's borders and the person who submitted the certification is unable to demonstrate otherwise. A recycling, treatment or incineration facility will be considered by the department to be available if such facility: Is operating, and; can safely and legally recycle, treat or incinerate the organic/carbonaceous waste, and; has sufficient capacity to receive and handle significant amounts of the waste, and; agrees to accept the waste.

(5) Treatment in land disposal facilities. The land disposal restrictions in subsection (4) of this section do not apply to persons treating dangerous wastes in surface impoundments, waste piles, or land treatment facilities provided that such treatment is performed in accordance with the requirements of this subsection and this chapter.

(a) Surface impoundment treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in surface impoundments for purposes of treatment provided the owner/operator can demonstrate that effective treatment of the dangerous waste constituents will occur and at closure the owner/operator complies with the prohibitions and restrictions of subsection (4) of this section.

(b) Waste pile treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in waste piles for purposes of treatment provided the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur and that at closure

the owner/operator will be in compliance with the prohibitions and restrictions of subsection (4) of this section.

(c) Land treatment.

Liquid waste, extremely hazardous waste (EHW), and organic/carbonaceous waste may be land treated provided that the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur, and at the end of the post-closure care period the owner/operator will be in compliance with subsection (4) of this section.

(6) Case-by-case exemptions to a land disposal prohibition. Any person may petition the department for an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste. The procedures to submit a petition to the department are specified in WAC 173-303-910(6). The department may deny any petition if it determines that there is a potential for dangerous waste constituents to migrate from the land disposal facility where the waste is to be placed. The department will deny any petition when exemption would result in a substantial or imminent threat to public health or the environment. The department will deny any petition when exemption would result in a violation of applicable state laws.

The department may grant an exemption from the prohibitions and restrictions of subsection (4) of this section based on the demonstrations specified in (a), (b) or (c) of this subsection.

(a) Land disposal exemption for treatment residuals. Any person may request an exemption from a land disposal prohibition in subsection (4) of this section for treatment residuals by demonstrating to the department that:

(i) The person has applied the best achievable management method to the original waste; and

(ii) Application of additional management methods to the treatment residuals would prevent the person from utilizing the best achievable management methods for the original dangerous waste; and

(iii) The land disposal of the treatment residuals does not pose a greater risk to the public health and the environment than land disposal of the original dangerous waste would pose.

(b) Economic hardship exemption. Any person may request an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste by demonstrating to the department that alternative management of the dangerous waste will impose an unreasonable economic burden in relation to the threat of harm to public health and the environment. It will be solely within the discretion of the department to approve or deny the requests for exemptions based on economic hardship.

(c) Organic/carbonaceous waste exemption. Any person may request an exemption from the requirements in subsection (4) of this section by demonstrating to the department that:

(i) Alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization or landfilling; or

(ii)(A) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or contains greater than sixty-percent water or other noncombustible moisture; and

(B) Incineration is the only management method available within a radius of one thousand miles from Washington state's border (i.e., recycling or treatment are not available).

(7) Emergency cleanup provision. The department may, on a case-by-case basis, grant an exception to the land disposal restrictions in subsection (4) of this section for an emergency cleanup where an imminent threat to public health and the environment exists. Any exception will require compliance with applicable state law and will require (consistent with the nature of the emergency and imminent threat) application of the waste management priorities of RCW 70.105.-150.

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

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-170 Requirements for generators of dangerous waste.** (1) A person is a dangerous waste generator if their solid waste is designated by the requirements of WAC 173-303-070 through 173-303-100.

(a) The generator is responsible for designating their waste as DW or EHW.

(b) The generator may request an exemption for their dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator must notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and must comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Any generator who stores, treats, or disposes of dangerous waste on-site must perform their operations in accordance with the TSD facility requirements with the following exceptions:

(a) Generators who accumulate dangerous wastes for less than ninety days as allowed under WAC 173-303-200 or for less than one hundred eighty days as allowed under WAC 173-303-201 and 173-303-202;

(b) Generators who treat dangerous waste on-site in accumulation tanks, containers, and containment buildings provided that the generator maintains a log showing the date and amount of waste treated and complies with:

(i) The applicable requirements of WAC 173-303-200, 173-303-201, and 173-303-202; and

(ii) WAC 173-303-283(3);

(c) Generators who treat special waste on-site provided:

(i) The accumulation standards of WAC 173-303-073 (2)(a) and (b) are met;

(ii) When treated in units other than tanks or containers, the unit is designed, constructed, and operated in a manner that prevents:

(A) A release of waste and waste constituents to the environment;

(B) Endangerment of health of employees or the public;

(C) Excessive noise;

(D) Negative aesthetic impact on the use of adjacent property.

(iii) The treatment unit must also be inspected routinely for deterioration that would lead to a release and repairs must be conducted promptly.

(4) The generator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

(5) Persons responding to an explosives or munitions emergency in accordance with WAC 173-303-400 (2)(c)(~~(+ii)~~) (xiii)(A)(IV) or 173-303-600 (3)(p)(i)(D)(~~(+)~~) or (3)(p)(iv)(~~(-)~~ or (3)(p)(~~xii~~)(D)), and WAC 173-303-800 (7)(c)(~~(+)~~)(i)(D) or (7)(~~(+)~~)(c)(i)(E) are not required to comply with the standards of WAC 173-303-170 through 173-303-230.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-200 Accumulating dangerous waste on-site.** (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b)(i) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and ~~((+1))~~ 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a). For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7); and/or

(ii) The waste is placed in tanks and the generator complies with 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and WAC 173-303-640 (2) through ~~((+1))~~ (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section.) Such a

generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5); and/or

(iii) The waste is placed on drip pads and the generator complies with WAC 173-303-675 and maintains the following records at the facility:

(A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(iv) The waste is placed in containment buildings and the generator complies with 40 CFR Part 265 Subpart DD, which is incorporated by reference, and the generator has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

(A) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610(2).

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate). The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger—unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more; and

(e) The generator complies with the requirements for facility operators contained in:

(i) WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies) except for WAC 173-303-355 (SARA Title III coordination); and

(ii) WAC 173-303-320 (1), (2)(a), (b), (d), and (3) (general inspection); and

(f) The generator complies with 40 CFR 268.7(a)(5).

(2) Satellite accumulation.

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of acutely hazardous waste per waste stream in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. Satellite accumulation is allowed without a permit provided the generator:

(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and

(ii) Complies with subsection (1)(d) of this section.

(b) When fifty-five gallons of dangerous waste or one quart of acutely hazardous waste is accumulated per waste stream, the container(s) must be marked immediately with the accumulation date and moved within three days to a designated storage or accumulation area.

(c) On a case-by-case basis the department may require the satellite area to be managed in accordance with all or some of the requirements under subsection (1) of this section, if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

(3) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the accumulation limit for such waste (or wastes); or

(c) Fifty-five gallons of dangerous waste or one quart of acutely hazardous waste, per waste stream, is accumulated in a satellite accumulation area.

**AMENDATORY SECTION** (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

**WAC 173-303-283 Performance standards.** (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-840. These general performance standards must be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280, 173-303-290 through 173-303-400 and 173-303-600 through (~~173-303-670~~) 173-303-692.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator must design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

(d) Destruction or impairment of flora and fauna outside the active portion of the facility;

- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible; and
- (i) Endangerment of the health of employees, or the public near the facility.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-380 Facility recordkeeping.** (1) Operating record. The owner or operator of a facility must keep a written operating record at their facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

- (a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions;
- (b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;
- (c) Records and results of waste analyses, waste determinations (as required by Subpart CC), and trial tests required by WAC 173-303-300, General waste analysis, and by 40 CFR sections 264.1034, 264.1063, 264.1083, 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7;
- (d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360 (2)(k);
- (e) Records and results of inspections as required by WAC 173-303-320 (2)(d), General inspection (except such information need be kept only for five years);
- (f) Monitoring, testing, or analytical data, and corrective action where required by 40 CFR Part 265 Subparts F through R and sections 265.1034 (c) through (f), 265.1035, 265.1063 (d) through (i), 265.1064, and 265.1083 through 265.1090 for interim status facilities, and by WAC 173-303-630 through 173-303-695 and 40 CFR sections 264.1034 (c) through (f), 264.1035, 264.1063 (d) through (i), 264.1064, and 264.1082 through 264.1090 for final status facilities;
- (g) All closure and post-closure cost estimates required for the facility;
- (h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required notices;
- (i) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 40 CFR 268.5, a petition

pursuant to 40 CFR 268.6, (~~or a certification under 268.8,~~) and the applicable notice required by a generator under 40 CFR 268.7(a);

(j) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator under 40 CFR 268.7 (~~or 268.8~~);

(k) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 (~~or 268.8~~);

(l) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 40 CFR 268.7 (~~and 268.8, whichever is applicable~~);

(m) For an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under 40 CFR 268.7, except for the manifest number (~~, and the certification and demonstration if applicable, required under 40 CFR 268.8, whichever is applicable~~);

(n) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 (~~or 268.8~~); (~~and~~)

(o) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7 (~~or 268.8~~); and

(p) Any records required under WAC 173-303-280(6).

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility, as follows:

(a) Each dangerous waste received, treated, stored, or disposed of at the facility must be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Each listed, characteristic, and criteria waste has its own four-digit dangerous waste number. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous waste number is not listed, the waste description must include the process which generated the waste;

(b) The waste description must include the waste's physical form (i.e., liquid, solid, sludge, or contained gas);

(c) The estimated or manifest-reported weight, or volume and density, where applicable, of the dangerous waste must be recorded, using one of the units of measure specified in Table 1, below; and

TABLE 1

Unit of Measure	Code <sup>1</sup>
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short tons (2000 lbs)	T
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds	P
Pounds per Hour	J
Kilograms	K
Kilograms per Hour	R
Cubic yards	Y
Cubic meters	C
Acres	B
Acres-foot	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

Footnote: <sup>1</sup>Single-digit symbols are used here for data processing purposes.

(d) The method(s) (by handling code(s)) of management for each dangerous waste received or managed, and the date(s) of treatment, recycling, storage, or disposal must be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2 - Handling Codes for Treatment, Storage, and Disposal Methods

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of dangerous waste received.

1. Storage

- S01 Container (barrel, drum, etc.)
- S02 Tank
- S03 Waste pile
- S04 Surface impoundment
- S05 Drip Pad
- S06 Containment Building (Storage)
- S99 Other storage (specify)

2. Treatment

(a) Thermal Treatment

- T06 Liquid injection incinerator
- T07 Rotary kiln incinerator
- T08 Fluidized bed incinerator
- T09 Multiple hearth incinerator
- T10 Infrared furnace incinerator
- T11 Molten salt destructor

T12 Pyrolysis

T13 Wet air oxidation

T14 Calcination

T15 Microwave discharge

T18 Other (specify)

(b) Chemical treatment

T19 Absorption mound

T20 Absorption field

T21 Chemical fixation

T22 Chemical oxidation

T23 Chemical precipitation

T24 Chemical reduction

T25 Chlorination

T26 Chlorinolysis

T27 Cyanide destruction

T28 Degradation

T29 Detoxification

T30 Ion exchange

T31 Neutralization

T32 Ozonation

T33 Photolysis

T34 Other (specify)

(c) Physical treatment

(i) Separation of components

T35 Centrifugation

T36 Clarification

T37 Coagulation

T38 Decanting

T39 Encapsulation

T40 Filtration

T41 Flocculation

T42 Flotation

T43 Foaming

T44 Sedimentation

T45 Thickening

T46 Ultrafiltration

T47 Other (specify)

(ii) Removal of specific components

T48 Absorption-molecular sieve

T49 Activated carbon

T50 Blending

T51 Catalysis

T52 Crystallization

T53 Dialysis

T54 Distillation

T55 Electrodialysis

T56 Electrolysis

T57 Evaporation

T58 High gradient magnetic separation

T59 Leaching

T60 Liquid ion exchange

T61 Liquid-liquid extraction

T62 Reverse osmosis

T63 Solvent recovery

T64 Stripping

T65 Sand filter

T66 Other (specify)

(d) Biological treatment

T67 Activated sludge

T68 Aerobic lagoon

- T69 Aerobic tank
- T70 Anaerobic tank
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 (Reserved)
  - (e) Boilers and industrial furnaces
- T80 Boiler
- T81 Cement kiln
- T82 Lime kiln
- T83 Aggregate kiln
- T84 Phosphate kiln
- T85 Coke oven
- T86 Blast furnace
- T87 Smelting, melting, or refining furnace
- T88 Titanium dioxide chloride process oxidation reactor
- T89 Methane reforming furnace
- T90 Pulping liquor recovery furnace
- T91 Combustion device used in the recovery of sulfur values from spent sulfuric acid
- T92 Halogen acid furnaces
- T93 Other industrial furnaces listed in WAC 173-303-040 (specify)
- (f) Other treatment
- T94 Containment building (treatment)

### 3. Disposal

- D79 Underground injection
- D80 Landfill
- D81 Land treatment
- D82 Ocean disposal
- D83 Surface impoundment  
(to be closed as a landfill)
- D99 Other disposal (specify)

### 4. Miscellaneous (Subpart X)

- X01 Open burning/open detonation
- X02 Mechanical processing
- X03 Thermal unit
- X04 Geologic repository
- X99 Other Subpart X (specify)

#### (3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA regional administrator, the department, and the

local land use and planning authority upon closure of the facility.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-390 Facility reporting.** The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in the Unmanifested Dangerous Waste Report (~~Form 6 (which may be obtained from the department)~~) must be used for this report. The report must include at least the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/state identification number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;
- (f) The certification signed by the owner or operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator of a facility that holds an active EPA/state identification number must prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in the Dangerous Waste Annual Report (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to the following information:

- (a) The EPA/state identification number, name, and address of the facility;
- (b) The calendar year covered by the report;
- (c) For off-site facilities, the EPA/state identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;
- (d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/state identification number of each generator;
- (e) The method of treatment, storage, or disposal for each dangerous waste;
- (f) The most recent closure cost estimate under WAC 173-303-620(3) (or 40 CFR 265.142 for interim status facili-

ties), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator must report to the department:

(a) Releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360 (2)(k);

(b) Interim status ground water monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2);

(c) Facility closures specified in WAC 173-303-610(6); and

(d) As otherwise required by WAC 173-303-645 through 173-303-665, WAC 173-303-690 through 173-303-692, and WAC 173-303-400.

The owner or operator must also submit any other reports (including engineering reports, plans, and specifications) required by the department.

(4) Recordkeeping. The owner/operator of a facility must keep a copy of all unmanifested waste reports, annual reports, and any other reports submitted to the department according to the requirements of this section for a period of three years from the date the report was submitted. Note that some records must be kept until closure of the facility as otherwise required under WAC 173-303-380.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-400 Interim status facility standards.**

(1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) Except as provided in 40 CFR 265.1080(b), the interim status standards apply to owners and operators of facilities that treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status applies to all facilities that comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status will end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(8).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Reserved;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise;

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(vii) The compaction or sorting, by a generator, of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(viii) Generators treating dangerous waste on-site in tanks, containers, or containment buildings that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3);

(ix) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a); and

(x) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance.

(xi) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

PROPOSED

- (A) Batteries as described in WAC 173-303-573(2); and
- (B) Thermostats as described in WAC 173-303-573(3).
- (C) Lamps as described in WAC 173-303-573(5).

(xii) WAC 173-303-578 identifies when the requirements of this section apply to the storage of military munitions classified as solid waste under WAC 173-303-578(2). The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards in this chapter.

(xiii)(A) Except as provided in (c)(xiii)(B) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- (I) A discharge of a dangerous waste;
- (II) An imminent and substantial threat of a discharge of dangerous waste;
- (III) A discharge of a material that, when discharged, becomes a dangerous waste;
- (IV) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(B) An owner or operator of a facility otherwise regulated by WAC 173-303-600 must comply with all applicable requirements of WAC 173-303-340 and 173-303-350.

(C) Any person who is covered by (c)(xiii)(A) of this section and who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(D) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA/state identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

### (3) Standards.

(a) Interim status standards are the standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Section 265.19 of Subpart B, Subparts F through R, Subpart W, Subparts AA, BB, CC (including references to 40 CFR Parts 60, 61, and 63), DD, EE, and Appendix VI, which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) The land disposal restrictions of WAC 173-303-140; the facility requirements of WAC 173-303-280 through 173-

303-440 except WAC 173-303-335; and the corrective action requirements of WAC 173-303-646;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (5)(d), for tanks; and

(iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE to the state of Washington facilities, the federal terms have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, must be replaced with) the following state of Washington meanings:

(i) "Regional administrator" means the "department" except for 40 CFR Parts 270.2; 270.3; 270.5; 270.10 (e)(1),(2) and (4); 270.10 (f) and (g); 270.11 (a)(3); 270.14 (b)(20); 270.32 (b)(2); and 270.51;

(ii) "Hazardous" means "dangerous" except for Subparts AA, BB, CC, and DD. These subparts apply only to hazardous waste as defined in WAC 173-303-040;

(iii) "Compliance procedure" has the meaning set forth in WAC 173-303-040, Definitions;

(iv) "EPA hazardous waste numbers" mean "dangerous waste numbers".

(c) In addition to the changes described in (b) of this subsection, the following modifications are made to interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE:

(i) The words "the effective date of these regulations" means:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261;

(B) For wastes which become designated by 40 CFR Part 261 subsequent to November 19, 1980, the effective date is the date on which the wastes become regulated;

(C) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261;

(D) For wastes which become designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261 subsequent to March 12, 1982, the effective date is the date on which the wastes become regulated.

(ii) "Subpart N - landfills" has an additional section added which reads: "An owner/operator must not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" has an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100";

(iv) "Subpart M - land treatment," section 265.273(b) is modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) includes the requirement that: "Ground water monitoring wells must be designed, constructed, and operated so as to prevent ground water contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells";

(vi) "Subpart H - financial requirements" has an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H". In 40 CFR Parts 265.143(g) and 265.145(g) the following sentence does not apply to the state: "If the facilities covered by the mechanisms are in more than one Region, identical evidence of financial assurance must be submitted to, and maintained with the Regional Administrators of all such Regions." Instead, the following sentence applies: "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state." In addition, the following sections and any cross-reference to these sections are not incorporated by reference: 40 CFR Parts 265.149 and 265.150; and

(vii) "Subpart J - tank systems" section 265.193(a) is modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a).

(viii) "Subpart J - tank systems" section 265.191(a) is modified so that the date by which an assessment of a tank system's integrity must be completed is January 12, 1990.

(ix) "Subpart G - closure and post-closure" section 265.115 is modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure..." In addition, the clean-up levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(x) "Subpart B - general facility standards. References to "EPA" (etc.), means the "department" except at 40 CFR 265.11. Additionally, references to "administrator" (etc.), means the "director" except at 40 CFR 265.12(a)."

(xi) The following sections and any cross-reference to these sections are not incorporated or adopted by reference:

(A) 40 CFR Parts 260.1 (b)(4)-(6) and 260.20-22.

(B) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(C) 40 CFR Parts 268.5 and 6; 268 Subpart B; 268.42(b); and 268.44 ((~~except for 268.44(h)~~) (a) through (g)).

(D) 40 CFR Parts 270.1 (c)(1)(i); 270.60(b); and 270.64.

(E) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(F) 40 CFR Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b)-(c); 2.212-213; and 2.301-311.

(G) 40 CFR 265.110(c) ((~~and~~)), 40 CFR 265.118 (c)(4), 40 CFR 265.121 and 40 CFR 265.1080 (e) and (f).

(xii) "Subpart EE - Hazardous waste munitions and explosives storage." The first sentence at 40 CFR 265.1202 is modified to exclude the exception for hazardous wastes managed under 261.3(d).

(4) The requirements of this section apply to owners or operators of all facilities that treat, store or dispose of hazardous waste referred to in 40 CFR Part 268, and the 40 CFR Part 268 standards are considered material conditions or requirements of the interim status standards incorporated by reference in subsection (3) of this section.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

**WAC 173-303-500 Recycling requirements for state-only dangerous waste.** (1) Applicability. This section applies to the recycling of state-only dangerous waste that are not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA. (Also, see WAC 173-303-120 (3) and (5).)

(2) Standards.

(a) If state-only dangerous wastes are recycled in any of the ways described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the respective requirements of WAC 173-303-505 through 173-303-525, except as provided in (c) of this subsection.

(b) If state-only dangerous wastes are recycled in any way not specifically described in WAC 173-303-505 through 173-303-525, then such recycling is subject to the requirements of WAC 173-303-120(4), except as provided in (c) of this subsection.

(c) Recyclers who receive state-only dangerous wastes from off-site and who store the wastes in containers or tanks may, in lieu of the provisions for storing dangerous wastes prior to recycling, comply with:

(i) WAC 173-303-060;

(ii) WAC 173-303-370 (if the dangerous waste received must be accompanied by a manifest); and

(iii) The following requirements, provided that the dangerous waste is recycled within ninety days of the date it is received by the recycler:

(A) WAC 173-303-330 through 173-303-360;

(B) WAC 173-303-630 (2), (3), (4), (5), (6), (8) and (9), for containers;

(C) WAC 173-303-640 (3), (4), (5), (6) and (7), for tanks; and

(D) WAC 173-303-630(7) for new container areas installed after September 30, 1986, and WAC 173-303-640(2) for new tanks installed after September 30, 1986.

(d) The department may require a recycler who is storing his waste under the provisions of (c) of this subsection to comply with the provisions for storing dangerous waste prior to recycling specified in WAC 173-303-505 through 173-303-525 and 173-303-120(4) if:

(i) The recycler fails to comply with the requirements of (c) of this subsection; or

(ii) The department determines, on a case-by-case basis, that the requirements of (c) of this subsection do not adequately protect public health or the environment.

(3) Relief from standards. The owner/operator of a facility recycling dangerous wastes under the provisions of this section may ask the department to provide relief from any of the applicable requirements of this section. Requests for relief must be submitted as described in (a) of this subsection. Requests for relief will be approved or denied as described in (b) of this subsection.

(a) A request for relief must be submitted by the recycler to the department in writing and must describe the standards from which the recycler is seeking relief. The request must include:

(i) The facility name, EPA/state identification number, address, telephone number, and a contact person at the facility;

(ii) The waste(s) managed at the facility and the type(s) recycling;

(iii) The specific standards from which the owner/operator seeks relief;

(iv) A description, for each standard, demonstrating:

(A) Why the owner/operator believes the standard to be unnecessary;

(B) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(C) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(v) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required may result in the department's denying the owner's/operator's request.

(b) The department will review any requests submitted pursuant to (a) of this subsection, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the recycler of its decision in writing. If the department decides to approve all or part of the request and the recycler agrees with the department's decision, then the department will proceed to grant the approval as described below. No approval will be effective until the procedures described below have been completed.

(i) For facilities which are required to have a final facility permit, the department will follow the procedures for issuing (or, for facilities which already have a final facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final

facility permit will include the standards the owner/operator must meet.

(ii) For all other types of recycling facilities, the department will issue a notice of modification stating what standards will be applied. Before issuing the notice of modification, the department will provide public notice of its intent, will allow thirty days for public comment, and will hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing will be provided at least fifteen days in advance, and the public comment period will be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department will, based on comments received, issue, modify and issue, or deny the notice of modification.

(c) Failure to comply with the conditions and standards as stated in the permit or notice of modification issued under (b) of this subsection will form a basis for modifying or revoking the permit or notice of modification.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal.** (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing or combining with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

(b)(i) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means and if such products meet the applicable treatment standards in 40 CFR Part 268 Subpart D (or applicable prohibition levels in 268.32 or RCRA section 3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain. Registered commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not subject to regulation provided they meet these same treatment standards or prohibition levels for each recyclable material that they contain. For the purpose of implementation of this section, fertilizers that contain recyclable material derived from state-only waste must also meet the treatment standards in 40 CFR Part 268 Subpart D that apply to the characteristics of dangerous waste that the state-only waste exhibits. The prohibition levels for fertilizer using K061, in mg/l, are as follows: Arsenic, 5.0; Barium, 100.0; Cadmium, 1.0; Chromium (Total), 5.0; Lead, 5.0; Mercury, 0.20; Selenium, 5.7; and Silver, 5.0. The department may recommend registration under chapter 15.54 RCW for a waste-derived fertilizer (including fertilizers that contain recyclable material) or micronutrient fertilizer: Provided, That the reg-

istrant submits the information described in (b)(i)(A) or (B) of this subsection:

(A) Initial Criteria.

(I) The applicable Land Disposal Restriction (LDR) Certification as described in 40 CFR Part 268, or toxicity characteristic leaching procedure (TCLP) data that indicate the product contains less than the maximum concentrations for TCLP metals described in WAC 173-303-090(8); and

(II) Total Halogenated Organic Compounds (HOC) test data that indicate the product contains less than 1% total HOC.

(B) Secondary Criteria.

(I) A complete description of the fertilizer manufacturing process, including the location of the manufacturing facility; and

(II) A complete list of all ingredients used in manufacturing the fertilizer and a complete description of the sources of those ingredients, including a description of the original process and location for each of those ingredients; and

(III) Evidence that any waste(s) used in manufacturing the product does not designate as dangerous waste according to procedures described in WAC 173-303-070; and

(IV) Other information as required by the department.

(ii) Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of dangerous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in (b)(i) of this subsection and remain subject to regulation.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of 40 CFR Part 268 (incorporated by reference in WAC 173-303-140 (2)(a)) and 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

(d) The use of waste oil, used oil, or other material that is contaminated with dioxin or any other dangerous waste for dust suppression or road treatment is prohibited.

**AMENDATORY SECTION** (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

**WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants.** (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to spent chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants that are reclaimed or recycled. Refrigerants eligible for these special requirements are those CFCs and HCFCs that were used as heat transfer material in a refrigeration cycle in totally enclosed heat transfer equipment and are subsequently reclaimed or recycled.

(b) Persons who generate, transport, or store spent CFC or HCFC refrigerants prior to reclamation or recycling and facilities that reclaim or recycle spent CFC or HCFC refrigerants are subject to the requirements of this section, and WAC 173-303-050, 173-303-145, and 173-303-960. Spent CFC or HCFC refrigerants that are not reclaimed or recycled are subject to all the applicable requirements of chapter 173-303 WAC. Any discharge of spent CFCs or HCFCs to the environment constitutes disposal and is subject to full regulation under chapter 173-303 WAC.

(2) Generator requirements.

(a) Persons who reclaim or recycle their spent CFC or HCFC refrigerants, either on-site or send their wastes off-site to be reclaimed or recycled, must keep records for a period of at least five years from the date of reclamation/recycling to document:

(i) The date of shipment (if sent off-site);

(ii) The quantity (by weight) reclaimed/recycled per shipment (when sent off-site) or batch (when recycled on-site);

(iii) The percentage of the total amount of CFC or HCFC wastes reclaimed/recycled per shipment or batch (and the manner of disposal for the remaining CFCs or HCFCs); and

(iv) The dates of reclamation/recycling.

(b) For CFCs or HCFCs sent off-site, the generator must obtain a signed document from the reclamation facility certifying the information in (a) of this subsection.

(3) Reclamation facility requirements.

(a) Facilities that reclaim or recycle CFC or HCFC refrigerants must comply with all the requirements of WAC 173-303-500 (except for WAC 173-303-500 (2)(c)(ii)). The applicable provisions of the following sections will also apply:

(i) WAC 173-303-280(2), General requirements for dangerous waste management facilities, imminent hazard;

(ii) WAC 173-303-283, Performance standards;

(iii) WAC 173-303-290 (1) and (2), Required notices;

(iv) WAC 173-303-380, Facility recordkeeping; except for WAC 173-303-380 (1)(c), (e), and (h);

(v) WAC 173-303-390(3), Facility reporting;

(vi) WAC 173-303-630(10), Use and management of containers;

(vii) WAC 173-303-640 (1), (2), (8), and (10), Tank systems, except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section).

(b) The reclamation facility must supply generators with a signed document certifying the information in subsection (2)(a) of this section.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery.** (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to generators, marketers, transporters, blenders, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery. Note: (This note is a reminder that all generators, transporters, and burners of federally regulated hazardous waste fuels that are to be burned for energy recovery, and all storage facility owners and operators of facilities that store dangerous waste that is burned in a boiler or industrial furnace must comply with the requirements of 40 CFR Part 266 Subpart H.)

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only (and not EHW) through the criteria of WAC 173-303-100(~~or~~

~~(C) Is a dangerous waste designated solely as W001).~~

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (~~((unless such listed waste is only state source W001)))~~ or a waste designated as EHW through the criteria of WAC 173-303-100 (a) and (b) is subject to this section.

(ii) (Reserved.)

(2) Definitions. Any terms used in this section that are not defined below have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms have the described meanings:

(a) "Dangerous waste fuel" means dangerous waste burned or to be burned for energy recovery. Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel.

(b) "Distributor" means persons who distribute but do not process or blend dangerous waste fuel. Distributors may broker fuel by arranging for the final disposition of the fuel. Distributors are regulated under subsection (6) of this section.

(c) "Blender" means persons who produce, process, or blend fuel from dangerous wastes. Blenders are regulated under subsection (7) of this section.

(d) "Marketer" means persons who are:

(i) Generators who market dangerous waste fuel directly to a burner. Generators are regulated under subsection (4) of this section;

(ii) Distributors, regulated under subsection (6) of this section;

(iii) Blenders, regulated under subsection (7) of this section.

(3) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons, in state, who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number or to out-of-state marketers or burners who have notified the EPA or

authorized state agency and who have an EPA/state identification number; and

(ii) When marketed to a burner, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in the following devices only;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(4) Standards applicable to generators of dangerous waste fuel.

(a) All generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who are marketers. Generators are marketers if they send their waste fuel directly to a burner. Generators who are marketers must:

(i) Prohibitions. Comply with the prohibitions under subsection (3) of this subsection.

(ii) Notification. Comply with the notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Generators who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(iii) Accumulation. Comply with accumulation requirements of WAC 173-303-200 or 173-303-201.

(iv) Storage. For generators who have interim or final status and exceed the accumulation time frames referenced in (b)(iii) of this subsection, comply with the storage provisions of:

(A) WAC 173-303-280 through 173-303-395; and

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities.

(v) Required notice. Obtain, prior to initiating the first shipment of dangerous waste fuel, a one time written and signed certification notice from the burner certifying that:

(A) The burner has notified as described under subsection (3) of this subsection; and

(B) The burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this subsection.

(vi) Recordkeeping. Keep a copy of each certification notice received for at least five years from the date of the last

dangerous waste fuel shipment to the burner who sent such notice.

(c) Generators who are burners also are subject to subsection (8) of this section.

(5) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(6) Standards applicable to distributors of dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Distributors who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Storage. Distributors who store dangerous waste fuels must comply with the applicable storage provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(iv) The standards for generators in WAC 173-303-170 through 173-303-230.

(d) Off-site shipment. A distributor must meet the standards for generators in WAC 173-303-170 through 173-303-230 when the distributor initiates a shipment of dangerous waste fuel. Except that a distributor may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another distributor, a blender, or a burner, a distributor must obtain a one-time written and signed certification notice from the distributor, blender, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another distributor or blender, the distributor must provide the other distributor or blender with a one-time written and signed certification that the distributor has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A distributor must keep a copy of each certification notice received or sent for at least five years from the date the distributor last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) Standards applicable to blenders of dangerous waste fuels.

(a) Prohibitions. The prohibitions under subsection (3) of this section.

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Blenders who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Facility. For tanks, containers, or other units used to hold dangerous waste prior to blending or processing; for blending or processing tanks, containers, or other units; and for tanks, containers, or other units, used to hold blended or processed fuel, blenders must comply with the applicable provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a blender initiates a shipment of dangerous waste fuel, except that a blender may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another blender, a distributor, or a burner, a blender must obtain a one-time written and signed certification notice from the blender, distributor, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another blender or distributor, the blender must provide the other blender or distributor with a one-time written and signed certification that the blender has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A blender must keep a copy of each certification notice received or sent for at least five years from the date the blender last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(8) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (3)(b) of this section must comply with:

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. A burner who has previously notified the department of dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify the dangerous waste fuel activities;

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on-site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities (the air emission requirements do not apply to burners that meet the small quantity burner exemption at 40 CFR 266.101);

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a distributor, or a blender, or a generator the burner must provide the distributor, or the blender, or the generator a one-time written and signed notice certifying that:

(i) The burner has notified as described under subsection (3) of this section; and

(ii) The dangerous waste fuel will only be burned in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(e) Recordkeeping. In addition to the applicable record-keeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice sent for at least five years from the date the burner last receives dangerous waste fuel from the person who received the certification notice.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-520 Special requirements for reclaiming spent lead acid battery wastes.** This section applies to persons who reclaim (including regeneration) spent lead-acid batteries that are recyclable materials ("spent batteries"). (Also, see WAC 173-303-120(3).)

(1) Persons who generate, transport, or collect spent batteries, who regenerate spent batteries, or who store spent batteries but do not reclaim them (other than spent batteries that are to be regenerated) are subject only to the requirements of WAC 173-303-016 through 173-303-161 except for 173-303-060, and WAC 173-303-960 if such spent batteries are going to a battery reclaimer. Persons who reclaim spent batteries through regeneration (such as by electrolyte replacement) are not subject to 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a).

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming (other than spent batteries that are to be regenerated) them are subject to the following requirements:

(a) For all reclaimers, the applicable storage provisions of:

(i) WAC 173-303-280 (2) and (3);

(ii) WAC 173-303-282;

(iii) WAC 173-303-283;

(iv) WAC 173-303-290;

(v) WAC 173-303-310 through 173-303-360;

(vi) WAC 173-303-380;

(vii) WAC 173-303-390 (2) and (3);

(viii) WAC 173-303-395; and

(ix) WAC 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

(i) WAC 173-303-600 through 173-303-650; and

(ii) WAC 173-303-660.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-522 Special requirements for recycling spent antifreeze.** (1) Applicability. This section applies to the recycling of spent antifreeze. Antifreeze means ethylene glycol based coolant used as a heat exchange medium in motor vehicle radiators, motorized equipment, or in other industrial processes. For the purposes of this section recycling means reclamation and reuse, but not burning for energy recovery. (Also, see WAC 173-303-120(3).)

(2) Standards. Persons who generate, transport, or store spent antifreeze but do not reclaim or recycle it are subject to the requirements of WAC 173-303-050, 173-303-145, and 173-303-960 if their spent antifreeze is going to a recycler. Any discharge of spent antifreeze to the environment constitutes disposal and is subject to full regulation under this chapter.

(a) Generator requirements:

(i) Persons who reclaim or recycle their spent antifreeze on-site, or send their antifreeze off-site to be reclaimed or recycled, must keep records for a period of five years from the date of reclamation/recycling.

Proof of reclamation/recycling is either a log for on-site reclamation/recycling or an invoice or bill of lading for off-site reclamation/recycling.

(ii) Containers and tanks used to accumulate spent antifreeze must be labeled "spent antifreeze."

(iii) Spent antifreeze that is to be reclaimed can be accumulated on-site for any length of time, and in any amount.

(iv) During accumulation, spent antifreeze must be stored in a manner to prevent releases to the environment. This includes, but is not limited to, storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures.

(b) If spent antifreeze is mixed with another dangerous waste, generators are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Persons who generate spent antifreeze that is not reclaimed/recycled, but is otherwise disposed, are subject to all applicable requirements of this chapter.

(3) Transporters and transfer facility requirements:

(a) Persons engaged in routine off-site transportation of spent antifreeze are required to obtain a state/EPA ID number, WAC 173-303-060, and to comply with the transporter requirements, WAC 173-303-240.

(b) If spent antifreeze is mixed with another dangerous waste, transporters are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Transporters who store spent antifreeze at a transfer facility are allowed to use tanks or containers as defined in WAC 173-303-040, and store such waste for up to ten days, WAC 173-303-240((5))~~(6)~~.

Transporters may store spent antifreeze at a transfer facility for longer than ten days if they meet the requirements for tank and/or container management, including secondary containment in WAC 173-303-630 through 173-303-640.

(4) Reclamation/recycling facility requirements: Owners and operators of antifreeze reclaiming/recycling facilities are subject to the conditions of WAC 173-303-120 (4)(c). These conditions apply equally to facilities whether or not twenty-four-hour storage of spent antifreeze occurs prior to reclamation.

**AMENDATORY SECTION** (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

**WAC 173-303-525 Special requirements for recyclable material utilized for precious metal recovery.** (1) Applicability and requirements. (Also, see WAC 173-303-120(3).)

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

(i) Notification requirements under WAC 173-303-060;  
(ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii)):

(i) Records showing the volume of these materials stored at the beginning of the calendar year;  
(ii) The amount of these materials generated or received during the calendar year; and  
(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored

together are incompatible. In making this decision, the department will consider the following factors:

- (a) The types of materials accumulated or stored and the amounts accumulated or stored;
- (b) The method of accumulation or storage;
- (c) The length of time the materials have been accumulated or stored before being reclaimed;
- (d) Whether any contaminants are being released into the environment, or are likely to be so released; and
- (e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department will issue a final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-578 Military munitions.** (1) **Applicability.**

(a) The rules in this section identify when military munitions become a solid waste, and, if these wastes are also dangerous under this section or WAC 173-303-016 through 173-303-100, the management standards that apply to these wastes.

(b) Unless otherwise specified in this section, all applicability requirements in this chapter apply to waste military munitions.

**(2) Definition of solid waste.**

(a) A military munition is not a solid waste when:

(i) Used for its intended purpose, including:

(A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions); or

(B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

(C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

(ii) An unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal as defined in WAC 173-303-016 (5)(a), or burning for energy recovery as defined in WAC 173-303-016 (5)(b).

(b) An unused military munition is a solid waste when any of the following occurs:

(i) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in (a) of this subsection), incinerated, or treated prior to disposal; or

(ii) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal; or

(iii) The munition is deteriorated or damaged (for example, the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

(iv) The munition has been declared a solid waste by an authorized military official.

(c) A used or fired military munition is a solid waste:

(i) When transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

(ii) If recovered, collected, and then disposed of by burial, or landfilling either on or off a range.

(d) A used or fired military munition is a solid waste, and, therefore, is potentially subject to corrective action under WAC 173-303-646 or imminent and substantial endangerment authorities under WAC 173-303-960, if the munition lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated

with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

(e) Military munitions at closed or transferred ranges. Munitions discharged during military activities are discarded material (and therefore solid waste) for purposes of WAC 173-303-646 under the following circumstance:

The munition is left in place at the firing range at the time the range is closed or when the range is transferred from military control, whichever occurs first.

**(3) Standards applicable to emergency responses.**

Explosives and munitions emergencies involving military munitions or explosives are subject to WAC 173-303-170(5), 173-303-240 ~~((+6)(e))~~(10), 173-303-400 (2)(c) ~~((+ii))~~(xiii), 173-303-600 (3)(p), and 173-303-800 (7)(c), or alternatively to WAC 173-303-804.

**(4) Standards applicable to the storage of solid waste military munitions.**

(a) Criteria for dangerous waste regulation of waste non-chemical military munitions in storage.

(i) Waste military munitions in storage that exhibit a dangerous waste characteristic, criteria, or are listed as dangerous waste under WAC 173-303-070 are listed or identified as a dangerous waste (and thus are subject to regulation under this chapter), unless all the following conditions are met:

(A) The waste military munitions are not chemical agents or chemical munitions.

(B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB).

(C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions.

(D) Within ninety days of August 12, 1997, or within ninety days of when a storage unit is first used to store waste military munitions, whichever is later, the owner or operator must notify the department of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in (a)(i) of this subsection is claimed.

(E) The owner or operator must provide oral notice to the department within twenty-four hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of (a)(i) of this subsection that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of (a)(i) of this subsection.

(F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of (a)(i) of this subsection, and must maintain records of the findings of these inventories and inspections for at least three years.

(G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

(ii) The conditional exemption in (a)(i) of this subsection from regulation as dangerous waste applies only to the storage of nonchemical waste military munitions. It does not affect the regulatory status of waste military munitions as dangerous wastes with regard to transportation, treatment or disposal.

(iii) The conditional exemption in (a)(i) of this subsection applies only so long as all of the conditions in (a)(i) of this subsection are met.

(b) Notice of termination of waste storage. The owner or operator must notify the department when a storage unit identified in (a)(i)(D) of this subsection will no longer be used to store waste military munitions.

(c) Reinstatement of conditional exemption. If any waste military munition loses its conditional exemption under (a)(i) of this subsection, an application may be filed with the department for reinstatement of the conditional exemption from dangerous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of (a)(i) of this subsection. If the department finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the department may reinstate the conditional exemption under (a)(i) of this subsection. If the director does not take action on the reinstatement application within sixty days after receipt of the application, then reinstatement will be deemed granted, retroactive to the date of the application. However, the department may terminate a conditional exemption reinstated by default in the preceding sentence if it finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the conditional exemption under (a)(i) of this subsection, the department may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

(d) Waste chemical munitions.

(i) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under WAC 173-303-070, are listed or identified as a hazardous waste and are subject to the applicable regulatory requirements of RCRA subtitle C and the Hazardous Waste Management Act.

(ii) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under WAC 173-303-070, are not subject to the storage prohibition in RCRA section 3004(j), codified at 40 CFR 268.50 (which is incorporated by reference at WAC 173-303-140 (2)(a)).

(e) Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (4)(a)(i) of this section, are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the

DDESB storage standards will become effective for purposes of subsection (4)(a)(i) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in subsection (4)(a)(i) of this section have been amended.

**(5) Standards applicable to the treatment and disposal of waste military munitions.**

The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards of this chapter.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-620 Financial requirements. (1) Applicability.**

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply to owners and operators of:

- (i) Dangerous waste disposal facilities;
- (ii) Tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills;
- (iii) Miscellaneous units as specified in WAC 173-303-680(4);

(iv) Waste piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section; and

(v) Containment buildings that are required under WAC 173-303-695 to meet the requirements for landfills.

(c) States and the federal government are exempt from the requirements of this section. Operators of state or federally owned facilities are exempt from the requirements of this section, except subsections (3) and (5) of this section. Operators of facilities who are under contract with (but not owned by) the state or federal government must meet all of the requirements of this section.

(d) The director may, in an enforceable document, replace all or part of the requirements of this section with alternative requirements for financial assurance when he or she:

(i) Applies alternative requirements for ground water monitoring, closure or post-closure under WAC 173-303-610 (1)(d) or 173-303-645 (1)(e); and

(ii) Determines that it is not necessary to apply the requirements of this section because the alternative requirements will protect human health and the environment.

(2) Definitions. As used in this section, the following listed or referenced terms have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f), (g), and (h) are incorporated by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4) and 173-303-695. The closure cost estimate:

(i) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value.

(b) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent *Implicit Price*

*Deflator for Gross National Product or Gross Domestic Product* as published by the United States Department of Commerce in its survey of current business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest 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, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

(i) Closure trust fund;

(ii) Surety bond guaranteeing payment into a closure trust fund;

(iii) Surety bond guaranteeing performance of closure;

(iv) Closure letter of credit;

(v) Closure insurance; or

(vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator must meet all the requirements set forth in 40 CFR 264.143 which are incorporated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-680(4). The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required by WAC 173-303-610.

(b) During the active life of the facility, the owner or operator must revise the post-closure cost estimate within thirty days after the department has approved the request to

modify the post-closure plan, if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product* or *Gross Domestic Product* as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest post-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, the latest adjusted post-closure cost estimate.

(6) Financial assurance for post-closure monitoring and maintenance.

(a) An owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish financial assurance for post-closure care in accordance with the approved post-closure care plan. He must choose from the following options or combination of options:

(i) Post-closure trust fund;

(ii) Surety bond guaranteeing payment into a post-closure trust fund;

(iii) Surety bond guaranteeing performance of post-closure care;

(iv) Post-closure letter of credit;

(v) Post-closure insurance; or

(vi) Financial test and corporate guarantee for post-closure care.

(b) In satisfying the requirements of financial assurance for facility post-closure care in this subsection, the owner or operator must meet all the requirements set forth in 40 CFR 264.145 which are incorporated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145 which are incorporated by reference. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a) which is incorporated by reference.

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040) or a disposal miscellaneous unit or units used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b), (~~264.177~~) 264.147 (f), (g), (h), (i), and (j) which are incorporated by reference.

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be neces-

sary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(f) The following subsections are incorporated by reference: 40 CFR section 260.147(f), Financial test for liability coverage, (g) Guarantee for liability coverage, (h) Letter of credit for liability coverage, (i) Surety bond for liability coverage, and (j) Trust fund for liability coverage.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section must contain the wording specified by 40 CFR 264.151 which is incorporated by reference, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the words Washington state department of ecology;

(b) The words "hazardous waste" must be replaced with the words "dangerous waste";

(c) Any other words specified by the department must be changed as necessary to assure financial responsibility of the

facility in accordance with the requirements of this section; and

(d) Whenever 40 CFR 264.151 requires that owners and operators notify several regional administrators of their financial obligations, the owner or operator must notify both the department and all regional administrators of regions that are affected by the owner or operator's financial assurance mechanisms.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-645 Releases from regulated units. (1)**

Applicability.

(a)(i) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste. The owner or operator must satisfy the requirements identified in (a)(ii) of this subsection for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.

(ii) All solid waste management units must comply with the requirements in WAC 173-303-646(2). Regulated units (as defined in WAC 173-303-040) must comply with the requirements of subsections (2) through (12) of this section, in lieu of WAC 173-303-646(2), for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The corrective action financial responsibility requirements of WAC 173-303-646(2) apply to corrective action regulated units.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this section if:

(i) The owner or operator is exempted under WAC 173-303-600; or

(ii) He operates a unit which the department finds:

(A) Is an engineered structure;

(B) Does not receive or contain liquid waste or waste containing free liquids;

(C) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off;

(D) Has both inner and outer layers of containment enclosing the waste;

(E) Has a leak detection system built into each containment layer;

(F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and

(G) To a reasonable degree of certainty, will not allow dangerous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(iii) The department finds, pursuant to WAC 173-303-655 (8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount

that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the post-closure care period; or

(iv) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:

(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure in accordance with the removal or decontamination limits specified in WAC 173-303-610 (2)(b);

(ii) Apply during the post-closure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(d) Regulations in this section may apply to miscellaneous units when necessary to comply with WAC 173-303-680 (2) through (4).

(e) The director may, in an enforceable document, replace all or part of the requirements of this section with alternative requirements for ground water monitoring and corrective action when he or she determines:

(i) A dangerous waste unit is situated among other solid waste management units or areas of concern, a release has occurred, and both the dangerous waste unit and one or more of the solid waste management units or areas of concern are likely to have contributed to the release; and

(ii) It is not necessary to apply the requirements of this section because the alternative requirements will protect human health and the environment.

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section. Detected is defined as statistically significant evidence of contamination as described in subsection (9)(f) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section. Exceeded is defined as statistically significant evidence of increased contamination as described in subsection (10)(h) of this section. Exceeded is defined as statistically significant evidence of contamination as described in WAC 173-303-645 (10)(d);

(iii) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section and the downgradient facility property boundary, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, detected in the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued. If the department determines that an established standard is not protective enough, or if the department decides that it is not practical to establish standards at the time of permit issuance, the department will establish the ground water protection standard in the facility permit when dangerous constituents have been detected in the ground water from a regulated unit.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in 40 CFR Part 264 Appendix IX, which is adopted by reference (this list is available from the department), and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from

waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a 40 CFR Part 264 Appendix IX, or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:

(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

(E) The current and future uses of ground water in the area;

(F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(I) The persistence and permanence of the potential adverse effects;

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the regulated unit;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of ground water, and the direction of ground water flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the regulated unit to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects; and

(iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.

(5) Concentration limits.

(a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:

(i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or

(ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or

(iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1.  
Maximum Concentration of Constituents  
for Ground Water Protection

Constituent	Maximum Concentration <sup>1</sup>
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005
2,4-D	0.1m
2,4,5-TP Silvex	0.01

<sup>1</sup>Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate

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concentration limits, the department will consider the same factors listed in subsection (4)(b)(i) through (iii) of this section.

(6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically down-gradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the wastes and constituents managed there, the potential for waste constituents to have already migrated past the alternate compliance point, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period).

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background water that has not been affected by leakage from a regulated unit;

(A) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

(I) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and

(II) Sampling at other wells will provide an indication of background ground water quality that is representative or more representative than that provided by the upgradient wells; and

(ii) Represent the quality of ground water passing the point of compliance.

(iii) Allow for the detection of contamination when dangerous waste or dangerous constituents have migrated from the waste management area to the uppermost aquifer.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) 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, and between aquifers and water bearing strata. Wells must meet the requirements set forth in Parts 1 and 3 of chapter 173-160 WAC, "Minimum standards for construction and maintenance of wells."

(d) The ground water monitoring program must 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; and

(v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that ensure reliable ground water sampling, accurately measure dangerous constituents and indicator parameters in ground water samples, and provide a reliable indication of ground water quality below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) In detection monitoring or where appropriate in compliance monitoring, data on each dangerous constituent specified in the permit will be collected from background wells and wells at the compliance point(s). The number and kinds of samples collected to establish background must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size must be as large as necessary to ensure with reasonable confidence that a contaminant release to ground water from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which will be specified in the unit permit upon approval by the department. This sampling procedure will be:

(i) A sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductiv-

ity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(ii) An alternate sampling procedure proposed by the owner or operator and approved by the department.

(h) The owner or operator will specify one of the following statistical methods to be used in evaluating ground water monitoring data for each hazardous constituent which, upon approval by the department, will be specified in the unit permit. The statistical test chosen must be conducted separately for each dangerous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with (i)(v) of this subsection, the pql must be proposed by the owner or operator and approved by the department. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in (i) of this subsection.

(i) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(ii) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(iii) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(iv) A control chart approach that gives control limits for each constituent.

(v) Another statistical test method submitted by the owner or operator and approved by the department.

(i) Any statistical method chosen under (h) of this subsection for specification in the unit permit must comply with the following performance standards, as appropriate:

(i) The statistical method used to evaluate ground water monitoring data must be appropriate for the distribution of chemical parameters or dangerous constituents. If the distribution of the chemical parameters or dangerous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(ii) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a ground water protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This per-

formance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(iii) If a control chart approach is used to evaluate ground water monitoring data, the specific type of control chart and its associated parameter values must be proposed by the owner or operator and approved by the department if it finds it to be protective of human health and the environment.

(iv) If a tolerance interval or a prediction interval is used to evaluate ground water monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the department if it finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(v) The statistical method must account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit (pql) approved by the department under (h) of this subsection that is used in the statistical method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(vi) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(j) Ground water monitoring data collected in accordance with (g) of this subsection including actual levels of constituents must be maintained in the facility operating record. The department will specify in the permit when the data must be submitted for review.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water moni-

toring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The owner or operator must conduct a ground water monitoring program for each chemical parameter and dangerous constituent specified in the permit pursuant to (a) of this subsection in accordance with subsection (8)(g) of this section. The owner or operator must maintain a record of ground water analytical data as measured and in a form necessary for the determination of statistical significance under subsection (8)(h) of this section.

(d) The department will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or dangerous constituent specified in the permit under (a) of this subsection in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during detection monitoring.

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter of dangerous constituent specified in the permit pursuant to (a) of this subsection at a frequency specified under (d) of this subsection.

(i) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. These method(s) must compare data collected at the compliance point(s) to the background ground water quality data.

(ii) The owner or operator must determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The department will specify in the facility permit what period of time is reasonable after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(g) If the owner or operator determines pursuant to (f) of this subsection that there is statistically significant evidence of contamination for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what chemical parameters or dangerous constituents have shown statistically significant evidence of contamination:

(ii) Immediately sample the ground water in all monitoring wells and determine whether constituents in the list of Appendix IX of 40 CFR Part 264 (which is adopted by reference) are present, and if so, in what concentration.

(iii) For any Appendix IX compounds found in the analysis pursuant to (g)(ii) of this subsection, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner

or operator does not resample for the compounds found pursuant to (g)(ii) of this subsection, the dangerous constituents found during this initial Appendix IX analysis will form the basis for compliance monitoring.

(iv) Within ninety days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration or any Appendix IX constituent detected in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each dangerous constituent detected at the compliance point, a proposed concentration limit under subsection (5)(a)(i) or (ii) of this section, or a notice of intent to seek an alternate concentration limit under subsection (5)(b) of this section; and

(v) Within one hundred eighty days, submit to the department:

(A) All data necessary to justify an alternate concentration limit sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of subsection (11) of this section unless:

(I) All dangerous constituents identified under (g)(ii) of this subsection are listed in Table I of subsection (5) of this section and their concentrations do not exceed the respective values given in that Table; or

(II) The owner or operator has sought an alternate concentration limit under subsection (5)(b) of this section for every dangerous constituent identified under (g)(ii) of this subsection.

(vi) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant difference for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (g)(iv) of this subsection; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (g)(iv) of this subsection unless the demonstration made under this subsection successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(A) Notify the department in writing within seven days of determining statistically significant evidence of contami-

nation at the compliance point that he intends to make a demonstration under this subsection;

(B) Within ninety days, submit a report to the department which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

(C) Within ninety days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(D) Continue to monitor in accordance with the detection monitoring program established under this section.

(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he or she must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The department will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with subsection (8)(g) and (h) of this section.

(i) The owner or operator must conduct a sampling program for each chemical parameter or dangerous constituent in accordance with subsection (8)(g) of this section.

(ii) The owner or operator must record ground water analytical data as measured and in form necessary for the determination of statistical significance under subsection (8)(h) of this section for the compliance period of the facility.

(d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or dangerous constituent specified in the permit, pursuant to (a) of this subsection, at a frequency specified under (f) of this subsection.

(i) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. The method(s) must compare data collected at the compliance point(s) to a concentration

limit developed in accordance with subsection (5) of this section.

(ii) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The department will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with subsection (8)(g) of this section. A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during the compliance period of the facility.

(g) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of Part 264 at least annually to determine whether additional dangerous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in (f) of this subsection. If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the department within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the department within seven days after completion of the initial analysis and add them to the monitoring list. If the owner or operator determines, pursuant to (d) of this subsection, that any concentration limits under subsection (5) of this section are being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility study has been previously submitted to the department under subsection (9)(h)(v) of this section. For regulated units managing EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

(A) The physical and chemical characteristics of the dangerous constituents and parameters in the ground water;

(B) The hydrogeological characteristics of the facility and of the surrounding land;

(C) The rate of movement and direction of flow of the affected ground water;

(D) The proximity to and withdrawal rates of ground water users downgradient; and

(E) The current and future uses of ground water in the concerned area; and

(iii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action.

(h) Reserved.

(i) If the owner or operator determines, pursuant to (d) of this subsection, that the ground water concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents and parameters from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents and parameters or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents or parameters under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary; and beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the department that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner/operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. For a facility seeking or required to have a permit, the corrective action measures to be taken must be specified in the permit.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents and parameters under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting cor-

rective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(12) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under WAC 173-303-645 using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by an action issued pursuant to the Model Toxics Control Act will be in compliance with the requirements of WAC 173-303-645 and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation will in no way affect the timing or scope of review of the Model Toxics Control Act action.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-646 Corrective action.** (1) Purpose and applicability.

(a) The provisions of this section establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(b) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(c) The provisions of this section do not apply to cleanup-only facilities.

(d) For purposes of this section, dangerous constituent means any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 Appendix IX, any constituent that caused a waste to be listed as a dangerous waste or to exhibit a dangerous characteristic under this chapter or to meet a dangerous waste criteria under this chapter, and any constituent that is

within the meaning of "hazardous substance" under RCW 70.105D.020(7).

(2) Requirements.

(a) The owner or operator of a facility must institute corrective action as necessary to protect human health and the environment for all releases of dangerous wastes and dangerous constituents, including releases from all solid waste management units at the facility. Corrective action is required regardless of the time at which waste was managed at the facility or placed in such units and regardless of whether such facilities or units were intended for the management of solid or dangerous waste. Assurances of financial responsibility for such corrective action must be provided.

(b) The owner/operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment. Additionally, as necessary to protect human health and the environment, the department may require the owner/operator to implement on site measures to address releases which have migrated beyond the facility boundary. Assurances of financial responsibility for such corrective action must be provided.

(c) In the case of a facility seeking or required to have a permit under the provisions of chapter 173-303 WAC, corrective action must be specified in the permit. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completion of such corrective action.

(d) At a minimum, corrective actions must be consistent with the following requirements of chapter 173-340 WAC.

(i) As necessary to select a cleanup action consistent with WAC 173-340-360, 173-340-350, state remedial investigation and feasibility study. Information that is adequate to support selection of a cleanup action consistent with WAC 173-340-360 but was developed under a different authority (for example, as part of closure under WAC 173-303-610 or as part of a federally overseen cleanup) may be used.

(ii) WAC 173-340-360, selection of cleanup actions.

(iii) WAC 173-340-400, cleanup actions.

(iv) WAC 173-340-410, compliance monitoring requirements.

(v) WAC 173-340-420, periodic site reviews.

(vi) WAC 173-340-440, institutional controls.

(vii) WAC 173-340-700 through 173-340-760, cleanup standards.

(3) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under subsection (2) of this section using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by the department in an action issued pursuant to the Model Toxics Control Act will be in compliance with the requirements of subsection (2) of this section and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation will in no way affect the timing or scope of review of the Model Toxics Control Act action.

(4) Corrective action management unit (CAMU).

(a) In accordance with the requirements of this subsection, the director may designate an area at a facility as a corrective action management unit for the purpose of treating, storing or disposing of remediation waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. Placement of dangerous remediation waste into or within a CAMU does not constitute land disposal of dangerous waste. Consolidation or placement of dangerous remediation waste into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(b) Designation of a CAMU will not in any way affect the department's existing authorities, including authority under chapter 70.105D RCW, to address clean-up levels, media-specific points of compliance, or other remedy selection decisions.

(c) Designation of a CAMU will not in any way affect the timing or scope of review of any actions taken under the Model Toxics Control Act pursuant to subsection (3) of this section to fulfill the corrective action requirements of subsection (2) of this section or the corrective action requirements of WAC 173-303-645.

(5) Designation of a corrective action management unit.

(a) When designating a CAMU, the director will do so in accordance with subsection (4) of this section, and the following:

(i) The CAMU will facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(ii) Waste management activities associated with the CAMU will not create unacceptable risks to humans or the environment resulting from exposure to dangerous wastes or dangerous constituents;

(iii) The CAMU will include uncontaminated areas of the facility only if including such areas for the purposes of managing remediation wastes is more protective than management of such wastes at contaminated areas of the facility;

(iv) Areas within the CAMU where wastes remain in place after closure of the CAMU, will be managed and contained so as to minimize future releases of dangerous wastes and dangerous constituents to the extent practicable;

(v) When appropriate and practicable, the CAMU will expedite the timing of remedial activity implementation;

(vi) The CAMU will enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(vii) The CAMU will, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(b) When designating a CAMU, the director will specify requirements for the CAMU including the following:

(i) The areal configuration of the CAMU;

(ii) Requirements for remediation waste management within the CAMU including specification of applicable design, operation, and closure requirements;

(iii) Requirements for ground water and/or vadose zone monitoring that are sufficient to:

(A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of dangerous waste and dangerous constituents in ground water from sources located within the CAMU; and

(B) Detect and subsequently characterize releases of dangerous waste and dangerous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after CAMU closure.

(iv) Requirements for closure that will minimize the need for further maintenance of the CAMU and will include, as appropriate and deemed necessary by the director, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes;

(B) For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(C) Requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

(c) In establishing closure requirements for CAMUs under (b)(iv) of this subsection the director will consider the following factors:

(i) CAMU characteristics;

(ii) Volume of wastes which will remain in place after CAMU closure;

(iii) Potential for releases from the CAMU;

(iv) Physical and chemical characteristics of the waste;

(v) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases in and/or from the CAMU; and

(vi) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(d) The director will, for areas of the CAMU in which wastes will remain in place after CAMU closure, specify post-closure requirements to control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, and dangerous waste decomposition products to the ground, to ground waters, to surface waters, and to the atmosphere. Such post-closure requirements will include, as necessary to protect human health and the environment, monitoring and maintenance activities and the frequency with which such activities will be performed to ensure the integrity of any cap, final cover, or other containment system.

(e) The owner/operator of a facility must provide sufficient information to enable the director to designate a CAMU in accordance with the criteria in subsections (4), (5)(a) through (d), and (6) of this section.

(f) The director will document the rationale for designating CAMUs and will make such documentation available to the public.

(g) Incorporation of the designation of and requirements for a CAMU into a existing permit must be approved by the director according to the procedures for agency initiated permit modifications under WAC 173-303-830(3), or according to the permit modification procedures of WAC 173-303-830(4).

(6) Incorporation of a regulated unit within a CAMU.

(a) The director may designate a regulated unit (as defined in WAC 173-303-040) as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(i) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610 or 173-303-400; and

(ii) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions at the facility.

(b) The requirements of WAC 173-303-610, 173-303-620, 173-303-645, and the unit specific requirements of WAC 173-303-650 through 173-303-680 that applied to the regulated unit will continue to apply to the portion of the CAMU into which the regulated unit was incorporated.

(7) Temporary units (TUs).

(a) In accordance with the requirements of this subsection, the director may designate a tank or container storage area at a facility as a temporary unit for the purpose of treating or storing remediation waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. The director may replace the design, operating and closure standards applicable to dangerous waste tank and container treatment and storage units under this chapter with alternative requirements that protect human health and the environment.

(b) Any temporary unit to which alternative requirements are applied in accordance with (a) of this subsection will be:

(i) Located within the facility boundary; and

(ii) Used only for treatment or storage of remediation wastes managed pursuant to implementation of the corrective action requirements of subsection (2) of this section at the facility.

(c) In establishing standards to be applied to a temporary unit, the director will consider the following factors:

(i) Length of time unit will be in operation;

(ii) Type of unit;

(iii) Volumes of wastes to be managed;

(iv) Physical and chemical characteristics of the wastes to be managed in the unit;

(v) Potential for releases from the unit;

(vi) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(vii) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(d) The director will specify the length of time, not to exceed one year, a temporary unit will be allowed to operate. The director will also specify design, operating, and closure requirements for the temporary unit.

(e) The director may extend the operating period of a temporary unit for up to one additional year, provided the director determines that:

(i) Continued operation of the unit will not pose a threat to human health and the environment; and

(ii) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(f) Incorporation of the designation of and requirements for a temporary unit or a time extension for a temporary unit into an existing permit will be:

(i) Approved in accordance with the procedures for agency-initiated permit modifications under WAC 173-303-830(3); or

(ii) Requested by the owner or operator as a Class II modification according to the procedures under WAC 173-303-830(4).

(g) The director will document the rationale for designating a temporary unit and for granting time extensions for temporary units and will make such documentation available to the public.

(8) Staging piles. The requirements for staging piles in 40 CFR Part 264.554 are incorporated by reference. The word "director" in 40 CFR means "department."

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-690 Air emission standards for process vents.** (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except for 40 CFR 264.1034 (d) and (e), this section applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a hazardous waste recycling unit that is not a ninety-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner and operator of a facility subject to this section and who received a final hazardous waste permit prior to December 6, 1996, the requirements of this section must be incorporated into the permit when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806(11). Until such date when the owner and operator receives a final permit incorporating the requirements of

this section, the owner and operator is subject to the requirements of 40 CFR 265 Subpart AA.

Note: The requirements of 40 CFR Parts 264.1032 through 264.1036 apply to process vents on hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(d) The requirements of this section do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this section are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63. The documentation of compliance under regulations at 40 CFR Part 60, Part 61, or Part 63 must be kept with, or made readily available with, the facility operating record.

(2) 40 CFR 264.1031 through 1036 (Subpart AA) is incorporated by reference.

Note: Where the incorporated language refers to 264.1030, refer to subsection (1) of this section. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-691 Air emission standards for equipment leaks.** (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except as provided in 40 CFR 264.1064(k), this section applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a hazardous waste recycling unit that is not a "ninety-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) ~~((#))~~ For the owner or operator of ~~((equipment))~~ a facility subject to the requirements of 40 CFR 264.1052 through 264.1065 ~~((has))~~ and who received a final permit under section 3005 of RCRA prior to December ~~((21, 1990))~~ 6, 1996, the requirements of 40 CFR 264.1052 through 264.1065 must be incorporated into the permit when the permit is reissued under WAC 173-303-840(8) or reviewed under WAC 173-303-806(11). Until such date when the owner or operator receives a final permit incorporating the requirements of 40 CFR 264.1052 through 264.1065, the owner or operator is subject to the requirements of 40 CFR

265, Subpart BB, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) Each piece of equipment to which this section applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(e) Equipment that is in vacuum service is excluded from the requirements of 40 CFR 264.1052 to 264.1060 if it is identified as required in 40 CFR 264.1064 (g)(5).

(f) Equipment that contains or contacts hazardous waste with an organic concentration of at least ten percent by weight for less than three hundred hours per calendar year is excluded from the requirements of 40 CFR Parts 264.1052 through 264.1060 if it is identified, as required in 40 CFR Part 264.1064 (g)(6).

Note: The requirements of 40 CFR Parts 264.1052 through 264.1065 apply to equipment associated with hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(2) 40 CFR 264.1051 through 1065 (Subpart BB) is incorporated by reference.

Note: Where the incorporated language refers to 264.1050, refer to WAC 173-303-691. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-692 Air emission standards for tanks, surface impoundments, and containers.** (1) Applicability.

(a) The requirements of 40 CFR Part 264 Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either WAC 173-303-630, 173-303-640, or 173-303-650 except as WAC 173-303-600 and (b) of this subsection provide otherwise.

(b) The requirements of 40 CFR Part 264 Subpart CC do not apply to the following waste management units at the facility:

(i) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

(ii) A container that has a design capacity less than or equal to 0.1 m<sup>3</sup>.

(iii) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(iv) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(v) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of WAC 173-303-646, or RCRA section 3008(h), or CERCLA authorities.

(vi) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act.

(vii) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR Parts 60, 61, or 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of 40 CFR Part 264.1084(i), except as provided in 40 CFR Part 264.1082 (c)(5).

(viii) A tank that has a process vent as defined in 40 CFR Part 264.1031.

(c) For the owner and operator of a facility subject to this section who received a final permit under the Hazardous Waste Management Act prior to December 6, 1996, the requirements of 40 CFR Part 264 Subpart CC will be incorporated into the permit when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806 (11)(d). Until such date when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806 (11)(d), the owner and operator is subject to the requirements of 40 CFR Part 265 Subpart CC, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) The requirements of 40 CFR Part 264 Subpart CC, except for the recordkeeping requirements specified in 40 CFR Part 264.1089(i), are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(i) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent  $\text{—O—O—}$  structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(ii) The owner or operator prepares documentation, in accordance with the requirements of 40 CFR Part 264.1089(i) explaining why an undue safety hazard would be created if air emission controls specified in 40 CFR Parts 264.1084 through 264.1087 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of (d)(i) of this subsection.

(iii) The owner or operator notifies the department in writing that hazardous waste generated by an organic perox-

ide manufacturing process or processes meeting the conditions of (d)(i) of this subsection are managed at the facility in tanks or containers meeting the conditions of (d)(ii) of this subsection. The notification must state the name and address of the facility, and must be signed and dated by an authorized representative of the facility owner or operator.

**(2) 40 CFR Parts 264.1081 through 264.1091 (Subpart CC) is incorporated by reference.**

Note: Where the incorporated language refers to ((264-1050)) 264.1080, refer to WAC ((473-303-694)) 173-303-692. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

**(3) References within 40 CFR Part 264 Subpart CC to the following parts are incorporated by reference: 40 CFR Parts 60, 61, and 63. This includes Method 25E - Determination of Vapor Phase Organic Concentration in Waste Samples at 40 CFR Part 60 Appendix A.**

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-806 Final facility permits.** (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities; and

(b) Certain recycling facilities that are not exempt from the permit requirements.

(2)(a) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must comply with WAC 173-303-281 and apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit must complete, sign, and submit an application to the department. An application must consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section. The requirements for the contents of a part A permit application are at WAC 173-303-803(4).

(b) Persons covered by permits by rule (WAC 173-303-802) need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in WAC 173-303-804. Procedures for application, issuance and administration of research, development, and demonstration permits are found exclusively in WAC 173-303-809.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the permit is issued by the department. WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting process and are of sufficient magnitude to make additional

proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application must consist of the information required in (a) through (m) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B must be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies must be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640 (4)(a)(i) and (6), 173-303-650(4), 173-303-655(4), 173-303-660 (4) and (5), 173-303-665(4), 173-303-670(7), and 173-303-680(3), and 40 CFR 264.1033, 264.1035, 264.1052, 264.1053, 264.1058, 264.1064, 264.1067, 264.1084, 264.1085, 264.1086, and 264.1088.

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340, or a description of the procedures used to comply with these requirements.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(7), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages;

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing); and

(F) Prevent releases to the atmosphere.

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Seismic risk consideration. The owner/operator of a proposed facility or expansion of an existing facility must identify the seismic risk zone in which the facility is intended to be located. Where state or local maps are not available, United States Geological Survey Open File Report number 82-1033 may be used to identify seismic risk zones. The owner/operator must demonstrate that the facility can and will be designed to resist seismic ground motion and that the design is sufficient to withstand the maximum horizontal acceleration of a design earthquake specified in the demonstration.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680 (2) and (4).

(xiv) For dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) and a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance under WAC 173-303-

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620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste facilities containing a regulated unit except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydrologically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in Appendix IX of 40 CFR Part 264, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645 (9)(h)(v). Alternatively, the owner or operator can obtain written authorization in advance from the department to submit a proposed permit schedule for development and submittal of such information. To demonstrate compliance

with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table I, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken;

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action; and

(V) The permit may contain a schedule for submittal of the information required in (a)(xx)(H)(III) and (IV) of this subsection, provided the owner or operator obtains written authorization from the department prior to submittal of the complete permit application.

(xxi) Contingent ground water protection program. The following actions are required for owners or operators of pro-

posed land-based facilities and may be required for owners/operators of existing land-based facilities, except as provided in WAC 173-303-645 (1)(b).

(A) Contingent ground water protection program. The owner or operator must develop a contingent ground water protection program. The purpose of this program will be to prevent the migration of dangerous waste or dangerous waste constituents from waste management units to the nearest hydraulically downgradient receptor at any time during the life of the facility. For the purposes of this subsection, the downgradient receptor will be the facility property line, perennial surface water or domestic well, whichever is nearest to the dangerous waste management unit. The contingent ground water protection program must at a minimum:

(I) Define the local and regional hydrogeologic characteristics. The contingent ground water protection program must be based on a sufficient understanding of site geology, hydrology, and other factors to allow evaluation of its adequacy by the department. Site characterization must be performed in sufficient detail to provide, at a minimum, the following information: Site geostratigraphy; site hydrostratigraphy; identification of aquifers, aquitards, and aquicludes; flow models for each stratum (i.e., porus media or fracture flow); the distribution of vertical and horizontal hydraulic conductivity; effective porosity; horizontal and vertical hydraulic gradients; ground water travel time to receptors; and heterogeneity for each stratigraphic unit. Site interpretative models must include ranges of tested values: The provisions of WAC 173-303-806 (4)(a)(xx) and 173-303-645, must be used as guidance in the development of the contingent ground water protection program.

(II) Identify the range of potential release scenarios that could occur during facility operation and the post-closure care period. The scenarios must incorporate the intended design(s) of the dangerous waste management unit(s), wastes to be placed in the dangerous waste management unit(s), waste and leachate chemistry, waste, and soil and rock geochemical interactions, and the results of site characterization pursuant to WAC 173-303-806 (4)(a)(xx) and (xxi);

(III) Include specific physical action to be taken if dangerous waste or dangerous waste constituents are detected in one or more of the monitoring wells. The physical actions must be based upon engineering feasibility studies describing remedial actions established from site specific conditions and waste features. Such actions may include installation of a pump and treat system between the monitoring well and the receptor or installation of a section of slurry wall to decrease ground water travel times. The description of the systems must also provide how the remediation system will achieve cleanup, its efficiency, and the timeframes involved;

(IV) Incorporate the design, construction, and sampling methods outlined in WAC 173-303-645 (8)(c), (d), (e), (f), and (g);

(V) Demonstrate to the satisfaction of the department that the owner/operator of the dangerous waste management facility has the financial capability to implement the proposed ground water protection plan; and

(VI) Include reporting procedures to the department.

(B) The response actions identified in WAC 173-303-806 (4)(a)(xxi)(A)(III) must be activated if the presence of

dangerous waste or dangerous waste constituents have been detected at the point of compliance in accordance with WAC 173-303-645 (9)(g), and must continue until the concentration of dangerous waste or dangerous waste constituents under WAC 173-303-645(4) are reduced to levels below their respective concentration limits specified in WAC 173-303-645(5).

(C) If the owner/operator does not demonstrate that the ground water protection program will prevent the migration of dangerous waste or its constituents to the nearest receptor, the department will require corrections to be made in the protection program, increase setbacks from the nearest receptor, or deny the permit.

(xxii) Additional requirements for incineration facilities. The following actions regarding the protection of human health and the environment must be taken by owners/operators of proposed hazardous waste incineration facilities and may be required for owners or operators of existing incineration facilities.

(A) Ambient monitoring program. The owner/operator will be required to develop an ambient monitoring program. The purpose of this ambient monitoring program will be to: Gather baseline environmental information characterizing on-site and off-site environmental conditions prior to facility operation; and, to identify and measure changes in the environment which may be linked to the construction and operation of the facility. The ambient monitoring program must, at a minimum:

(I) Include a characterization of facility emission sources and pathways of contaminant transport.

(II) Characterize local and regional ecosystems, including agricultural, and their sensitivity to the potential contaminants from the facility.

(III) Incorporate the findings of the environmental impact statement's health risk assessment and/or other assessments specific to the proposal or available to the scientific community regarding emissions from dangerous waste management facilities and their potential human health and environmental effects.

(IV) Identify sensitive indicator plants and animals for biomonitoring, identify specific chemical constituents of concern, sampling locations, sampling frequency, sampling and analytical methods, chain of custody procedures, quality assurance/quality control procedures, reporting times, recordkeeping procedures, and data evaluation procedures.

(B) Environmental review procedures. The owner/operator must establish procedures to allow for public review of facility operation and all monitoring data required by the facility's permit. In developing this process, the owner/operator must, at a minimum:

(I) Coordinate this effort with the public and interested local organizations;

(II) Identify the informational needs of the community and develop a public information process which meets these needs; and

(III) Develop procedures allowing full access by the public to all monitoring data required by the permit.

(C) Impact mitigation plan. Prior to the department issuing a permit, the owner/operator must submit an impact mitigation plan which demonstrates to the satisfaction of the

department that the owner/operator will mitigate all probable significant adverse impacts, including economic, due to facility location and operations. The owner/operator must use as a basis for identifying probable significant adverse economic impacts those probable economic impacts identified during a public review process, such as the environmental impact statement scoping process, if applicable.

The plan must include, but is not limited to, a description of what the owner/operator will do to reduce or prevent any probable significant impacts before they occur, to mitigate such impacts should they occur, and to ensure the owner/operator has and will have the financial capability to implement such preventative and mitigative measures. Mitigation measures may include, as an element, financial compensation to adversely affected parties.

This plan may be submitted with environmental reports the department requires for compliance with the State Environmental Policy Act, with the written citizen proponent negotiation report and agreements, or with the Part B permit application. If the plan does not demonstrate that the owner/operator is capable of adequately mitigating the identified probable significant adverse economic impacts, the department will require modification of the plan or of the proposed facility location, or will deny the permit application. The department must be satisfied with the plan prior to the issuance of the permit.

(xxiii) Information requirements for solid waste management units.

(A) The following information is required for each solid waste management unit:

(I) The location of the unit on the topographic map required under (a)(xviii) of this subsection.

(II) Designation of type of unit.

(III) General dimensions and structural description (supply any available drawings).

(IV) Time frame over which the unit was operated.

(V) Specification of all wastes that have been managed in the unit, to the extent available.

(B) The owner/operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of dangerous wastes or dangerous constituents from such unit or units.

(C) The owner/operator must conduct and provide the results of sampling and analysis of ground water, landsurface, and subsurface strata, surface water, or air, which may include the installation of wells, where the department determines it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

WAC 173-303-806 (4)(a)(xxiv):

(xxiv) Information requirements for known releases.

(A) In order to provide for corrective action necessary to protect human health and the environment, the following information is required for all known significant releases of dangerous waste and dangerous constituents (as defined by WAC 173-303-646 (2)(c)) at, and from, the facility. A significant release is a release which has affected or has the potential to affect human health or the environment at or beyond the facility.

(I) The location of the release on the topographic map required under (a)(xviii) of this subsection.

(II) General dimensions of the release and any relevant structural description. For example, if the release is from a storage tank, provide a structural description of the tank. Supply any available drawings.

(III) Time frame over which the release occurred.

(IV) Specification of all dangerous waste or dangerous constituents (as defined by WAC 173-303-646 (2)(c)) present in the release, to the extent available.

(xxv) A summary of the preapplication meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under WAC 173-303-281 (3)(c).

(xxvi) For land disposal facilities, if a case-by-case extension has been approved under 40 CFR 268.5 or a petition has been approved under 40 CFR 268.6, a copy of the notice of approval for the extension or petition is required.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable;

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c); and

(vi) Information on air emission control equipment as required in (m) of this subsection.

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling dangerous waste of each tank system, as required under WAC 173-303-640 (2) and (3);

(ii) Dimensions and capacity of each tank;

(iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(iv) A diagram of piping, instrumentation, and process flow for each tank system;

(v) A description of materials and equipment used to provide external corrosion protection, as required under WAC 173-303-640 (3)(a)(iii)(B);

(vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with WAC 173-303-640 (3)(b), (c), (d), and (e);

(vii) Detailed plans and a description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of WAC 173-303-640 (4)(a), (b), (c), (d), (e), and (f);

(viii) For tank systems for which a variance from the requirements of WAC 173-303-640(4) is sought (as provided by WAC 173-303-640 (4)(g)):

(A) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous waste or dangerous constituents into the ground water or surface water during the life of the facility; or

(B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(ix) Description of controls and practices to prevent spills and overflows, as required under WAC 173-303-640 (5)(b);

(x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of WAC 173-303-640 (9) and (10);

(xi) A description of the marking and/or labeling of tanks;

(xii) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW; and

(xiii) Information on air emission control equipment as required in (m) of this subsection.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is designed, and is or will be constructed, operated and maintained to meet the requirements of WAC 173-303-650 (2)(j), (10), (11), and 173-303-335, addressing the following items:

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping;

(C) Structural integrity of dikes;

(D) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of WAC 173-303-650 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-650 (2)(k), (l), or (m), submit appropriate information;

(E) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(F) The construction quality assurance (CQA) plan if required under WAC 173-303-335; and

(G) Proposed action leakage rate, with rationale, if required under WAC 173-303-650(10), and response action plan, if required under WAC 173-303-650(11).

(iii) Reserve.

(iv) A description of how each surface impoundment, including the double liner system, leak detection system, cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a), (b), and (d). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be

included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9); and

(xi) Information on air emission control equipment as required in (m) of this subsection.

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the waste pile is designed, and is or will be constructed, operated, and maintained to meet the requirements of WAC 173-303-335, 173-303-660 (2)(j), (11) and (12), addressing the following items:

(A)(I) The liner system (except for an existing portion of a pile) if the waste pile must meet the requirements of WAC 173-303-660(2), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of WAC 173-303-660 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-660 (2)(k), (l), or (m), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-660(3), and response action plan, if required under WAC 173-303-660(4);

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) Reserve.

(v) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability,

as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110 (3)(a), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110 (3)(a); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which

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the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department will approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions;

and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655(5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655(8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is designed, and is or will be constructed, operated and maintained to comply with the requirements of WAC 173-303-335, 173-303-665(2), (8) and (9) addressing the following items:

(A)(I) The liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of WAC 173-303-665(2)(a), including the licensed engineer's certification required by WAC 173-303-665(2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of WAC 173-303-665(2)(h). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-665(2)(j), (k) or (l), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-665(8), and response action plan, if required under 173-303-665(9);

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) Reserve.

(iv) A description of how each landfill, including the double liner system, leachate collection and removal system, cover systems, and appurtenances for control for run-on and run-off will be inspected in order to meet the requirements of WAC 173-303-665(4). This information must be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665(6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665(6)(b) and (c). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(7) will be complied with;

(vii) A description of how each landfill will be designed and operated in order to comply with WAC 173-303-140.

(i) Specific Part B information requirements for miscellaneous units. Except as otherwise provided in WAC 173-303-680(1), owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units must provide the following additional information:

(i) A detailed description of the unit being used or proposed for use, including the following:

(A) Physical characteristics, materials of construction, and dimensions of the unit;

(B) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of WAC 173-303-680(2) and (3); and

(C) For disposal units, a detailed description of the plans to comply with the post-closure requirements of WAC 173-303-680(4).

(ii) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of WAC 173-303-680(2). If the applicant can demonstrate that he does not violate the environmental performance standards of WAC 173-303-680(2) and the department agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(iii) Information on the potential pathways of exposure of humans or environmental receptors to dangerous waste or dangerous constituents and on the potential magnitude and nature of such exposures.

(iv) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(v) Any additional information determined by the department to be necessary for evaluation of compliance of the unit with the environmental performance standards of WAC 173-303-680(2).

(j) Specific Part B information requirements for process vents. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have process vents to which WAC 173-303-690 applies must provide the following additional information:

(i) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-690 on the effective date that the facility becomes subject to the provisions of WAC 173-303-690 or 40 CFR 265 Subpart AA incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR section 264.1033 (a)(2).

(ii) Documentation of compliance with the process vent standards in 40 CFR section 264.1032, including:

(A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the dangerous waste management units on a facility plot plan).

(B) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.

(C) Information and data used to determine whether or not a process vent is subject to the requirements of 40 CFR section 264.1032.

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of 40 CFR 264.1032, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control

device, a performance test plan as specified in 40 CFR 264.1035 (b)(3).

(iv) Documentation of compliance with 40 CFR 264.1033, including:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(k).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions" (WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis will address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035 (b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the dangerous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of 40 CFR 264.1032(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

(k) Specific Part B information requirements for equipment leaks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have equipment to which WAC 173-303-691 applies must provide the following additional information:

(i) For each piece of equipment to which WAC 173-303-691 applies:

(A) Equipment identification number and dangerous waste management unit identification.

(B) Approximate locations within the facility (e.g., identify the dangerous waste management unit on a facility plot plan).

(C) Type of equipment (e.g., a pump or pipeline valve).

(D) Percent by weight total organics in the hazardous waste stream at the equipment.

(E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).

(F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

(ii) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-691 on the effective date that the facility becomes subject to the provisions of WAC 173-303-691 or 40 CFR Part 265 Subpart BB incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR 264.1033 (a)(2).

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, con-

denser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 40 CFR section 264.1035 (b)(3).

(iv) Documentation that demonstrates compliance with the equipment standards in 40 CFR sections 264.1052 to 264.1059. This documentation will contain the records required under 40 CFR 264.1064. The department may request further documentation before deciding if compliance has been demonstrated.

(v) Documentation to demonstrate compliance with 40 CFR section 264.1060 will include the following information:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(j).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "ATPI Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis will address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035 (b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the dangerous waste management unit is operating at the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(I) Special Part B information requirements for drip pads.

Except as otherwise provided by WAC 173-303-600(3), owners and operators of dangerous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

(i) A list of hazardous wastes placed or to be placed on each drip pad.

(ii) If an exemption is sought to WAC 173-303-645, as provided by WAC 173-303-645(1), detailed plans and an engineering report describing how the requirements of WAC 173-303-645 (1)(b) will be met.

(iii) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-675(4), including the as-built drawings and specifications. This submission must address the following items as specified in WAC 173-303-675(2):

(A) The design characteristics of the drip pad;

(B) The liner system;

(C) The leakage detection system, including the leak detection system and how it is designed to detect the failure

of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

(D) Practices designed to maintain drip pads;

(E) The associated collection system;

(F) Control of run-on to the drip pad;

(G) Control of run-off from the drip pad;

(H) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

(I) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.

(J) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

(K) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

(L) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

(M) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.

(N) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-675(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection.

(O) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of WAC 173-303-675 (4)(a) through (f).

(P) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under WAC 173-303-675 (6)(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665(6) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection.

(m) Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers (Subpart CC) at 40 CFR Part 270.27 are incorporated by reference.

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after complying with WAC 173-303-281, submitting Part A and Part B of the permit application and receiving a final facility permit. All

permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit must submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

Note: See public notice requirements at WAC 173-303-281(5).

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department will not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit will be judged independently of the status of any other permit application or permit for the same facility or activity. The department may deny a permit for the active life of a dangerous waste management facility or unit before receiving a complete application for a permit.

(9) Recordkeeping. Applicants must keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits will contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits will be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit will not be extended beyond ten years, unless otherwise authorized under subsection (7) of this section.

(d) Each permit for a land disposal facility will be reviewed by the department five years after the date of permit

issuance or reissuance and will be modified as necessary, as provided in WAC 173-303-830(3).

(12) Reserve.

(13) Grounds for denial. A permit application will be denied pursuant to the procedures in WAC 173-303-840 if it is determined that the proposed location and/or activity endangers public health and the environment as demonstrated by the permit applicant's failure to satisfy the performance standards of WAC 173-303-283.

(14) Permit changes. All final facility permits will be subject to the requirements of permit changes, WAC 173-303-830.

(15) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(16) Other requirements for final recycling facility permits. In lieu of issuing a final recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-525 for recycling facilities.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-830 Permit changes.** (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the director. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under (b) of this subsection or subsection (3) of this section) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate act.

(b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the director in accordance with subsection (4) of this section. The new owner or operator must submit a revised permit application no later than ninety days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the director. When a transfer of ownership or operational control occurs, the old owner or operator must comply with the requirements of WAC 173-303-620 (Financial requirements) until the new owner or operator has demonstrated that he or she is complying with the financial requirements. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the director by the new owner or operator of compliance with the financial requirements, the director will notify the old owner or operator that he or

she no longer needs to comply with the financial requirements as of the date of demonstration.

(3) Modification or revocation and reissuance of permits. When the director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for revocation and reissuance, or conducts a review of the permit file), the director may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the director may modify or revoke and reissue the permit accordingly, subject to the limitations of (c) of this subsection, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. All other aspects of the existing permit remain in effect for the duration of the unmodified permit. 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. During any revocation and reissuance proceeding, the permittee must comply with all conditions of the existing permit until a new final permit is reissued. If cause does not exist under this subsection, the director will not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the director will approve or deny the request according to the procedures of subsection (4) of this section. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification, but not revocation and reissuance, of permits; the following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the director receives information that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance;

(iii) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through adoption of new or amended standards or regulations or by judicial decision after the permit was issued.

(iv) Compliance schedules. The director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Notwithstanding any other provision in this section, when a permit for a land disposal facility is reviewed by the director under 173-303-806 (11)(d), the director will modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this chapter.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-830(5) for final facility permits, and the director determines that modification or revocation and reissuance is appropriate; or

(ii) The director has received notification of a proposed transfer of the permit.

(c) Reserve.

(4) Permit modification at the request of the permittee.

(a) Class 1 modifications.

(i) Except as provided in (a)(ii) of this subsection, the permittee may put into effect Class 1 modifications listed in Appendix I of this section under the following conditions:

(A) The permittee must notify the director concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(B) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the director in accordance with WAC 173-303-840 (3)(e)(i)(D), and the appropriate units of state and local government, as specified in WAC 173-303-840 (3)(e)(i)(E). This notification must be made within ninety calendar days after the change is put into effect. For the Class 1 modifications that require prior director approval, the notification must be made within ninety calendar days after the director approves the request.

(C) Any person may request the director to review, and the director may for cause reject, any Class 1 modification. The director must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

(ii) Class 1 permit modifications identified in Appendix I by an asterisk may be made only with the prior written approval of the director.

(iii) For a Class 1 permit modification, the permittee may elect to follow the procedures in (b) of this subsection for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the director of this decision in the notice required in (b)(i) of this subsection.

(b) Class 2 modifications.

(i) For Class 2 modifications, listed in Appendix I of this section, the permittee must submit a modification request to the director that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 2 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the director and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(E) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the director evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, in accordance with (b)(v) of this subsection, and the name and address of a departmental contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting held in accordance with (b)(iv) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (b)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public will be provided sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the public notice.

(vi)(A) No later than ninety days after receipt of the notification request, the director must:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request;

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3;

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days; or

(V) Notify the permittee that he or she will decide on the request within the next thirty days.

(B) If the director notifies the permittee of a thirty-day extension for a decision, the director must, no later than one hundred twenty days after receipt of the modification request:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request; or

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3.

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days.

(C) If the director fails to make one of the decisions specified in (b)(vi)(B) of this subsection by the one hundred twentieth day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to one hundred eighty days, without formal departmental action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400). If the director approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in (b)(vi)(A), (B), or (C) of this subsection, such action cancels the temporary or automatic authorization.

(D)(I) In the case of an automatic authorization under (b)(vi)(C) of this subsection, or a temporary authorization under (b)(vi)(A)(IV) or (B)(IV) of this subsection, if the director has not made a final approval or denial of the modification request by the date fifty days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(AA) The permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

(BB) Unless the director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(II) If the owner/operator fails to notify the public by the date specified in (b)(vi)(D)(I) of this subsection, the effective date of the permanent authorization will be deferred until fifty days after the owner/operator notifies the public.

(E) Except as provided in (b)(vi)(G) of this subsection, if the director does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under subsection (3) or (4) of this sec-

tion. The activities authorized under this subsection (b)(vi)(E) must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400).

(F) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the director must consider all written comments submitted during the public comment period and must respond in writing to all significant comments in his or her decision.

(G) With the written consent of the permittee, the director may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

(vii) The director may deny or change the terms of a Class 2 permit modification request under (b)(6)(i) through (iii) of this subsection for the following reasons:

(A) The modification request is incomplete;

(B) The requested modification does not comply with the appropriate requirements of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680 or other applicable requirements; or

(C) The conditions of the modification fail to protect human health and the environment.

(viii) The permittee may perform any construction associated with a Class 2 permit modification request beginning sixty days after the submission of the request unless the director establishes a later date for commencing construction and informs the permittee in writing before day sixty.

(c) Class 3 modifications.

(i) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the director that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 3 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the director and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the director evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, and a name and address of an agency contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with (c)(4) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (c)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public will be provided at least sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the notice.

(vi) After the conclusion of the sixty-day comment period, the director must grant or deny the permit modification request according to the permit modification procedures of WAC 173-303-840. In addition, the director must consider and respond to all significant written comments received during the sixty-day comment period.

(d) Other modifications.

(i) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the department, or he or she may request a determination by the director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the department with the necessary information to support the requested classification.

(ii) The director will make the determination described in (d)(i) of this subsection as promptly as practicable. In determining the appropriate class for a specific modification, the director will consider the similarity of the modification to other modifications codified in Appendix I and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the director may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

(I) Common variations in the types and quantities of the wastes managed under the facility permit;

(II) Technological advancements; and

(III) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(i) Upon request of the permittee, the director may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than one hundred eighty days.

(ii)(A) The permittee may request a temporary authorization for:

(I) Any Class 2 modification meeting the criteria in (e)(iii)(B) of this subsection; and

(II) Any Class 3 modification that meets the criteria in (e)(iii)(B)(I) or (II) of this subsection; or that meets the criteria in (e)(iii)(B)(III) through (V) of this subsection and provides improved management or treatment of a dangerous waste already listed in the facility permit.

(B) The temporary authorization request must include:

(I) A description of the activities to be conducted under the temporary authorization;

(II) An explanation of why the temporary authorization is necessary; and

(III) Sufficient information to ensure compliance with the standards in WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the director and to appropriate units of state and local governments as specified in WAC 173-303-840 (3)(e)(i)(D). This notification must be made within seven days of submission of the authorization request.

(iii) The director will approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the director must find:

(A) The authorized activities are in compliance with the standards of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(I) To facilitate timely implementation of closure or corrective action activities;

(II) To allow treatment or storage in tanks, containers, or in containment buildings in accordance with 40 CFR Part 268;

(III) To prevent disruption of ongoing waste management activities;

(IV) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(V) To facilitate other changes to protect human health and the environment.

(iv) A temporary authorization may be reissued for one additional term of up to one hundred eighty days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(A) The reissued temporary authorization constitutes the director's decision on a Class 2 permit modification in accordance with (b)(vi)(A)(IV) or (B)(IV) of this subsection; or

(B) The director determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of (c) of this subsection are conducted.

(f) Public notice and appeals of permit modification decisions.

(i) The director will notify persons on the facility mailing list and appropriate units of state and local government within ten days of any decision under this section to grant or deny a Class 2 or 3 permit modification request. The director will also notify such persons within ten days after an automatic authorization for a Class 2 modification goes into effect under (b)(vi)(C) or (E) of this subsection.

(ii) The director's decision to grant or deny a Class 2 or 3 permit modification request under this section may be appealed under the permit appeal procedures of WAC 173-303-845.

(iii) An automatic authorization that goes into effect under (b)(vi)(C) or (E) of this subsection may be appealed under the permit appeal procedures of WAC 173-303-845; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the appeal has been granted pursuant to WAC 173-303-845, notwithstanding the provisions of WAC 173-303-840 (8)(b).

(g) Newly regulated wastes and units.

(i) The permittee is authorized to continue to manage wastes listed or identified as dangerous under WAC 173-303-070, or to continue to manage dangerous waste in units newly regulated as dangerous waste management units, if:

(A) The unit was in existence as a dangerous waste facility with respect to the newly listed or identified waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(B) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(C) The permittee is in compliance with the applicable standards of 40 CFR Part 265 (as referenced in WAC 173-303-400) and Part 266 (as referenced in WAC 173-303-510);

(D) The permittee also submits a complete Class 2 or 3 permit modification request within one hundred eighty days of the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under this chapter; and

(E) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of 40 CFR Part 265 for ground water monitoring and financial responsibility (as referenced in WAC 173-303-400) on the date twelve months after the effective date of the rule identifying or listing the waste as dangerous, or regulating the unit as a dangerous waste management unit. If the owner or operator fails to certify compliance with all these

requirements, he or she will lose authority to operate under this section.

(ii) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the twenty-five percent capacity expansion limit for Class 2 modifications.

(h) Military dangerous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:

(i) The facility was in existence as a dangerous waste facility, and the facility was already permitted to handle the waste military munitions, on the date when the waste military munitions became subject to dangerous waste regulatory requirements;

(ii) On or before the date when the waste military munitions become subject to dangerous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

(iii) The permittee submits a complete Class 2 modification request within one hundred eighty days of the date when the waste military munitions became subject to dangerous waste regulatory requirements.

(i) Permit modification list. The director must maintain a list of all approved permit modifications and must publish a notice once a year in a statewide newspaper that an updated list is available for review.

APPENDIX I

Modifications	Class
<b>A. General Permit Provisions</b>	
1. Administrative and informational changes . . . . .	1
2. Correction of typographical errors . . . . .	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls) . . . . .	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance . . . . .	1
b. Other changes . . . . .	2
5. Schedule of compliance:	
a. Changes in interim compliance dates, with prior approval of the director . . . . .	11
b. Extension of final compliance date . . . . .	3
6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the director . . . . .	11
7. Changes in ownership or operational control of a facility, provided the procedures of subsection (2)(b) of this section are followed . . . . .	11
<b>B. General Facility Standards</b>	

1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations . . . . .	1
b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods . . . . .	11
c. To incorporate changes associated with underlying dangerous constituents in ignitable or corrosive wastes . . . . .	11
d. Other changes . . . . .	2
2. Changes to analytical quality assurance/control plan:	
a. To conform with agency guidance or regulations . . . . .	1
b. Other changes . . . . .	2
3. Changes in procedures for maintaining the operating record . . . . .	1
4. Changes in frequency or content of inspection schedules . . . . .	2
5. Changes in the training plan:	
a. That affect the type or decrease the amount of training given to employees . . . . .	2
b. Other changes . . . . .	1
6. Contingency plan:	
a. Changes in emergency procedures (i.e., spill or release response procedures) . . . . .	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed . . . . .	1
c. Removal of equipment from emergency equipment list . . . . .	2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan . . . . .	1
7. Construction quality assurance plan:	
a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specification . . . . .	1
b. Other changes . . . . .	2

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change will be reviewed under the same procedures as the permit modification.

<b>C. Ground Water Protection</b>	
1. Changes to wells:	
a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system . . . . .	2
b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well . . . . .	1
2. Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the director . . . . .	11

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3. Changes in statistical procedure for determining whether a statistically significant change in ground water quality between upgradient and downgradient wells has occurred, with prior approval of the director ..... 11

4. Changes in point of compliance ..... 12

5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):

    a. As specified in the ground water protection standard ..... 3

    b. As specified in the detection monitoring program ..... 2

6. Changes to a detection monitoring program as required by WAC 173-303-645 (9)((~~h~~)), unless otherwise specified in this appendix ..... 2

7. Compliance monitoring program:

    a. Addition of compliance monitoring program as required by WAC 173-303-645 (9)((~~h~~)(~~iv~~)) and (10) .... 3

    b. Changes to a compliance monitoring program as required by WAC 173-303-645 (10)((~~h~~)), unless otherwise specified in this appendix ..... 2

8. Corrective action program:

    a. Addition of a corrective action program as required by WAC 173-303-645 (10)(i)(ii) and (11) ..... 3

    b. Changes to a corrective action program as required by WAC 173-303-645 (11)(h), unless otherwise specified in this appendix ..... 2

D. Closure

    1. Changes to the closure plan:

        a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the director ..... 11

        b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the director ..... 11

        c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the director ..... 11

        d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the director ..... 11

        e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix ..... 2

        f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive nondangerous wastes after final receipt of dangerous wastes under WAC 173-303-610 (4)(d) and (e) ..... 2

    2. Creation of a new landfill unit as part of closure ..... 3

3. Addition of the following new units to be used temporarily for closure activities:

    a. Surface impoundments ..... 3

    b. Incinerators ..... 3

    c. Waste piles that do not comply with WAC 173-303-660 (1)(c) ..... 3

    d. Waste piles that comply with WAC 173-303-660 (1)(c) ..... 2

    e. Tanks or containers (other than specified below) ..... 2

    f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the director ..... 11

    g. Staging piles ..... 2

E. Post-Closure

    1. Changes in name, address, or phone number of contact in post-closure plan ..... 1

    2. Extension of post-closure care period ..... 2

    3. Reduction in the post-closure care period ..... 3

    4. Changes to the expected year of final closure, where other permit conditions are not changed ..... 1

    5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure ..... 2

F. Containers

    1. Modification or addition of container units:

        a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below ..... 3

        b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below ..... 2

        c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) ..... 11

    2:

        a. Modification of a container unit without increasing the capacity of the unit ..... 2

        b. Addition of a roof to a container unit without alteration of the containment system ..... 1

    3. Storage of different wastes in containers:

        a. That require additional or different management practices from those authorized in the permit, except as provided in F(4) below ..... 3

PROPOSED

b. That do not require additional or different management practices from those authorized in the permit . . . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 11

b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

G. Tanks

1:

a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G (1)(c), G (1)(d), and G (1)(e) below . . . . . 3

b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G (1)(d) and G (1)(e) below . . . . . 2

c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: Neutralization, dewatering, phase separation, or component separation . . . . . 2

d. After prior approval of the director, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: Neutralization, dewatering, phase separation, or component separation . . . . . 11

e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 11

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit . . . . . 2

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided . . . . . 1

-The capacity difference is no more than 1500 gallons,  
-The facility's permitted tank capacity is not increased, and

-The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice . . . . . 2

5. Management of different wastes in tanks:

a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G (5)(c) below . . . . . 3

b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in G (5)(d) . . . . . 2

c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 11

(d) That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received waste of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity . . . . . 3

2. Replacement of a surface impoundment unit . . . . . 3

3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system . . . . . 2

4. Modification of a surface impoundment management practice . . . . . 2

5. Treatment, storage, or disposal of different wastes in surface impoundments:

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a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit . . . . . 3

b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit . . . . . 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

6. Modifications of unconstructed units to comply with WAC 173-303-650 (2)(j), (10), (11), and (4)(d) . . . . . \* 1

7. Changes in response action plan:

a. Increase in action leakage rate . . . . . 3

b. Change in a specific response reducing its frequency or effectiveness . . . . . 3

c. Other changes . . . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with WAC 173-303-660 (1)(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with WAC 173-303-660 (1)(c).

1. Modification or addition of waste pile units:

a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity . . . . . 3

b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity . . . . . 2

2. Modification of waste pile unit without increasing the capacity of the unit . . . . . 2

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit . . . . . 1

4. Modification of a waste pile management practice . . . . . 2

5. Storage or treatment of different wastes in waste piles:

a. That require additional or different management practices or different design of the unit . . . . . 3

b. That do not require additional or different management practices or different design of the unit . . . . . 2

6. Conversion of an enclosed waste pile to a containment building unit . . . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity . . . . . 3

2. Replacement of a landfill . . . . . 3

3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system . . . . . 3

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system . . . . . 2

5. Modification of a landfill management practice . . . . . 2

6. Landfill different wastes:

a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system . . . . . 3

b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system . . . . . 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) . . . . . 1

7. Modifications of unconstructed units to comply with WAC 173-303-660 (2)(j), (11), (12), (5)(c), 173-303-665 (2)(h), (8), (4)(c), and (9) . . . . . \* 1

8. Changes in response action plan:

a. Increase in action leakage rate . . . . . 3

b. Change in a specific response reducing its frequency or effectiveness. . . . . 3

c. Other changes . . . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 1. Lateral expansion of or other modification of a land treatment unit to increase areal extent . . . . . 3
- 2. Modification of run-on control system . . . . . 2
- 3. Modify run-off control system . . . . . 3
- 4. Other modifications of land treatment unit component specifications or standards required in permit . . . . . 2
- 5. Management of different wastes in land treatment units:
  - a. That require a change in permit operating conditions or unit design specifications . . . . . 3
  - b. That do not require a change in permit operating conditions or unit design specifications . . . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

- 6. Modification of a land treatment unit management practice to:
  - a. Increase rate or change method of waste application . . . . . 3
  - b. Decrease rate of waste application . . . . . 2
- 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions . . . . . 2
- 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops . . . . . 3
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to WAC 173-303-655 (6)(g)(ii) . . . . . 3
- 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements . . . 3
- 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements . . . . . 2
- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid . . . . . 2
- 13. Changes in sampling, analysis, or statistical procedure . . . . . 2
- 14. Changes in land treatment demonstration program prior to or during the demonstration . . . . . 2

- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the director's prior approval has been received . . . . . 2

- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the director . . . . . 2

- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration . . . . . 3

- 18. Changes in vegetative cover requirements for closure . . . . . 2

L. Incinerators, Boilers, and Industrial Furnaces

- 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means . . . . . 3

- 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means . . . . . 2

- 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HC1/C1<sub>2</sub>, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means . . . . . 3

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4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The director may require a new trial burn to demonstrate compliance with the regulatory performance standards . . . . . 2

5. Operating requirements:

a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means . . . . . 3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls . . . . . 3

c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit . . . . . 2

6. Burning different wastes:

a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means . . . . . 3

b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit . . . 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn . . . . . 2

b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the director . . . . . 11

c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the director . . . . . 11

d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the director . . . . . 11

8. Substitution of an alternate type of nondangerous fuel that is not specified in the permit . . . . . 1

M. Containment Buildings

1. Modification or addition of containment building units:

a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity. . . . . 3

b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity. . . . . 2

2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit. . . . . 2

3. Replacement of a containment building with a containment building that meets the same design standards provided:

a. The unit capacity is not increased. . . . . 1

b. The replacement containment building meets the same conditions in the permit. . . . . 1

4. Modification of a containment building management practice. . . . . 2

5. Storage or treatment of different wastes in containment buildings:

a. That require additional or different management practices. . . . . 3

b. That do not require additional or different management practices. . . . . 2

N. Corrective Action

1. Approval of a corrective action management unit pursuant to WAC 173-303-646 (4), (5), and (6) . . . . . 3

2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC 173-303-646(7) . . . . . 2

3. Approval of a staging pile or staging pile operating term extension . . . . . 2

4. Modification to incorporate a corrective action order issued pursuant to MTCA . . . . . 3

5. Modification or amendment of a corrective action order issued pursuant to MTCA when the MTCA public participation requirements are met and order has already been incorporated by reference into the permit . . . . . 1

<sup>1</sup>Class 1 modifications requiring prior Agency approval

(5) Permit termination. The director will follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

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

**WSR 02-19-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed September 18, 2002, 9:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-117.

Title of Rule: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Purpose: Amend risk classification premium base rates, experience rating and retrospective rating tables to reflect updated loss experience, and provide a 40.5% general rate increase effective January 1, 2003. This proposal specifically amends WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-89502, 296-17-90492, 296-17-90493, 296-17-90494, 296-17-90495, 296-17-90496, 296-17-90497, and 296-17-920.

In addition, the department is proposing to repeal the drug-free workplace program rules as a result of a legislative sunset clause that expired January 1, 2001. This proposal repeals WAC 296-17-90100, 296-17-90110, 296-17-90120, 296-17-90130, 296-17-90140, and 296-17-90150.

Statutory Authority for Adoption: RCW 51.16.035 Base rates, 51.32.073 Supplemental pension, 51.18.010 Retrospective rating, and 51.04.020(1) General authority.

Statute Being Implemented: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1).

Summary: Proposal establishes premium rates for workers' compensation insurance classifications for calendar year 2003 and modifications to the related experience rating and retrospective rating plans: WAC 296-17-855 Experience modification, 296-17-875 Table I primary losses for selected claim values, 296-17-880 Table II "B" and "W" values, 296-17-885 Table III expected loss rates and D ratios, 296-17-890 Table IV Maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-17-89502 Industrial insurance rates for nonhourly rated classifications, 296-17-

90492 Table I - Retrospective rating plans A, A1, A2, A3, and B standard premium size ranges, 296-17-90493 Table II - Retrospective rating plan A, 296-17-90494 Table III - Retrospective rating plan A1, 296-17-90595 Table IV - Retrospective rating plan A2, 296-17-90496 Table V - Retrospective rating plan A3, 296-17-90497 Table VI - Retrospective rating plan B, and 296-17-920 Assessment for supplemental pension fund.

Proposal repeals the following rules pertaining to the drug-free discount program: WAC 296-17-90100 Purpose, 296-17-90110 Definitions, 296-17-90120 Qualifications for drug-free workplace discounts, 296-17-90130 Application of drug-free workplace discount, 296-17-90140 Drug-free workplace discount certificate, and 296-17-90150 Maximum program cap for drug-free workplace discount.

Reasons Supporting Proposal: Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 2002 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within industry groups.

A 40.5% general increase in premium rates is also proposed. The 40.5% general rate increase is necessary to maintain the solvency of the state fund. For several years, large capital reserves and investment income have allowed the department to hold rates below the level necessary to pay for the benefits being provided. Low premium rates and recent capital losses require the department to raise rates to maintain the solvency of the state fund.

In addition, the department is proposing to repeal the drug-free workplace program rules as a result of a legislative sunset clause that expired January 1, 2001.

Name of Agency Personnel Responsible for Drafting: Bill Vasek/Ken Woehl, Tumwater, Washington, (360) 902-5015, 902-4775; Implementation: Doug Connell/Kathy Kimbel, Tumwater, Washington, (360) 902-4209, 902-4739; and Enforcement: Kathy Kimbel/Doug Mathers, Tumwater, Washington, (360) 902-4739, 902-4750.

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 purpose of this proposal is to establish 2003 premium rates and experience rating parameters for calendar year 2003. Washington law (RCW 51.16.035, 51.32.073, 51.18.010 and 51.04.020) requires labor and industries to adjust rates to ensure solvency of the accident, medical aid and supplemental pension funds. RCW 51.16.035 also provides that premium rates charged to industry vary by hazard. Labor and industries is proposing to adjust each industry risk classification to reflect more current loss experience, and is proposing an overall increase to workers' compensation insurance premium rates of 40.5% beginning January 1, 2003.

In addition, the department is proposing to repeal the drug-free workplace program rules as a result of a legislative sunset clause that expired January 1, 2001.

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Proposal Changes the Following Existing Rules: Overall, workers' compensation premium rates will be increased 40.5%. Rates for each industry classification will reflect updated loss experience as well as the overall rate increase. Industries with improved loss experience will see reductions in their premium rates. Industries with worsening loss experience will see increases in their premium rates.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act (RFA), chapter 19.85 RCW, requires the agency to prepare a small business economic impact statement (SBEIS) if the proposed rule will have a disproportionate impact on the state's small businesses because of the size of those businesses. In this case the agency is exempt from conducting an SBEIS when the proposed rules set or adjust fees or rates pursuant to legislative standards RCW 34.05.310 (4)(f).

RCW 34.05.328 does not apply to this rule adoption. The Administrative Procedure Act (APA), chapter 34.05 RCW, requires the agency to prepare a cost/benefit analysis (CBA) prior to adopting a "significant legislative rule." The CBA determines whether the probable benefits of the rule are greater than its probable costs. This takes into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented. In this case, the agency is exempt from conducting a CBA when the proposed rules set or adjust fees or rates pursuant to legislative standards, RCW 34.05.328 (5)(b)(vi).

Hearing Location: Spokane Labor and Industries Office, 901 North Monroe, Suite 100, Spokane, WA 99201-2149, on October 28, 2002, at 10:00 a.m.; at the Everett Labor and Industries Office, 729 100th Street S.E., Everett, WA 98208-3727, on October 29, 2002, at 10:00 a.m.; at the Tukwila Labor and Industries Office, 12806 Gateway Drive, Seattle, WA 98168-1050, on October 30, 2002, at 10:00 a.m.; and at the Tumwater Labor and Industries Office, 7273 Linderson Way S.W., Tumwater, WA 98504-4851, on November 1, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Information and Assistance by November 6, 2002, TDD (360) 902-5797.

Submit Written Comments to: Department of Labor and Industries, Douglas Connell, Assistant Director for Insurance Services, P.O. Box 4100, Olympia, WA 98504, fax (360) 902-4729, e-mail GUNT235@LNI.WA.GOV, by November 6, 2002.

Date of Intended Adoption: November 20, 2002.

September 18, 2002

Gary Moore

Director

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements

designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{Ap + WAe + (1-W) Ee + B}{E + B}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of \$((11,764)) 12,968 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((29,410)) \underline{32,420}}{\text{Total loss} + ((17,646)) \underline{19,452}} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than \$((11,764)) 12,968 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "Wae" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-875 Table I.**

**Primary Losses for Selected Claim Values**

CLAIM VALUE	PRIMARY LOSS
((11,764	11,764
12,163	12,000
13,979	13,000
16,031	14,000
18,368	15,000
24,173	17,000
32,207	19,000
44,063	21,000
63,316	23,000
193,599*	26,953
294,100**	27,745))
<u>12,968</u>	<u>12,968</u>
<u>13,021</u>	<u>13,000</u>
<u>16,750</u>	<u>15,000</u>
<u>21,445</u>	<u>17,000</u>
<u>27,540</u>	<u>19,000</u>
<u>35,770</u>	<u>21,000</u>
<u>47,494</u>	<u>23,000</u>
<u>65,539</u>	<u>25,000</u>
<u>96,901</u>	<u>27,000</u>
<u>164,944</u>	<u>29,000</u>
<u>198,252*</u>	<u>29,523</u>
<u>241,140</u>	<u>30,000</u>
<u>324,200**</u>	<u>30,585</u>

\* Average death value  
 \*\* Maximum claim value

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-880 Table II.**

**"B" and "W" Values**

Maximum Claim Value = \$((294,100)) 324,200  
 Average Death Value = \$((193,599)) 198,252

Expected Losses		B	W
((6,371 & Under		55,490	0.00
6,372 -	12,839	54,935	0.01
12,840 -	19,402	54,380	0.02
19,403 -	26,066	53,825	0.03
26,067 -	32,831	53,270	0.04
32,832 -	39,700	52,716	0.05
39,701 -	46,677	52,161	0.06
46,678 -	53,763	51,606	0.07
53,764 -	60,962	51,051	0.08
60,963 -	68,276	50,496	0.09
68,277 -	75,710	49,941	0.10
75,711 -	83,264	49,386	0.11
83,265 -	90,944	48,831	0.12
90,945 -	98,752	48,276	0.13
98,753 -	106,692	47,721	0.14
106,693 -	114,768	47,167	0.15
114,769 -	122,982	46,612	0.16
122,983 -	131,340	46,057	0.17
131,341 -	139,846	45,502	0.18
139,847 -	148,502	44,947	0.19
148,503 -	157,315	44,392	0.20
157,316 -	166,287	43,837	0.21
166,288 -	175,425	43,282	0.22
175,426 -	184,733	42,727	0.23
184,734 -	194,216	42,172	0.24
194,217 -	203,879	41,618	0.25
203,880 -	213,728	41,063	0.26
213,729 -	223,769	40,508	0.27
223,770 -	234,007	39,953	0.28
234,008 -	244,449	39,398	0.29
244,450 -	255,102	38,843	0.30
255,103 -	265,972	38,288	0.31
265,973 -	277,066	37,733	0.32
277,067 -	288,391	37,178	0.33
288,392 -	299,956	36,623	0.34
299,957 -	311,769	36,069	0.35
311,770 -	323,837	35,514	0.36
323,838 -	336,170	34,959	0.37
336,171 -	348,776	34,404	0.38
348,777 -	361,667	33,849	0.39
361,668 -	374,851	33,294	0.40
374,852 -	388,339	32,739	0.41
388,340 -	402,143	32,184	0.42
402,144 -	416,274	31,629	0.43
416,275 -	430,744	31,074	0.44
430,745 -	445,567	30,520	0.45

PROPOSED

PROPOSED

Expected Losses			B	W	Expected Losses			B	W
445,568	-	460,755	29,965	0.46	2,062,164	-	2,148,108	4,439	0.92
460,756	-	476,324	29,410	0.47	2,148,109	-	2,239,562	3,884	0.93
476,325	-	492,288	28,855	0.48	2,239,563	-	2,337,077	3,329	0.94
492,289	-	508,662	28,300	0.49	2,337,078	-	2,441,278	2,774	0.95
508,663	-	525,464	27,745	0.50	2,441,279	-	2,552,882	2,220	0.96
525,465	-	542,712	27,190	0.51	2,552,883	-	2,672,712	1,665	0.97
542,713	-	560,423	26,635	0.52	2,672,713	-	2,801,718	1,110	0.98
560,424	-	578,617	26,080	0.53	2,801,719	-	2,940,999	555	0.99
578,618	-	597,315	25,525	0.54	2,941,000 & Over			0	1.00))
597,316	-	616,539	24,971	0.55	7,024 & Under			61,170	0.00
616,540	-	636,312	24,416	0.56	7,025	:	14,153	60,558	0.01
636,313	-	656,659	23,861	0.57	14,154	:	21,388	59,947	0.02
656,660	-	677,606	23,306	0.58	21,389	:	28,734	59,335	0.03
677,607	-	699,180	22,751	0.59	28,735	:	36,191	58,723	0.04
699,181	-	721,411	22,196	0.60	36,192	:	43,764	58,112	0.05
721,412	-	744,330	21,641	0.61	43,765	:	51,454	57,500	0.06
744,331	-	767,970	21,086	0.62	51,455	:	59,266	56,888	0.07
767,971	-	792,368	20,531	0.63	59,267	:	67,201	56,276	0.08
792,369	-	817,560	19,976	0.64	67,202	:	75,264	55,665	0.09
817,561	-	843,587	19,422	0.65	75,265	:	83,458	55,053	0.10
843,588	-	870,493	18,867	0.66	83,459	:	91,786	54,441	0.11
870,494	-	898,323	18,312	0.67	91,787	:	100,252	53,830	0.12
898,324	-	927,127	17,757	0.68	100,253	:	108,859	53,218	0.13
927,128	-	956,959	17,202	0.69	108,860	:	117,612	52,606	0.14
956,960	-	987,875	16,647	0.70	117,613	:	126,514	51,995	0.15
987,876	-	1,019,936	16,092	0.71	126,515	:	135,569	51,383	0.16
1,019,937	-	1,053,210	15,537	0.72	135,570	:	144,783	50,771	0.17
1,053,211	-	1,087,766	14,982	0.73	144,784	:	154,158	50,159	0.18
1,087,767	-	1,123,683	14,427	0.74	154,159	:	163,701	49,548	0.19
1,123,684	-	1,161,043	13,873	0.75	163,702	:	173,415	48,936	0.20
1,161,044	-	1,199,936	13,318	0.76	173,416	:	183,307	48,324	0.21
1,199,937	-	1,240,461	12,763	0.77	183,308	:	193,380	47,713	0.22
1,240,462	-	1,282,724	12,208	0.78	193,381	:	203,640	47,101	0.23
1,282,725	-	1,326,840	11,653	0.79	203,641	:	214,093	46,489	0.24
1,326,841	-	1,372,936	11,098	0.80	214,094	:	224,746	45,878	0.25
1,372,937	-	1,421,151	10,543	0.81	224,747	:	235,603	45,266	0.26
1,421,152	-	1,471,635	9,988	0.82	235,604	:	246,671	44,654	0.27
1,471,636	-	1,524,555	9,433	0.83	246,672	:	257,957	44,042	0.28
1,524,556	-	1,580,093	8,878	0.84	257,958	:	269,468	43,431	0.29
1,580,094	-	1,638,450	8,323	0.85	269,469	:	281,211	42,819	0.30
1,638,451	-	1,699,850	7,769	0.86	281,212	:	293,193	42,207	0.31
1,699,851	-	1,764,539	7,214	0.87	293,194	:	305,423	41,596	0.32
1,764,540	-	1,832,791	6,659	0.88	305,424	:	317,907	40,984	0.33
1,832,792	-	1,904,911	6,104	0.89	317,908	:	330,656	40,372	0.34
1,904,912	-	1,981,241	5,549	0.90	330,657	:	343,677	39,761	0.35
1,981,242	-	2,062,163	4,994	0.91	343,678	:	356,981	39,149	0.36

PROPOSED

Expected Losses		B	W	Expected Losses		B	W		
<u>356,982</u>	=	<u>370,576</u>	<u>38,537</u>	<u>0.37</u>	<u>1,622,253</u>	=	<u>1,680,587</u>	<u>10,399</u>	<u>0.83</u>
<u>370,577</u>	=	<u>384,473</u>	<u>37,925</u>	<u>0.38</u>	<u>1,680,588</u>	=	<u>1,741,809</u>	<u>9,787</u>	<u>0.84</u>
<u>384,474</u>	=	<u>398,682</u>	<u>37,314</u>	<u>0.39</u>	<u>1,741,810</u>	=	<u>1,806,140</u>	<u>9,175</u>	<u>0.85</u>
<u>398,683</u>	=	<u>413,216</u>	<u>36,702</u>	<u>0.40</u>	<u>1,806,141</u>	=	<u>1,873,824</u>	<u>8,564</u>	<u>0.86</u>
<u>413,217</u>	=	<u>428,085</u>	<u>36,090</u>	<u>0.41</u>	<u>1,873,825</u>	=	<u>1,945,133</u>	<u>7,952</u>	<u>0.87</u>
<u>428,086</u>	=	<u>443,301</u>	<u>35,479</u>	<u>0.42</u>	<u>1,945,134</u>	=	<u>2,020,370</u>	<u>7,340</u>	<u>0.88</u>
<u>443,302</u>	=	<u>458,878</u>	<u>34,867</u>	<u>0.43</u>	<u>2,020,371</u>	=	<u>2,099,871</u>	<u>6,729</u>	<u>0.89</u>
<u>458,879</u>	=	<u>474,830</u>	<u>34,255</u>	<u>0.44</u>	<u>2,099,872</u>	=	<u>2,184,013</u>	<u>6,117</u>	<u>0.90</u>
<u>474,831</u>	=	<u>491,169</u>	<u>33,644</u>	<u>0.45</u>	<u>2,184,014</u>	=	<u>2,273,218</u>	<u>5,505</u>	<u>0.91</u>
<u>491,170</u>	=	<u>507,912</u>	<u>33,032</u>	<u>0.46</u>	<u>2,273,219</u>	=	<u>2,367,959</u>	<u>4,894</u>	<u>0.92</u>
<u>507,913</u>	=	<u>525,074</u>	<u>32,420</u>	<u>0.47</u>	<u>2,367,960</u>	=	<u>2,468,773</u>	<u>4,282</u>	<u>0.93</u>
<u>525,075</u>	=	<u>542,672</u>	<u>31,808</u>	<u>0.48</u>	<u>2,468,774</u>	=	<u>2,576,268</u>	<u>3,670</u>	<u>0.94</u>
<u>542,673</u>	=	<u>560,722</u>	<u>31,197</u>	<u>0.49</u>	<u>2,576,269</u>	=	<u>2,691,133</u>	<u>3,058</u>	<u>0.95</u>
<u>560,723</u>	=	<u>579,244</u>	<u>30,585</u>	<u>0.50</u>	<u>2,691,134</u>	=	<u>2,814,160</u>	<u>2,447</u>	<u>0.96</u>
<u>579,245</u>	=	<u>598,257</u>	<u>29,973</u>	<u>0.51</u>	<u>2,814,161</u>	=	<u>2,946,254</u>	<u>1,835</u>	<u>0.97</u>
<u>598,258</u>	=	<u>617,780</u>	<u>29,362</u>	<u>0.52</u>	<u>2,946,255</u>	=	<u>3,088,463</u>	<u>1,223</u>	<u>0.98</u>
<u>617,781</u>	=	<u>637,837</u>	<u>28,750</u>	<u>0.53</u>	<u>3,088,464</u>	=	<u>3,241,999</u>	<u>612</u>	<u>0.99</u>
<u>637,838</u>	=	<u>658,448</u>	<u>28,138</u>	<u>0.54</u>	<u>3,242,000 &amp; Over</u>		<u>0</u>	<u>1.00</u>	
<u>658,449</u>	=	<u>679,640</u>	<u>27,527</u>	<u>0.55</u>					
<u>679,641</u>	=	<u>701,437</u>	<u>26,915</u>	<u>0.56</u>					
<u>701,438</u>	=	<u>723,866</u>	<u>26,303</u>	<u>0.57</u>					
<u>723,867</u>	=	<u>746,957</u>	<u>25,691</u>	<u>0.58</u>					
<u>746,958</u>	=	<u>770,739</u>	<u>25,080</u>	<u>0.59</u>					
<u>770,740</u>	=	<u>795,245</u>	<u>24,468</u>	<u>0.60</u>					
<u>795,246</u>	=	<u>820,510</u>	<u>23,856</u>	<u>0.61</u>					
<u>820,511</u>	=	<u>846,570</u>	<u>23,245</u>	<u>0.62</u>					
<u>846,571</u>	=	<u>873,464</u>	<u>22,633</u>	<u>0.63</u>					
<u>873,465</u>	=	<u>901,234</u>	<u>22,021</u>	<u>0.64</u>					
<u>901,235</u>	=	<u>929,925</u>	<u>21,410</u>	<u>0.65</u>					
<u>929,926</u>	=	<u>959,585</u>	<u>20,798</u>	<u>0.66</u>					
<u>959,586</u>	=	<u>990,263</u>	<u>20,186</u>	<u>0.67</u>					
<u>990,264</u>	=	<u>1,022,016</u>	<u>19,574</u>	<u>0.68</u>					
<u>1,022,017</u>	=	<u>1,054,900</u>	<u>18,963</u>	<u>0.69</u>					
<u>1,054,901</u>	=	<u>1,088,980</u>	<u>18,351</u>	<u>0.70</u>					
<u>1,088,981</u>	=	<u>1,124,323</u>	<u>17,739</u>	<u>0.71</u>					
<u>1,124,324</u>	=	<u>1,161,002</u>	<u>17,128</u>	<u>0.72</u>					
<u>1,161,003</u>	=	<u>1,199,095</u>	<u>16,516</u>	<u>0.73</u>					
<u>1,199,096</u>	=	<u>1,238,688</u>	<u>15,904</u>	<u>0.74</u>					
<u>1,238,689</u>	=	<u>1,279,871</u>	<u>15,293</u>	<u>0.75</u>					
<u>1,279,872</u>	=	<u>1,322,745</u>	<u>14,681</u>	<u>0.76</u>					
<u>1,322,746</u>	=	<u>1,367,418</u>	<u>14,069</u>	<u>0.77</u>					
<u>1,367,419</u>	=	<u>1,414,006</u>	<u>13,457</u>	<u>0.78</u>					
<u>1,414,007</u>	=	<u>1,462,637</u>	<u>12,846</u>	<u>0.79</u>					
<u>1,462,638</u>	=	<u>1,513,451</u>	<u>12,234</u>	<u>0.80</u>					
<u>1,513,452</u>	=	<u>1,566,601</u>	<u>11,622</u>	<u>0.81</u>					
<u>1,566,602</u>	=	<u>1,622,252</u>	<u>11,011</u>	<u>0.82</u>					

AMENDATORY SECTION (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-885 Table III.**

**Expected Loss Rates and D-Ratios  
for Indicated Fiscal Year**

**Expected Loss Rates in Dollars Per Worker Hour**

(Class	1998	1999	2000	D-Ratio
0101	1.2461	1.1315	0.9796	0.418
0103	1.4722	1.3405	1.1652	0.467
0104	0.8899	0.8086	0.7007	0.434
0105	1.1262	1.0295	0.9002	0.521
0107	1.0286	0.9364	0.8136	0.446
0108	0.8899	0.8086	0.7007	0.434
0112	0.5818	0.5313	0.4637	0.462
0201	2.1323	1.9361	1.6762	0.399
0202	2.8174	2.5608	2.2191	0.373
0210	1.0246	0.9296	0.8038	0.422
0212	0.8184	0.7444	0.6459	0.416
0214	1.0605	0.9640	0.8361	0.454
0217	0.9489	0.8632	0.7493	0.478
0219	0.9697	0.8836	0.7686	0.476
0301	0.4781	0.4383	0.3851	0.545
0302	1.6489	1.4900	1.2814	0.390
0303	1.6613	1.5068	1.3023	0.410
0306	0.8951	0.8121	0.7029	0.455
0307	0.7192	0.6559	0.5719	0.486

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0308	0.4515	0.4446	0.3651	0.575	1405	0.3381	0.3103	0.2731	0.563
0403	1.3332	1.2216	1.0722	0.539	1407	0.4735	0.4347	0.3826	0.545
0502	1.2402	1.1261	0.9749	0.447	1501	0.4590	0.4191	0.3660	0.544
0504	1.1410	1.0403	0.9055	0.436	1507	0.4310	0.3942	0.3451	0.517
0506	3.7620	3.4268	2.9789	0.412	1701	0.7002	0.6389	0.5571	0.513
0507	2.7630	2.5172	2.1891	0.436	1702	1.5957	1.4480	1.2525	0.395
0508	2.0211	1.8311	1.5805	0.378	1703	0.5539	0.5017	0.4324	0.316
0509	1.4285	1.2921	1.1129	0.404	1704	0.7002	0.6389	0.5571	0.513
0510	1.3374	1.2185	1.0601	0.447	1801	0.5790	0.5291	0.4625	0.453
0511	1.2978	1.1814	1.0270	0.474	1802	0.5022	0.4599	0.4032	0.535
0512	1.0420	0.9494	0.8265	0.516	2002	0.6154	0.5654	0.4985	0.567
0513	0.6631	0.6036	0.5247	0.494	2004	0.6083	0.5591	0.4932	0.601
0514	1.2024	1.1002	0.9639	0.537	2007	0.3990	0.3655	0.3205	0.506
0516	1.3374	1.2185	1.0601	0.447	2008	0.2639	0.2419	0.2126	0.513
0517	1.4362	1.3118	1.1452	0.484	2009	0.2855	0.2636	0.2343	0.604
0518	1.4723	1.3375	1.1587	0.414	2101	0.5808	0.5326	0.4675	0.479
0519	1.4606	1.3328	1.1623	0.455	2102	0.4140	0.3808	0.3361	0.562
0521	0.7635	0.6957	0.6051	0.430	2104	0.2463	0.2273	0.2019	0.618
0601	0.4884	0.4457	0.3890	0.527	2105	0.5795	0.5311	0.4664	0.578
0602	0.4712	0.4298	0.3749	0.587	2106	0.3178	0.2919	0.2571	0.538
0603	0.8275	0.7511	0.6502	0.435	2201	0.2230	0.2046	0.1798	0.526
0604	0.8072	0.7406	0.6508	0.501	2202	0.5219	0.4780	0.4192	0.544
0606	0.3379	0.3109	0.2748	0.583	2203	0.3649	0.3364	0.2981	0.604
0607	0.3402	0.3115	0.2732	0.538	2204	0.2230	0.2046	0.1798	0.526
0608	0.2535	0.2321	0.2036	0.544	2401	0.3569	0.3278	0.2887	0.584
0701	1.6935	1.5261	1.3076	0.356	2903	0.5386	0.4957	0.4381	0.594
0803	0.3740	0.3423	0.3002	0.574	2904	0.6377	0.5855	0.5152	0.528
0901	1.4723	1.3375	1.1587	0.414	2905	0.4587	0.4222	0.3731	0.608
1002	0.8501	0.7777	0.6807	0.507	2906	0.3109	0.2852	0.2508	0.561
1003	0.7653	0.7021	0.6169	0.493	2907	0.4513	0.4145	0.3653	0.557
1004	0.4390	0.4004	0.3494	0.512	2908	0.8146	0.7457	0.6535	0.513
1005	5.5246	5.0174	4.3417	0.409	2909	0.3283	0.3018	0.2663	0.547
1007	0.2813	0.2568	0.2242	0.530	3101	0.6741	0.6149	0.5359	0.463
1101	0.5385	0.4934	0.4332	0.549	3102	0.2203	0.2023	0.1782	0.563
1102	1.0660	0.9707	0.8437	0.466	3103	0.5023	0.4601	0.4033	0.452
1103	0.8441	0.7720	0.6749	0.450	3104	0.5179	0.4726	0.4124	0.485
1104	0.3939	0.3630	0.3213	0.593	3105	0.6811	0.6256	0.5510	0.594
1105	0.8502	0.7780	0.6808	0.456	3303	0.2901	0.2667	0.2355	0.564
1106	0.3153	0.2909	0.2578	0.523	3304	0.5048	0.4650	0.4111	0.578
1108	0.4567	0.4192	0.3689	0.562	3309	0.3570	0.3286	0.2904	0.597
1109	0.9482	0.8697	0.7641	0.496	3402	0.3903	0.3578	0.3143	0.556
1301	0.4750	0.4332	0.3775	0.602	3403	0.1679	0.1537	0.1349	0.512
1303	0.1668	0.1529	0.1344	0.602	3404	0.4263	0.3917	0.3452	0.574
1304	0.0216	0.0198	0.0174	0.543	3405	0.2255	0.2069	0.1819	0.573
1305	0.2746	0.2520	0.2219	0.536	3406	0.1955	0.1798	0.1586	0.576
1401	0.5113	0.4695	0.4132	0.520	3407	0.4733	0.4323	0.3777	0.527
1404	0.4735	0.4347	0.3826	0.545	3408	0.1279	0.1173	0.1029	0.615

3409	0.1046	0.0964	0.0852	0.624	4601	0.5732	0.5265	0.4634	0.512
3410	0.2025	0.1869	0.1657	0.593	4802	0.1897	0.1744	0.1541	0.549
3411	0.3680	0.3369	0.2953	0.525	4803	0.1931	0.1781	0.1578	0.578
3412	0.4195	0.3835	0.3352	0.491	4804	0.5253	0.4823	0.4247	0.568
3413	0.5169	0.4728	0.4142	0.544	4805	0.2336	0.2154	0.1909	0.584
3414	0.4490	0.4110	0.3604	0.527	4806	0.0451	0.0415	0.0367	0.535
3415	0.6319	0.5788	0.5072	0.481	4808	0.3800	0.3487	0.3066	0.530
3501	0.7907	0.7237	0.6332	0.484	4809	0.2671	0.2458	0.2173	0.575
3503	0.2504	0.2316	0.2060	0.599	4810	0.1216	0.1125	0.0999	0.596
3506	0.8795	0.7974	0.6893	0.463	4811	0.2066	0.1905	0.1689	0.607
3509	0.3487	0.3211	0.2839	0.634	4812	0.2989	0.2744	0.2417	0.584
3510	0.3183	0.2928	0.2584	0.572	4813	0.1457	0.1340	0.1182	0.536
3511	0.5610	0.5144	0.4520	0.531	4900	0.3212	0.2935	0.2565	0.486
3512	0.3234	0.2977	0.2631	0.598	4901	0.0606	0.0555	0.0486	0.503
3513	0.4095	0.3766	0.3323	0.486	4902	0.0760	0.0697	0.0612	0.588
3602	0.1001	0.0922	0.0817	0.632	4903	0.0674	0.0617	0.0542	0.563
3603	0.4474	0.4107	0.3614	0.540	4904	0.0247	0.0228	0.0201	0.596
3604	0.8778	0.8072	0.7121	0.542	4905	0.2890	0.2668	0.2369	0.589
3605	0.4180	0.3823	0.3346	0.547	4906	0.0803	0.0736	0.0648	0.587
3701	0.2203	0.2023	0.1782	0.563	4907	0.0466	0.0428	0.0378	0.546
3702	0.3425	0.3151	0.2784	0.615	4908	0.1206	0.1129	0.1023	0.672
3708	0.4503	0.4124	0.3616	0.527	4909	0.0512	0.0478	0.0432	0.624
3802	0.1476	0.1359	0.1201	0.607	4910	0.3479	0.3197	0.2817	0.548
3808	0.3875	0.3548	0.3111	0.492	5001	4.2539	3.8570	3.3306	0.395
3901	0.1378	0.1275	0.1137	0.637	5002	0.4713	0.4314	0.3781	0.570
3902	0.3448	0.3174	0.2803	0.595	5003	1.3275	1.2046	1.0417	0.419
3903	1.0105	0.9315	0.8248	0.537	5004	1.0357	0.9481	0.8302	0.458
3905	0.1378	0.1275	0.1137	0.637	5005	0.6543	0.5949	0.5157	0.463
3906	0.4175	0.3838	0.3383	0.552	5006	1.4912	1.3556	1.1750	0.395
3909	0.1997	0.1840	0.1630	0.648	5101	0.8211	0.7526	0.6613	0.595
4002	0.9391	0.8559	0.7451	0.543	5103	0.6634	0.6120	0.5427	0.610
4101	0.2401	0.2201	0.1935	0.566	5106	0.6634	0.6120	0.5427	0.610
4103	0.3092	0.2859	0.2547	0.672	5108	0.7358	0.6763	0.5970	0.621
4107	0.1150	0.1054	0.0927	0.563	5109	0.5432	0.4960	0.4333	0.511
4108	0.1371	0.1259	0.1109	0.547	5201	0.3144	0.2880	0.2527	0.549
4109	0.2033	0.1867	0.1645	0.557	5204	0.7663	0.7022	0.6163	0.505
4201	0.4749	0.4318	0.3747	0.516	5206	0.3212	0.2935	0.2565	0.486
4301	0.6547	0.6024	0.5320	0.548	5207	0.1534	0.1415	0.1256	0.649
4302	0.4837	0.4431	0.3887	0.539	5208	0.7420	0.6800	0.5971	0.505
4304	0.7325	0.6719	0.5903	0.530	5209	0.6804	0.6230	0.5463	0.524
4305	0.9071	0.8264	0.7194	0.552	5301	0.0281	0.0259	0.0229	0.582
4401	0.3509	0.3226	0.2845	0.478	5305	0.0484	0.0446	0.0395	0.662
4402	0.5926	0.5437	0.4784	0.551	5306	0.0443	0.0407	0.0359	0.624
4404	0.3314	0.3050	0.2694	0.533	5307	0.3470	0.3175	0.2781	0.571
4501	0.1492	0.1372	0.1211	0.608	6103	0.0672	0.0622	0.0553	0.617
4502	0.0405	0.0372	0.0329	0.551	6104	0.2932	0.2698	0.2382	0.588
4504	0.0897	0.0829	0.0736	0.620	6105	0.2097	0.1918	0.1682	0.516

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6107	0.11044	0.0967	0.0864	0.611	6704	0.11097	0.11009	0.0893	0.596
6108	0.32490	0.3224	0.2864	0.609	6705	0.7042	0.6510	0.5793	0.653
6109	0.0680	0.0624	0.0549	0.553	6706	0.3354	0.3101	0.2758	0.590
6110	0.3537	0.3252	0.2869	0.579	6707	1.6167	1.4916	1.3233	0.635
6201	0.2876	0.2625	0.2291	0.479	6708	6.6154	6.1343	5.4665	0.444
6202	0.5639	0.5194	0.4589	0.507	6709	0.2272	0.2100	0.1867	0.625
6203	0.0744	0.0689	0.0616	0.654	6801	0.3391	0.3101	0.2716	0.589
6204	0.1344	0.1237	0.11094	0.579	6802	0.3776	0.3484	0.3094	0.620
6205	0.2003	0.1843	0.1629	0.573	6803	0.6588	0.6013	0.5243	0.394
6206	0.1788	0.1642	0.1447	0.594	6804	0.2115	0.1944	0.1715	0.583
6207	1.1615	1.0762	0.9597	0.568	6809	4.9067	4.5214	4.0025	0.610
6208	0.2087	0.1935	0.1727	0.577	6901	0.0431	0.0412	0.0384	0.765
6209	0.2221	0.2051	0.1821	0.578	6902	0.7534	0.6845	0.5927	0.406
6301	0.1226	0.1117	0.0973	0.437	6903	6.1013	5.5359	4.7880	0.297
6302	0.1453	0.1338	0.1183	0.539	6904	0.2782	0.2535	0.2207	0.637
6303	0.0596	0.0548	0.0483	0.551	6905	0.3047	0.2787	0.2442	0.596
6304	0.2218	0.2145	0.1912	0.622	6906	0.1335	0.1276	0.1189	0.701
6305	0.0805	0.0744	0.0662	0.610	6907	0.8993	0.8248	0.7251	0.565
6306	0.2226	0.2046	0.1804	0.596	6908	0.4613	0.4232	0.3722	0.611
6308	0.0470	0.0433	0.0383	0.603	6909	0.0903	0.0831	0.0735	0.586
6309	0.1406	0.1297	0.1150	0.603	7100	0.0266	0.0245	0.0216	0.489
6402	0.2380	0.2191	0.1937	0.636	7101	0.0261	0.0241	0.0211	0.487
6403	0.1324	0.1223	0.1087	0.598	7102	3.4651	3.2282	2.9015	0.593
6404	0.1598	0.1477	0.1313	0.621	7103	0.3493	0.3189	0.2785	0.538
6405	0.4880	0.4475	0.3931	0.541	7104	0.0240	0.0221	0.0196	0.616
6406	0.0719	0.0663	0.0589	0.613	7105	0.0223	0.0207	0.0183	0.650
6407	0.2155	0.1985	0.1755	0.573	7106	0.1397	0.1288	0.1141	0.599
6408	0.2850	0.2618	0.2309	0.604	7107	0.2306	0.2128	0.1889	0.612
6409	0.5169	0.4728	0.4142	0.544	7108	0.1947	0.1803	0.1608	0.613
6410	0.2049	0.1881	0.1657	0.506	7109	0.1286	0.1187	0.1054	0.644
6501	0.1139	0.1047	0.0923	0.652	7110	0.3476	0.3180	0.2783	0.490
6502	0.0233	0.0216	0.0191	0.605	7111	0.3468	0.3181	0.2798	0.571
6503	0.0615	0.0562	0.0490	0.529	7112	0.5378	0.4940	0.4351	0.569
6504	0.3007	0.2785	0.2484	0.634	7113	0.4250	0.3916	0.3469	0.608
6505	0.0895	0.0827	0.0737	0.579	7114	0.5641	0.5223	0.4661	0.683
6506	0.0771	0.0712	0.0631	0.605	7115	0.4685	0.4310	0.3808	0.625
6509	0.2751	0.2539	0.2253	0.591	7116	0.4603	0.4235	0.3738	0.561
6510	0.3349	0.3063	0.2677	0.451	7117	0.9221	0.8471	0.7469	0.598
6511	0.2759	0.2549	0.2263	0.589	7118	0.8553	0.7854	0.6922	0.593
6601	0.1574	0.1452	0.1288	0.604	7119	1.4060	1.2895	1.1334	0.585
6602	0.3702	0.3403	0.3001	0.556	7120	4.8822	4.4822	3.9453	0.521
6603	0.3007	0.2762	0.2433	0.550	7121	4.5635	4.1854	3.6781	0.522
6604	0.0554	0.0512	0.0454	0.553	7201	0.9989	0.9107	0.7933	0.530
6605	0.2590	0.2405	0.2156	0.662	7202	0.0309	0.0283	0.0248	0.519
6607	0.1670	0.1537	0.1359	0.564	7203	0.1102	0.1021	0.0910	0.586
6608	0.4469	0.4060	0.3518	0.430	7204	0.0000	0.0000	0.0000	1.000
6620	2.8266	2.5916	2.2804	0.663	7301	0.4409	0.4047	0.3557	0.489

7302	0.6465	0.5934	0.5220	0.553	0607	0.3381	0.3215	0.2976	0.563
7307	0.4753	0.4377	0.3868	0.570	0608	0.2644	0.2512	0.2321	0.538
7308	0.2314	0.2149	0.1925	0.629	0701	1.6469	1.5401	1.3973	0.363
7309	0.2272	0.2100	0.1867	0.625))	0803	0.3897	0.3704	0.3427	0.581
<b>Class</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>D-Ratio</b>	<b>0901</b>	<b>1.3662</b>	<b>1.2871</b>	<b>1.1784</b>	<b>0.430</b>
0101	1.2043	1.1335	1.0372	0.430	1002	0.8504	0.8060	0.7435	0.507
0103	1.3577	1.2831	1.1796	0.484	1003	0.7240	0.6869	0.6343	0.493
0104	0.8414	0.7931	0.7268	0.433	1004	0.4228	0.4002	0.3686	0.535
0105	1.0967	1.0393	0.9586	0.524	1005	5.6104	5.2839	4.8398	0.428
0107	0.9787	0.9234	0.8473	0.453	1007	0.2744	0.2598	0.2394	0.514
0108	0.8414	0.7931	0.7268	0.433	1101	0.5127	0.4873	0.4508	0.555
0112	0.5672	0.5360	0.4929	0.481	1102	1.0469	0.9885	0.9079	0.487
0201	1.9994	1.8831	1.7238	0.429	1103	0.8964	0.8490	0.7823	0.436
0202	2.8356	2.6694	2.4421	0.380	1104	0.4166	0.3977	0.3697	0.569
0210	1.0310	0.9695	0.8860	0.411	1105	0.8482	0.8036	0.7409	0.463
0212	0.8667	0.8168	0.7486	0.436	1106	0.3024	0.2887	0.2684	0.533
0214	1.0460	0.9859	0.9033	0.448	1108	0.4713	0.4485	0.4154	0.565
0217	0.9357	0.8826	0.8097	0.473	1109	0.9840	0.9344	0.8637	0.494
0219	0.9501	0.8989	0.8275	0.467	1301	0.4882	0.4620	0.4258	0.610
0301	0.4594	0.4367	0.4042	0.549	1303	0.1780	0.1694	0.1569	0.620
0302	1.6456	1.5428	1.4047	0.401	1304	0.0202	0.0193	0.0179	0.553
0303	1.5606	1.4678	1.3417	0.421	1305	0.2864	0.2725	0.2524	0.547
0306	0.8484	0.7992	0.7317	0.462	1401	0.4715	0.4482	0.4149	0.500
0307	0.7136	0.6749	0.6208	0.497	1404	0.5078	0.4830	0.4473	0.533
0308	0.4331	0.4125	0.3825	0.568	1405	0.3352	0.3191	0.2959	0.569
0403	1.3530	1.2862	1.1901	0.555	1407	0.5078	0.4830	0.4473	0.533
0502	1.2515	1.1778	1.0774	0.447	1501	0.4451	0.4218	0.3891	0.564
0504	1.0794	1.0191	0.9359	0.448	1507	0.4371	0.4146	0.3826	0.531
0506	3.8499	3.6329	3.3335	0.433	1701	0.7583	0.7165	0.6585	0.498
0507	2.6022	2.4568	2.2561	0.448	1702	1.5627	1.4696	1.3429	0.401
0508	1.7184	1.6130	1.4704	0.377	1703	0.6093	0.5708	0.5191	0.346
0509	1.4491	1.3598	1.2391	0.415	1704	0.7583	0.7165	0.6585	0.498
0510	1.3137	1.2406	1.1396	0.460	1801	0.5174	0.4900	0.4512	0.455
0511	1.3563	1.2793	1.1733	0.479	1802	0.5122	0.4858	0.4485	0.541
0512	1.0073	0.9518	0.8747	0.498	2002	0.5949	0.5669	0.5258	0.570
0513	0.6973	0.6582	0.6042	0.485	2004	0.6357	0.6054	0.5613	0.587
0514	1.2675	1.2006	1.1067	0.536	2007	0.3751	0.3563	0.3294	0.527
0516	1.3137	1.2406	1.1396	0.460	2008	0.2644	0.2512	0.2321	0.509
0517	1.3533	1.2802	1.1785	0.471	2009	0.2894	0.2774	0.2588	0.617
0518	1.3662	1.2871	1.1784	0.430	2101	0.5986	0.5684	0.5253	0.489
0519	1.3877	1.3114	1.2053	0.457	2102	0.4283	0.4084	0.3791	0.570
0521	0.6288	0.5939	0.5455	0.416	2104	0.2551	0.2441	0.2276	0.613
0601	0.4788	0.4532	0.4174	0.520	2105	0.5354	0.5094	0.4718	0.588
0602	0.4978	0.4714	0.4345	0.589	2106	0.3397	0.3231	0.2992	0.528
0603	0.8830	0.8305	0.7589	0.417	2201	0.2161	0.2055	0.1903	0.530
0604	0.7732	0.7349	0.6799	0.509	2202	0.5555	0.5274	0.4872	0.551
0606	0.3565	0.3397	0.3152	0.590	2203	0.3871	0.3700	0.3444	0.604

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<u>2204</u>	<u>0.2161</u>	<u>0.2055</u>	<u>0.1903</u>	<u>0.530</u>	<u>3808</u>	<u>0.3790</u>	<u>0.3596</u>	<u>0.3321</u>	<u>0.508</u>
<u>2401</u>	<u>0.3731</u>	<u>0.3550</u>	<u>0.3288</u>	<u>0.583</u>	<u>3901</u>	<u>0.1308</u>	<u>0.1256</u>	<u>0.1174</u>	<u>0.652</u>
<u>2903</u>	<u>0.5572</u>	<u>0.5317</u>	<u>0.4940</u>	<u>0.588</u>	<u>3902</u>	<u>0.3562</u>	<u>0.3400</u>	<u>0.3160</u>	<u>0.591</u>
<u>2904</u>	<u>0.5801</u>	<u>0.5520</u>	<u>0.5112</u>	<u>0.525</u>	<u>3903</u>	<u>0.9816</u>	<u>0.9372</u>	<u>0.8713</u>	<u>0.553</u>
<u>2905</u>	<u>0.4662</u>	<u>0.4454</u>	<u>0.4145</u>	<u>0.613</u>	<u>3905</u>	<u>0.1308</u>	<u>0.1256</u>	<u>0.1174</u>	<u>0.652</u>
<u>2906</u>	<u>0.2935</u>	<u>0.2792</u>	<u>0.2585</u>	<u>0.567</u>	<u>3906</u>	<u>0.4251</u>	<u>0.4047</u>	<u>0.3752</u>	<u>0.549</u>
<u>2907</u>	<u>0.4316</u>	<u>0.4113</u>	<u>0.3818</u>	<u>0.572</u>	<u>3909</u>	<u>0.2030</u>	<u>0.1941</u>	<u>0.1808</u>	<u>0.647</u>
<u>2908</u>	<u>0.8323</u>	<u>0.7896</u>	<u>0.7291</u>	<u>0.524</u>	<u>4002</u>	<u>1.0006</u>	<u>0.9456</u>	<u>0.8697</u>	<u>0.535</u>
<u>2909</u>	<u>0.3366</u>	<u>0.3207</u>	<u>0.2974</u>	<u>0.566</u>	<u>4101</u>	<u>0.2364</u>	<u>0.2248</u>	<u>0.2080</u>	<u>0.559</u>
<u>3101</u>	<u>0.7712</u>	<u>0.7282</u>	<u>0.6688</u>	<u>0.438</u>	<u>4103</u>	<u>0.3528</u>	<u>0.3387</u>	<u>0.3168</u>	<u>0.682</u>
<u>3102</u>	<u>0.2288</u>	<u>0.2178</u>	<u>0.2019</u>	<u>0.575</u>	<u>4107</u>	<u>0.1189</u>	<u>0.1132</u>	<u>0.1048</u>	<u>0.553</u>
<u>3103</u>	<u>0.4629</u>	<u>0.4391</u>	<u>0.4054</u>	<u>0.477</u>	<u>4108</u>	<u>0.1302</u>	<u>0.1240</u>	<u>0.1149</u>	<u>0.554</u>
<u>3104</u>	<u>0.4928</u>	<u>0.4664</u>	<u>0.4293</u>	<u>0.482</u>	<u>4109</u>	<u>0.1947</u>	<u>0.1855</u>	<u>0.1720</u>	<u>0.554</u>
<u>3105</u>	<u>0.6394</u>	<u>0.6096</u>	<u>0.5659</u>	<u>0.599</u>	<u>4201</u>	<u>0.4866</u>	<u>0.4589</u>	<u>0.4209</u>	<u>0.525</u>
<u>3303</u>	<u>0.3341</u>	<u>0.3184</u>	<u>0.2952</u>	<u>0.590</u>	<u>4301</u>	<u>0.5914</u>	<u>0.5642</u>	<u>0.5239</u>	<u>0.572</u>
<u>3304</u>	<u>0.4482</u>	<u>0.4277</u>	<u>0.3975</u>	<u>0.579</u>	<u>4302</u>	<u>0.4730</u>	<u>0.4495</u>	<u>0.4160</u>	<u>0.544</u>
<u>3309</u>	<u>0.3378</u>	<u>0.3218</u>	<u>0.2987</u>	<u>0.570</u>	<u>4304</u>	<u>0.7150</u>	<u>0.6798</u>	<u>0.6292</u>	<u>0.537</u>
<u>3402</u>	<u>0.4059</u>	<u>0.3859</u>	<u>0.3570</u>	<u>0.551</u>	<u>4305</u>	<u>0.9084</u>	<u>0.8582</u>	<u>0.7888</u>	<u>0.539</u>
<u>3403</u>	<u>0.1656</u>	<u>0.1572</u>	<u>0.1452</u>	<u>0.517</u>	<u>4401</u>	<u>0.3353</u>	<u>0.3191</u>	<u>0.2957</u>	<u>0.486</u>
<u>3404</u>	<u>0.4243</u>	<u>0.4042</u>	<u>0.3750</u>	<u>0.574</u>	<u>4402</u>	<u>0.5928</u>	<u>0.5646</u>	<u>0.5232</u>	<u>0.568</u>
<u>3405</u>	<u>0.2343</u>	<u>0.2229</u>	<u>0.2065</u>	<u>0.573</u>	<u>4404</u>	<u>0.3635</u>	<u>0.3468</u>	<u>0.3223</u>	<u>0.568</u>
<u>3406</u>	<u>0.1783</u>	<u>0.1702</u>	<u>0.1581</u>	<u>0.581</u>	<u>4501</u>	<u>0.1575</u>	<u>0.1502</u>	<u>0.1396</u>	<u>0.630</u>
<u>3407</u>	<u>0.4973</u>	<u>0.4708</u>	<u>0.4336</u>	<u>0.501</u>	<u>4502</u>	<u>0.0371</u>	<u>0.0355</u>	<u>0.0330</u>	<u>0.555</u>
<u>3408</u>	<u>0.1351</u>	<u>0.1285</u>	<u>0.1190</u>	<u>0.630</u>	<u>4504</u>	<u>0.0865</u>	<u>0.0829</u>	<u>0.0774</u>	<u>0.641</u>
<u>3409</u>	<u>0.1113</u>	<u>0.1064</u>	<u>0.0990</u>	<u>0.644</u>	<u>4601</u>	<u>0.5706</u>	<u>0.5428</u>	<u>0.5027</u>	<u>0.523</u>
<u>3410</u>	<u>0.2002</u>	<u>0.1916</u>	<u>0.1785</u>	<u>0.615</u>	<u>4802</u>	<u>0.1916</u>	<u>0.1826</u>	<u>0.1694</u>	<u>0.556</u>
<u>3411</u>	<u>0.3701</u>	<u>0.3513</u>	<u>0.3243</u>	<u>0.536</u>	<u>4803</u>	<u>0.1986</u>	<u>0.1898</u>	<u>0.1765</u>	<u>0.568</u>
<u>3412</u>	<u>0.4299</u>	<u>0.4067</u>	<u>0.3743</u>	<u>0.485</u>	<u>4804</u>	<u>0.4754</u>	<u>0.4530</u>	<u>0.4202</u>	<u>0.577</u>
<u>3413</u>	<u>0.5709</u>	<u>0.5412</u>	<u>0.4992</u>	<u>0.523</u>	<u>4805</u>	<u>0.2307</u>	<u>0.2206</u>	<u>0.2054</u>	<u>0.591</u>
<u>3414</u>	<u>0.4291</u>	<u>0.4072</u>	<u>0.3761</u>	<u>0.541</u>	<u>4806</u>	<u>0.0442</u>	<u>0.0422</u>	<u>0.0392</u>	<u>0.539</u>
<u>3415</u>	<u>0.5926</u>	<u>0.5622</u>	<u>0.5190</u>	<u>0.487</u>	<u>4808</u>	<u>0.3765</u>	<u>0.3582</u>	<u>0.3318</u>	<u>0.540</u>
<u>3501</u>	<u>0.8053</u>	<u>0.7636</u>	<u>0.7048</u>	<u>0.502</u>	<u>4809</u>	<u>0.2780</u>	<u>0.2655</u>	<u>0.2466</u>	<u>0.573</u>
<u>3503</u>	<u>0.2585</u>	<u>0.2477</u>	<u>0.2312</u>	<u>0.600</u>	<u>4810</u>	<u>0.1209</u>	<u>0.1157</u>	<u>0.1079</u>	<u>0.613</u>
<u>3506</u>	<u>0.8596</u>	<u>0.8089</u>	<u>0.7396</u>	<u>0.451</u>	<u>4811</u>	<u>0.2001</u>	<u>0.1913</u>	<u>0.1780</u>	<u>0.594</u>
<u>3509</u>	<u>0.3442</u>	<u>0.3290</u>	<u>0.3063</u>	<u>0.640</u>	<u>4812</u>	<u>0.3039</u>	<u>0.2895</u>	<u>0.2685</u>	<u>0.593</u>
<u>3510</u>	<u>0.3128</u>	<u>0.2980</u>	<u>0.2765</u>	<u>0.580</u>	<u>4813</u>	<u>0.1423</u>	<u>0.1356</u>	<u>0.1258</u>	<u>0.546</u>
<u>3511</u>	<u>0.5663</u>	<u>0.5384</u>	<u>0.4981</u>	<u>0.531</u>	<u>4900</u>	<u>0.3119</u>	<u>0.2954</u>	<u>0.2722</u>	<u>0.482</u>
<u>3512</u>	<u>0.2952</u>	<u>0.2819</u>	<u>0.2620</u>	<u>0.599</u>	<u>4901</u>	<u>0.0613</u>	<u>0.0581</u>	<u>0.0537</u>	<u>0.493</u>
<u>3513</u>	<u>0.4113</u>	<u>0.3916</u>	<u>0.3630</u>	<u>0.471</u>	<u>4902</u>	<u>0.0786</u>	<u>0.0748</u>	<u>0.0692</u>	<u>0.603</u>
<u>3602</u>	<u>0.0982</u>	<u>0.0938</u>	<u>0.0873</u>	<u>0.630</u>	<u>4903</u>	<u>0.0764</u>	<u>0.0726</u>	<u>0.0671</u>	<u>0.587</u>
<u>3603</u>	<u>0.4154</u>	<u>0.3952</u>	<u>0.3661</u>	<u>0.545</u>	<u>4904</u>	<u>0.0249</u>	<u>0.0237</u>	<u>0.0221</u>	<u>0.604</u>
<u>3604</u>	<u>0.7867</u>	<u>0.7496</u>	<u>0.6951</u>	<u>0.528</u>	<u>4905</u>	<u>0.2783</u>	<u>0.2664</u>	<u>0.2485</u>	<u>0.611</u>
<u>3605</u>	<u>0.4161</u>	<u>0.3947</u>	<u>0.3644</u>	<u>0.552</u>	<u>4906</u>	<u>0.0782</u>	<u>0.0746</u>	<u>0.0692</u>	<u>0.602</u>
<u>3701</u>	<u>0.2288</u>	<u>0.2178</u>	<u>0.2019</u>	<u>0.575</u>	<u>4907</u>	<u>0.0431</u>	<u>0.0410</u>	<u>0.0381</u>	<u>0.546</u>
<u>3702</u>	<u>0.3509</u>	<u>0.3349</u>	<u>0.3115</u>	<u>0.628</u>	<u>4908</u>	<u>0.1155</u>	<u>0.1120</u>	<u>0.1058</u>	<u>0.671</u>
<u>3708</u>	<u>0.4829</u>	<u>0.4582</u>	<u>0.4233</u>	<u>0.536</u>	<u>4909</u>	<u>0.0504</u>	<u>0.0488</u>	<u>0.0460</u>	<u>0.626</u>
<u>3802</u>	<u>0.1457</u>	<u>0.1392</u>	<u>0.1294</u>	<u>0.624</u>	<u>4910</u>	<u>0.3395</u>	<u>0.3233</u>	<u>0.2997</u>	<u>0.549</u>

PROPOSED

<u>5001</u>	<u>4.0575</u>	<u>3.8128</u>	<u>3.4822</u>	<u>0.409</u>	<u>6404</u>	<u>0.1580</u>	<u>0.1513</u>	<u>0.1411</u>	<u>0.614</u>
<u>5002</u>	<u>0.4801</u>	<u>0.4558</u>	<u>0.4214</u>	<u>0.581</u>	<u>6405</u>	<u>0.4805</u>	<u>0.4567</u>	<u>0.4225</u>	<u>0.560</u>
<u>5003</u>	<u>1.4007</u>	<u>1.3163</u>	<u>1.2022</u>	<u>0.416</u>	<u>6406</u>	<u>0.0765</u>	<u>0.0733</u>	<u>0.0683</u>	<u>0.624</u>
<u>5004</u>	<u>0.9415</u>	<u>0.8929</u>	<u>0.8240</u>	<u>0.484</u>	<u>6407</u>	<u>0.2157</u>	<u>0.2061</u>	<u>0.1917</u>	<u>0.590</u>
<u>5005</u>	<u>0.5953</u>	<u>0.5613</u>	<u>0.5148</u>	<u>0.461</u>	<u>6408</u>	<u>0.3108</u>	<u>0.2963</u>	<u>0.2748</u>	<u>0.613</u>
<u>5006</u>	<u>1.4460</u>	<u>1.3611</u>	<u>1.2453</u>	<u>0.388</u>	<u>6409</u>	<u>0.5709</u>	<u>0.5412</u>	<u>0.4992</u>	<u>0.523</u>
<u>5101</u>	<u>0.8043</u>	<u>0.7645</u>	<u>0.7073</u>	<u>0.595</u>	<u>6410</u>	<u>0.2072</u>	<u>0.1973</u>	<u>0.1826</u>	<u>0.512</u>
<u>5103</u>	<u>0.6521</u>	<u>0.6238</u>	<u>0.5810</u>	<u>0.615</u>	<u>6501</u>	<u>0.1274</u>	<u>0.1215</u>	<u>0.1130</u>	<u>0.659</u>
<u>5106</u>	<u>0.6521</u>	<u>0.6238</u>	<u>0.5810</u>	<u>0.615</u>	<u>6502</u>	<u>0.0265</u>	<u>0.0254</u>	<u>0.0236</u>	<u>0.618</u>
<u>5108</u>	<u>0.7495</u>	<u>0.7152</u>	<u>0.6644</u>	<u>0.626</u>	<u>6503</u>	<u>0.0607</u>	<u>0.0575</u>	<u>0.0529</u>	<u>0.532</u>
<u>5109</u>	<u>0.5585</u>	<u>0.5289</u>	<u>0.4872</u>	<u>0.510</u>	<u>6504</u>	<u>0.2927</u>	<u>0.2810</u>	<u>0.2628</u>	<u>0.631</u>
<u>5201</u>	<u>0.3375</u>	<u>0.3209</u>	<u>0.2968</u>	<u>0.577</u>	<u>6505</u>	<u>0.0891</u>	<u>0.0855</u>	<u>0.0799</u>	<u>0.597</u>
<u>5204</u>	<u>0.7859</u>	<u>0.7462</u>	<u>0.6894</u>	<u>0.499</u>	<u>6506</u>	<u>0.0781</u>	<u>0.0748</u>	<u>0.0698</u>	<u>0.624</u>
<u>5206</u>	<u>0.3119</u>	<u>0.2954</u>	<u>0.2722</u>	<u>0.482</u>	<u>6509</u>	<u>0.2931</u>	<u>0.2803</u>	<u>0.2610</u>	<u>0.589</u>
<u>5207</u>	<u>0.1457</u>	<u>0.1395</u>	<u>0.1302</u>	<u>0.651</u>	<u>6510</u>	<u>0.3694</u>	<u>0.3491</u>	<u>0.3211</u>	<u>0.431</u>
<u>5208</u>	<u>0.7303</u>	<u>0.6935</u>	<u>0.6409</u>	<u>0.513</u>	<u>6511</u>	<u>0.2608</u>	<u>0.2499</u>	<u>0.2331</u>	<u>0.609</u>
<u>5209</u>	<u>0.6621</u>	<u>0.6284</u>	<u>0.5803</u>	<u>0.534</u>	<u>6601</u>	<u>0.1538</u>	<u>0.1469</u>	<u>0.1366</u>	<u>0.602</u>
<u>5301</u>	<u>0.0267</u>	<u>0.0255</u>	<u>0.0238</u>	<u>0.606</u>	<u>6602</u>	<u>0.3545</u>	<u>0.3379</u>	<u>0.3134</u>	<u>0.563</u>
<u>5305</u>	<u>0.0473</u>	<u>0.0452</u>	<u>0.0422</u>	<u>0.665</u>	<u>6603</u>	<u>0.3026</u>	<u>0.2878</u>	<u>0.2665</u>	<u>0.578</u>
<u>5306</u>	<u>0.0473</u>	<u>0.0451</u>	<u>0.0420</u>	<u>0.633</u>	<u>6604</u>	<u>0.0559</u>	<u>0.0535</u>	<u>0.0498</u>	<u>0.570</u>
<u>5307</u>	<u>0.3620</u>	<u>0.3436</u>	<u>0.3175</u>	<u>0.580</u>	<u>6605</u>	<u>0.2484</u>	<u>0.2393</u>	<u>0.2246</u>	<u>0.655</u>
<u>6103</u>	<u>0.0693</u>	<u>0.0664</u>	<u>0.0620</u>	<u>0.629</u>	<u>6607</u>	<u>0.1634</u>	<u>0.1557</u>	<u>0.1446</u>	<u>0.561</u>
<u>6104</u>	<u>0.2937</u>	<u>0.2804</u>	<u>0.2606</u>	<u>0.580</u>	<u>6608</u>	<u>0.4837</u>	<u>0.4553</u>	<u>0.4166</u>	<u>0.454</u>
<u>6105</u>	<u>0.2290</u>	<u>0.2173</u>	<u>0.2005</u>	<u>0.512</u>	<u>6620</u>	<u>3.2449</u>	<u>3.0920</u>	<u>2.8696</u>	<u>0.686</u>
<u>6107</u>	<u>0.1078</u>	<u>0.1037</u>	<u>0.0970</u>	<u>0.623</u>	<u>6704</u>	<u>0.1164</u>	<u>0.1113</u>	<u>0.1035</u>	<u>0.606</u>
<u>6108</u>	<u>0.3521</u>	<u>0.3370</u>	<u>0.3141</u>	<u>0.602</u>	<u>6705</u>	<u>0.7301</u>	<u>0.7005</u>	<u>0.6547</u>	<u>0.655</u>
<u>6109</u>	<u>0.0709</u>	<u>0.0674</u>	<u>0.0624</u>	<u>0.555</u>	<u>6706</u>	<u>0.3122</u>	<u>0.2989</u>	<u>0.2787</u>	<u>0.583</u>
<u>6110</u>	<u>0.3774</u>	<u>0.3595</u>	<u>0.3334</u>	<u>0.566</u>	<u>6707</u>	<u>1.8160</u>	<u>1.7376</u>	<u>1.6196</u>	<u>0.667</u>
<u>6201</u>	<u>0.2827</u>	<u>0.2675</u>	<u>0.2462</u>	<u>0.477</u>	<u>6708</u>	<u>6.8167</u>	<u>6.5266</u>	<u>6.0850</u>	<u>0.445</u>
<u>6202</u>	<u>0.5301</u>	<u>0.5052</u>	<u>0.4688</u>	<u>0.519</u>	<u>6709</u>	<u>0.2319</u>	<u>0.2222</u>	<u>0.2074</u>	<u>0.622</u>
<u>6203</u>	<u>0.0735</u>	<u>0.0707</u>	<u>0.0662</u>	<u>0.651</u>	<u>6801</u>	<u>0.3714</u>	<u>0.3529</u>	<u>0.3263</u>	<u>0.603</u>
<u>6204</u>	<u>0.1252</u>	<u>0.1195</u>	<u>0.1109</u>	<u>0.572</u>	<u>6802</u>	<u>0.3632</u>	<u>0.3478</u>	<u>0.3241</u>	<u>0.641</u>
<u>6205</u>	<u>0.2054</u>	<u>0.1959</u>	<u>0.1818</u>	<u>0.580</u>	<u>6803</u>	<u>0.6762</u>	<u>0.6384</u>	<u>0.5858</u>	<u>0.387</u>
<u>6206</u>	<u>0.1872</u>	<u>0.1783</u>	<u>0.1655</u>	<u>0.595</u>	<u>6804</u>	<u>0.2091</u>	<u>0.1993</u>	<u>0.1848</u>	<u>0.575</u>
<u>6207</u>	<u>1.0544</u>	<u>1.0112</u>	<u>0.9445</u>	<u>0.560</u>	<u>6809</u>	<u>4.4470</u>	<u>4.2428</u>	<u>3.9424</u>	<u>0.587</u>
<u>6208</u>	<u>0.1985</u>	<u>0.1906</u>	<u>0.1780</u>	<u>0.583</u>	<u>6901</u>	<u>0.0393</u>	<u>0.0389</u>	<u>0.0374</u>	<u>0.767</u>
<u>6209</u>	<u>0.2365</u>	<u>0.2264</u>	<u>0.2110</u>	<u>0.599</u>	<u>6902</u>	<u>0.7691</u>	<u>0.7231</u>	<u>0.6608</u>	<u>0.416</u>
<u>6301</u>	<u>0.1143</u>	<u>0.1080</u>	<u>0.0991</u>	<u>0.452</u>	<u>6903</u>	<u>6.5382</u>	<u>6.1427</u>	<u>5.6018</u>	<u>0.301</u>
<u>6302</u>	<u>0.1431</u>	<u>0.1366</u>	<u>0.1268</u>	<u>0.546</u>	<u>6904</u>	<u>0.2813</u>	<u>0.2663</u>	<u>0.2457</u>	<u>0.650</u>
<u>6303</u>	<u>0.0568</u>	<u>0.0541</u>	<u>0.0502</u>	<u>0.558</u>	<u>6905</u>	<u>0.3215</u>	<u>0.3052</u>	<u>0.2818</u>	<u>0.603</u>
<u>6304</u>	<u>0.2509</u>	<u>0.2404</u>	<u>0.2243</u>	<u>0.604</u>	<u>6906</u>	<u>0.1220</u>	<u>0.1206</u>	<u>0.1159</u>	<u>0.715</u>
<u>6305</u>	<u>0.0790</u>	<u>0.0758</u>	<u>0.0708</u>	<u>0.618</u>	<u>6907</u>	<u>0.9142</u>	<u>0.8692</u>	<u>0.8047</u>	<u>0.578</u>
<u>6306</u>	<u>0.2316</u>	<u>0.2209</u>	<u>0.2051</u>	<u>0.607</u>	<u>6908</u>	<u>0.4419</u>	<u>0.4209</u>	<u>0.3904</u>	<u>0.612</u>
<u>6308</u>	<u>0.0464</u>	<u>0.0444</u>	<u>0.0412</u>	<u>0.604</u>	<u>6909</u>	<u>0.0934</u>	<u>0.0891</u>	<u>0.0828</u>	<u>0.585</u>
<u>6309</u>	<u>0.1432</u>	<u>0.1370</u>	<u>0.1276</u>	<u>0.605</u>	<u>7100</u>	<u>0.0265</u>	<u>0.0252</u>	<u>0.0234</u>	<u>0.495</u>
<u>6402</u>	<u>0.2447</u>	<u>0.2338</u>	<u>0.2174</u>	<u>0.633</u>	<u>7101</u>	<u>0.0242</u>	<u>0.0231</u>	<u>0.0213</u>	<u>0.494</u>
<u>6403</u>	<u>0.1306</u>	<u>0.1251</u>	<u>0.1166</u>	<u>0.612</u>	<u>7102</u>	<u>3.4634</u>	<u>3.3391</u>	<u>3.1359</u>	<u>0.598</u>

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<u>7103</u>	<u>0.3954</u>	<u>0.3743</u>	<u>0.3449</u>	<u>0.525</u>	Class	<b>((1998))</b>	<b>((1999))</b>	<b>((2000))</b>	D-Ratio
<u>7104</u>	<u>0.0241</u>	<u>0.0231</u>	<u>0.0214</u>	<u>0.623</u>		<u>1999</u>	<u>2000</u>	<u>2001</u>	
<u>7105</u>	<u>0.0227</u>	<u>0.0218</u>	<u>0.0203</u>	<u>0.657</u>	<u>0530</u>	<u>0.0237</u>	<u>0.0222</u>	<u>0.0202</u>	<u>0.372</u>
<u>7106</u>	<u>0.1453</u>	<u>0.1388</u>	<u>0.1291</u>	<u>0.617</u>	<u>0531</u>	<u>0.0114</u>	<u>0.0107</u>	<u>0.0097</u>	<u>0.404</u>
<u>7107</u>	<u>0.2197</u>	<u>0.2103</u>	<u>0.1959</u>	<u>0.605</u>	<u>0532</u>	<u>0.0010</u>	<u>0.0010</u>	<u>0.0009</u>	<u>0.420</u>
<u>7108</u>	<u>0.1885</u>	<u>0.1811</u>	<u>0.1693</u>	<u>0.617</u>	<u>0533</u>	<u>0.0030</u>	<u>0.0028</u>	<u>0.0026</u>	<u>0.423</u>
<u>7109</u>	<u>0.1230</u>	<u>0.1177</u>	<u>0.1097</u>	<u>0.645</u>	<u>0534</u>	<u>0.0021</u>	<u>0.0019</u>	<u>0.0017</u>	<u>0.393</u>
<u>7110</u>	<u>0.3457</u>	<u>0.3273</u>	<u>0.3014</u>	<u>0.497</u>					
<u>7111</u>	<u>0.3293</u>	<u>0.3128</u>	<u>0.2893</u>	<u>0.557</u>	<b>AMENDATORY SECTION</b> (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)				
<u>7112</u>	<u>0.5109</u>	<u>0.4869</u>	<u>0.4515</u>	<u>0.566</u>	<b>WAC 296-17-890 Table IV.</b>				
<u>7113</u>	<u>0.3621</u>	<u>0.3466</u>	<u>0.3229</u>	<u>0.603</u>	<b>Maximum experience modifications for firms with no compensable accidents:</b>				
<u>7114</u>	<u>0.5414</u>	<u>0.5200</u>	<u>0.4866</u>	<u>0.685</u>					
<u>7115</u>	<u>0.4692</u>	<u>0.4484</u>	<u>0.4171</u>	<u>0.619</u>					
<u>7116</u>	<u>0.4774</u>	<u>0.4552</u>	<u>0.4227</u>	<u>0.575</u>					
<u>7117</u>	<u>0.9597</u>	<u>0.9148</u>	<u>0.8489</u>	<u>0.596</u>					
<u>7118</u>	<u>0.8345</u>	<u>0.7966</u>	<u>0.7403</u>	<u>0.612</u>					
<u>7119</u>	<u>1.2253</u>	<u>1.1652</u>	<u>1.0792</u>	<u>0.590</u>					
<u>7120</u>	<u>4.9075</u>	<u>4.6682</u>	<u>4.3217</u>	<u>0.531</u>					
<u>7121</u>	<u>4.6407</u>	<u>4.4120</u>	<u>4.0826</u>	<u>0.534</u>					
<u>7201</u>	<u>1.0396</u>	<u>0.9832</u>	<u>0.9050</u>	<u>0.520</u>					
<u>7202</u>	<u>0.0317</u>	<u>0.0301</u>	<u>0.0277</u>	<u>0.530</u>					
<u>7203</u>	<u>0.1071</u>	<u>0.1029</u>	<u>0.0962</u>	<u>0.591</u>					
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>1.000</u>					
<u>7301</u>	<u>0.4226</u>	<u>0.4018</u>	<u>0.3721</u>	<u>0.507</u>					
<u>7302</u>	<u>0.6730</u>	<u>0.6399</u>	<u>0.5922</u>	<u>0.524</u>					
<u>7307</u>	<u>0.4577</u>	<u>0.4363</u>	<u>0.4052</u>	<u>0.567</u>					
<u>7308</u>	<u>0.2211</u>	<u>0.2129</u>	<u>0.1996</u>	<u>0.627</u>					
<u>7309</u>	<u>0.2319</u>	<u>0.2222</u>	<u>0.2074</u>	<u>0.622</u>					

**Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed**

Class	<b>((1998))</b>	<b>((1999))</b>	<b>((2000))</b>	D-Ratio				
	<u>1999</u>	<u>2000</u>	<u>2001</u>					
<u>((0524</u>	<u>0.0162</u>	<u>0.0148</u>	<u>0.0127</u>	<u>0.466</u>	<u>((2,784 &amp; Lower</u>			<u>0.90</u>
<u>0526</u>	<u>0.0081</u>	<u>0.0073</u>	<u>0.0063</u>	<u>0.442</u>	<u>2,785 - 2,978</u>			<u>0.89</u>
<u>0527</u>	<u>0.0007</u>	<u>0.0007</u>	<u>0.0005</u>	<u>0.365</u>	<u>2,979 - 3,189</u>			<u>0.88</u>
<u>0528</u>	<u>0.0021</u>	<u>0.0019</u>	<u>0.0016</u>	<u>0.436</u>	<u>3,190 - 3,417</u>			<u>0.87</u>
<u>0529</u>	<u>0.0012</u>	<u>0.0011</u>	<u>0.0010</u>	<u>0.402</u>	<u>3,418 - 3,664</u>			<u>0.86</u>
<u>0530</u>	<u>0.0230</u>	<u>0.0208</u>	<u>0.0179</u>	<u>0.377</u>	<u>3,665 - 3,932</u>			<u>0.85</u>
<u>0531</u>	<u>0.0105</u>	<u>0.0095</u>	<u>0.0082</u>	<u>0.403</u>	<u>3,933 - 4,224</u>			<u>0.84</u>
<u>0532</u>	<u>0.0010</u>	<u>0.0009</u>	<u>0.0008</u>	<u>0.413</u>	<u>4,225 - 4,541</u>			<u>0.83</u>
<u>0533</u>	<u>0.0030</u>	<u>0.0027</u>	<u>0.0024</u>	<u>0.414</u>	<u>4,542 - 4,887</u>			<u>0.82</u>
<u>0534</u>	<u>0.0021</u>	<u>0.0019</u>	<u>0.0016</u>	<u>0.407))</u>	<u>4,888 - 5,263</u>			<u>0.81</u>
<u>0524</u>	<u>0.0166</u>	<u>0.0156</u>	<u>0.0143</u>	<u>0.461</u>	<u>5,264 - 5,674</u>			<u>0.80</u>
<u>0526</u>	<u>0.0089</u>	<u>0.0083</u>	<u>0.0076</u>	<u>0.441</u>	<u>5,675 - 6,122</u>			<u>0.79</u>
<u>0527</u>	<u>0.0008</u>	<u>0.0006</u>	<u>0.0006</u>	<u>0.349</u>	<u>6,123 - 6,612</u>			<u>0.78</u>
<u>0528</u>	<u>0.0021</u>	<u>0.0019</u>	<u>0.0018</u>	<u>0.439</u>	<u>6,613 - 7,149</u>			<u>0.77</u>
<u>0529</u>	<u>0.0013</u>	<u>0.0012</u>	<u>0.0011</u>	<u>0.428</u>	<u>7,150 - 7,737</u>			<u>0.76</u>
					<u>7,738 - 8,383</u>			<u>0.75</u>
					<u>8,384 - 9,092</u>			<u>0.74</u>
					<u>9,093 - 9,872</u>			<u>0.73</u>
					<u>9,873 - 10,732</u>			<u>0.72</u>
					<u>10,733 - 11,680</u>			<u>0.71</u>
					<u>11,681 - 12,727</u>			<u>0.70</u>
					<u>12,728 - 13,885</u>			<u>0.69</u>
					<u>13,886 - 15,168</u>			<u>0.68</u>
					<u>15,169 - 16,592</u>			<u>0.67</u>
					<u>16,593 - 18,173</u>			<u>0.66</u>
					<u>18,174 - 19,934</u>			<u>0.65</u>
					<u>19,935 - 21,896</u>			<u>0.64</u>
					<u>21,897 - 24,088</u>			<u>0.63</u>
					<u>24,089 - 26,540</u>			<u>0.62</u>
					<u>26,541 - 29,288</u>			<u>0.61</u>

Expected Loss Range	Maximum Experience Modification	Class	Base Rates Effective January 1, ((2002)) 2003	
			Accident Fund	Medical Aid Fund
29,289 & Higher	0.60))			
3,069 & Lower	0.90			
3,070 = 3,283	0.89	0103	1.5243	0.5809
3,284 = 3,515	0.88	0104	0.9524	0.3271
3,516 = 3,766	0.87	0105	1.0887	0.5027
3,767 = 4,039	0.86	0107	1.0675	0.4024
4,040 = 4,335	0.85	0108	0.9524	0.3271
4,336 = 4,656	0.84	0112	0.5714	0.2511
4,657 = 5,006	0.83	0201	2.2980	0.7663
5,007 = 5,387	0.82	0202	2.9870	1.0432
5,388 = 5,802	0.81	0210	1.1223	0.3578
5,803 = 6,254	0.80	0212	0.8593	0.3113
6,255 = 6,749	0.79	0214	1.1269	0.3968
6,750 = 7,289	0.78	0217	1.0005	0.3626
7,290 = 7,881	0.77	0219	0.9935	0.3908
7,882 = 8,529	0.76	0301	0.4356	0.2324
8,530 = 9,241	0.75	0302	1.9150	0.4954
9,242 = 10,023	0.74	0303	1.8274	0.5733
10,024 = 10,883	0.73	0306	0.9764	0.3168
10,884 = 11,830	0.72	0307	0.7203	0.3009
11,831 = 12,875	0.71	0308	0.3999	0.2284
12,876 = 14,029	0.70	0403	1.2293	0.6373
14,030 = 15,306	0.69	0502	1.3445	0.4454
15,307 = 16,720	0.68	0504	1.1535	0.4672
16,721 = 18,290	0.67	0506	3.8554	1.4972
18,291 = 20,033	0.66	0507	2.8276	1.1071
20,034 = 21,974	0.65	0508	2.2515	0.6720
21,975 = 24,137	0.64	0509	1.6359	0.4465
24,138 = 26,553	0.63	0510	1.3656	0.5388
26,554 = 29,256	0.62	0511	1.3458	0.5107
29,257 = 32,285	0.61	0512	1.0682	0.4219
32,286 & Higher	0.60	0513	0.6907	0.2600
		0514	1.1380	0.5539
		0516	1.3656	0.5388
		0517	1.4086	0.6232
		0518	1.5761	0.5384
		0519	1.4496	0.6178
		0521	0.7789	0.3072
		0601	0.4865	0.2078
		0602	0.4763	0.1981
		0603	0.8985	0.2948
		0604	0.7257	0.3968
		0606	0.2856	0.1805
		0607	0.3183	0.1592
		0608	0.2362	0.1194

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Base Rates Effective  
January 1, ((2002)) 2003

Class	Accident Fund	Medical Aid Fund
((0101	1.3447	0.4491

PROPOSED

Base Rates Effective  
January 1, ((2002)) 2003Base Rates Effective  
January 1, ((2002)) 2003

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
0701	2.0413	0.4516	2202	0.4868	0.2457
0803	0.3529	0.1742	2203	0.2962	0.2039
0901	1.5761	0.5384	2204	0.2006	0.1099
1002	0.8093	0.3870	2401	0.3147	0.1818
1003	0.6886	0.3757	2903	0.4529	0.2898
1004	0.4384	0.1856	2904	0.5649	0.3205
1005	5.9734	1.9847	2905	0.3868	0.2468
1007	0.2783	0.1211	2906	0.2810	0.1529
1101	0.4961	0.2581	2907	0.3950	0.2309
1102	1.1037	0.4208	2908	0.7648	0.3785
1103	0.8069	0.3791	2909	0.2807	0.1722
1104	0.3226	0.2179	3101	0.6760	0.2811
1105	0.8040	0.3880	3102	0.1937	0.1120
1106	0.2496	0.1789	3103	0.4655	0.2356
1108	0.4083	0.2278	3104	0.5133	0.2208
1109	0.8551	0.4639	3105	0.6018	0.3465
1301	0.4857	0.1970	3303	0.2480	0.1525
1303	0.1530	0.0809	3304	0.4194	0.2750
1304	0.0189	0.0109	3309	0.3010	0.1918
1305	0.2425	0.1384	3402	0.3562	0.1894
1401	0.4521	0.2574	3403	0.1548	0.0798
1404	0.4209	0.2375	3404	0.3726	0.2191
1405	0.3007	0.1696	3405	0.2028	0.1117
1407	0.4209	0.2375	3406	0.1686	0.1019
1501	0.4536	0.1987	3407	0.4631	0.2074
1507	0.4110	0.1960	3408	0.1191	0.0613
1701	0.7009	0.2954	3409	0.0878	0.0567
1702	1.7366	0.5617	3410	0.1610	0.1155
1703	0.6200	0.1800	3411	0.3454	0.1713
1704	0.7009	0.2954	3412	0.4046	0.1867
1801	0.5575	0.2564	3413	0.4924	0.2363
1802	0.4708	0.2350	3414	0.4199	0.2098
2002	0.5351	0.3175	3415	0.5870	0.2967
2004	0.5279	0.3162	3501	0.7506	0.3609
2007	0.3700	0.1886	3503	0.1883	0.1503
2008	0.2393	0.1283	3506	0.9746	0.3014
2009	0.2205	0.1671	3509	0.2929	0.1889
2101	0.5286	0.2806	3510	0.2734	0.1668
2102	0.3536	0.2180	3511	0.5090	0.2734
2104	0.1927	0.1428	3512	0.2716	0.1741
2105	0.5340	0.2790	3513	0.3467	0.2154
2106	0.2787	0.1617	3602	0.0822	0.0554
2201	0.2006	0.1099	3603	0.3976	0.2242

Base Rates Effective  
January 1, ((2002)) 2003Base Rates Effective  
January 1, ((2002)) 2003

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3604	0.7515	0.4593	4901	0.0573	0.0279
3605	0.4008	0.1895	4902	0.0699	0.0368
3701	0.1937	0.1120	4903	0.0626	0.0319
3702	0.2918	0.1820	4904	0.0205	0.0136
3708	0.4208	0.2110	4905	0.2248	0.1680
3802	0.1242	0.0796	4906	0.0726	0.0396
3808	0.3607	0.1814	4907	0.0398	0.0244
3901	0.1026	0.0837	4908	0.0622	0.0923
3902	0.2914	0.1846	4909	0.0280	0.0379
3903	0.8160	0.5627	4910	0.3029	0.1789
3905	0.1026	0.0837	5001	4.7105	1.4436
3906	0.3622	0.2159	5002	0.4451	0.2191
3909	0.1650	0.1103	5003	1.4514	0.4656
4002	0.9639	0.3821	5004	0.9719	0.4776
4101	0.2182	0.1175	5005	0.6978	0.2443
4103	0.2337	0.1861	5006	1.5815	0.5548
4107	0.1043	0.0562	5101	0.7541	0.3979
4108	0.1198	0.0700	5103	0.5302	0.3767
4109	0.1779	0.1040	5106	0.5302	0.3767
4201	0.5058	0.1794	5108	0.6367	0.3845
4301	0.5527	0.3486	5109	0.5331	0.2360
4302	0.4490	0.2292	5201	0.2925	0.1486
4304	0.6640	0.3579	5204	0.7027	0.3671
4305	0.9341	0.3670	5206	0.3111	0.1420
4401	0.2993	0.1829	5207	0.1215	0.0883
4402	0.5302	0.2947	5208	0.6773	0.3574
4404	0.2786	0.1769	5209	0.6343	0.3195
4501	0.1281	0.0786	5301	0.0238	0.0150
4502	0.0341	0.0216	5305	0.0404	0.0265
4504	0.0700	0.0521	5306	0.0380	0.0234
4601	0.5040	0.2901	5307	0.3311	0.1591
4802	0.1614	0.1001	6103	0.0499	0.0407
4803	0.1551	0.1087	6104	0.2494	0.1557
4804	0.4654	0.2654	6105	0.1968	0.0973
4805	0.1887	0.1308	6107	0.0730	0.0662
4806	0.0369	0.0247	6108	0.2701	0.2041
4808	0.3397	0.1889	6109	0.0609	0.0338
4809	0.2233	0.1441	6110	0.3049	0.1847
4810	0.0925	0.0722	6201	0.2847	0.1225
4811	0.1669	0.1159	6202	0.4656	0.3065
4812	0.2640	0.1517	6203	0.0519	0.0476
4813	0.1244	0.0765	6204	0.1115	0.0730
4900	0.3111	0.1420	6205	0.1693	0.1070

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Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
6206	0.1578	0.0909	6704	0.0922	0.0590
6207	0.8313	0.7236	6705	0.5356	0.4206
6208	0.1475	0.1313	6706	0.2549	0.1989
6209	0.1725	0.1289	6707	1.2905	0.9222
6301	0.1236	0.0503	6708	4.6330	4.1378
6302	0.1201	0.0791	6709	0.1743	0.1344
6303	0.0504	0.0316	6801	0.3256	0.1540
6304	0.1707	0.1417	6802	0.2970	0.2175
6305	0.0600	0.0486	6803	0.6481	0.2796
6306	0.1937	0.1152	6804	0.1831	0.1098
6308	0.0395	0.0254	6809	4.0319	2.7122
6309	0.1122	0.0798	6901	0.0000	0.0451
6402	0.2005	0.1286	6902	0.8083	0.2745
6403	0.1025	0.0773	6903	6.5754	2.1405
6404	0.1226	0.0944	6904	0.2885	0.1131
6405	0.4440	0.2374	6905	0.2917	0.1394
6406	0.0561	0.0416	6906	0.0000	0.1394
6407	0.1783	0.1176	6907	0.8149	0.4418
6408	0.2490	0.1469	6908	0.4176	0.2284
6409	0.4924	0.2363	6909	0.0746	0.0493
6410	0.1795	0.1037	7100	0.0228	0.0138
6501	0.0998	0.0591	7101	0.0230	0.0132
6502	0.0188	0.0131	7102	2.1275	2.4076
6503	0.0613	0.0262	7103	0.3446	0.1515
6504	0.2179	0.1867	7104	0.0194	0.0134
6505	0.0662	0.0542	7105	0.0176	0.0129
6506	0.0605	0.0445	7106	0.1137	0.0777
6509	0.2176	0.1574	7107	0.1827	0.1321
6510	0.3208	0.1497	7108	0.1412	0.1205
6511	0.2134	0.1612	7109	0.1009	0.0745
6601	0.1256	0.0893	7110	0.3313	0.1576
6602	0.3194	0.1926	7111	0.3129	0.1715
6603	0.2631	0.1535	7112	0.4737	0.2734
6604	0.0440	0.0314	7113	0.3480	0.2354
6605	0.1735	0.1709	7114	0.4120	0.3499
6607	0.1394	0.0902	7115	0.3981	0.2502
6608	0.4789	0.1636	7116	0.3917	0.2437
6614	792.0000*	422.0000*	7117	0.8056	0.4754
6615	292.0000*	157.0000*	7118	0.7528	0.4362
6616	261.0000*	133.0000*	7119	1.2801	0.6890
6617	96.0000*	48.0000*	7120	4.3112	2.4570
6618	99.0000*	50.0000*	7121	4.1232	2.2341
6620	2.5835	1.3909	7201	1.0168	0.4113

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Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<del>7202</del>	<del>0.0288</del>	<del>0.0145</del>	<u>0519</u>	<u>1.8197</u>	<u>1.1144</u>
<del>7203</del>	<del>0.0793</del>	<del>0.0685</del>	<u>0521</u>	<u>0.8168</u>	<u>0.5080</u>
<del>7204</del>	<del>0.0000</del>	<del>0.0000</del>	<u>0601</u>	<u>0.6239</u>	<u>0.3946</u>
<del>7301</del>	<del>0.3941</del>	<del>0.2181</del>	<u>0602</u>	<u>0.6642</u>	<u>0.4025</u>
<del>7302</del>	<del>0.5774</del>	<del>0.3226</del>	<u>0603</u>	<u>1.2580</u>	<u>0.5947</u>
<del>7307</del>	<del>0.3974</del>	<del>0.2569</del>	<u>0604</u>	<u>0.9105</u>	<u>0.7388</u>
<del>7308</del>	<del>0.1550</del>	<del>0.1524</del>	<u>0606</u>	<u>0.4104</u>	<u>0.3563</u>
<del>7309</del>	<del>0.1743</del>	<del>0.1344))</del>	<u>0607</u>	<u>0.4054</u>	<u>0.3190</u>
<u>0101</u>	<u>1.6945</u>	<u>0.8389</u>	<u>0608</u>	<u>0.3225</u>	<u>0.2423</u>
<u>0103</u>	<u>1.7984</u>	<u>1.0799</u>	<u>0701</u>	<u>2.5731</u>	<u>0.8495</u>
<u>0104</u>	<u>1.1526</u>	<u>0.6197</u>	<u>0803</u>	<u>0.4766</u>	<u>0.3596</u>
<u>0105</u>	<u>1.3920</u>	<u>0.9464</u>	<u>0901</u>	<u>1.8931</u>	<u>0.9812</u>
<u>0107</u>	<u>1.3234</u>	<u>0.7432</u>	<u>1002</u>	<u>1.0672</u>	<u>0.7431</u>
<u>0108</u>	<u>1.1526</u>	<u>0.6197</u>	<u>1003</u>	<u>0.8818</u>	<u>0.6588</u>
<u>0112</u>	<u>0.7468</u>	<u>0.4553</u>	<u>1004</u>	<u>0.5551</u>	<u>0.3460</u>
<u>0201</u>	<u>2.7801</u>	<u>1.4250</u>	<u>1005</u>	<u>7.7634</u>	<u>4.0549</u>
<u>0202</u>	<u>3.8973</u>	<u>2.0422</u>	<u>1007</u>	<u>0.3534</u>	<u>0.2304</u>
<u>0210</u>	<u>1.4691</u>	<u>0.6943</u>	<u>1101</u>	<u>0.6186</u>	<u>0.4791</u>
<u>0212</u>	<u>1.1906</u>	<u>0.6357</u>	<u>1102</u>	<u>1.4161</u>	<u>0.8032</u>
<u>0214</u>	<u>1.4444</u>	<u>0.7603</u>	<u>1103</u>	<u>1.1046</u>	<u>0.7921</u>
<u>0217</u>	<u>1.2817</u>	<u>0.6970</u>	<u>1104</u>	<u>0.4545</u>	<u>0.4413</u>
<u>0219</u>	<u>1.2161</u>	<u>0.7985</u>	<u>1105</u>	<u>1.0503</u>	<u>0.7486</u>
<u>0301</u>	<u>0.5489</u>	<u>0.4344</u>	<u>1106</u>	<u>0.3211</u>	<u>0.3272</u>
<u>0302</u>	<u>2.4787</u>	<u>0.9614</u>	<u>1108</u>	<u>0.5578</u>	<u>0.4524</u>
<u>0303</u>	<u>2.2224</u>	<u>1.0552</u>	<u>1109</u>	<u>1.1729</u>	<u>0.9228</u>
<u>0306</u>	<u>1.1958</u>	<u>0.5935</u>	<u>1301</u>	<u>0.6625</u>	<u>0.3864</u>
<u>0307</u>	<u>0.9392</u>	<u>0.5745</u>	<u>1303</u>	<u>0.2160</u>	<u>0.1674</u>
<u>0308</u>	<u>0.5020</u>	<u>0.4275</u>	<u>1304</u>	<u>0.0233</u>	<u>0.0201</u>
<u>0403</u>	<u>1.6272</u>	<u>1.2699</u>	<u>1305</u>	<u>0.3349</u>	<u>0.2779</u>
<u>0502</u>	<u>1.7802</u>	<u>0.8561</u>	<u>1401</u>	<u>0.5474</u>	<u>0.4580</u>
<u>0504</u>	<u>1.4329</u>	<u>0.8471</u>	<u>1404</u>	<u>0.5945</u>	<u>0.4916</u>
<u>0506</u>	<u>5.1481</u>	<u>2.9704</u>	<u>1405</u>	<u>0.3901</u>	<u>0.3290</u>
<u>0507</u>	<u>3.4576</u>	<u>2.0392</u>	<u>1407</u>	<u>0.5945</u>	<u>0.4916</u>
<u>0508</u>	<u>2.5081</u>	<u>1.0796</u>	<u>1501</u>	<u>0.5765</u>	<u>0.3756</u>
<u>0509</u>	<u>2.1617</u>	<u>0.8716</u>	<u>1507</u>	<u>0.5482</u>	<u>0.3844</u>
<u>0510</u>	<u>1.7467</u>	<u>1.0310</u>	<u>1701</u>	<u>1.0155</u>	<u>0.5937</u>
<u>0511</u>	<u>1.8681</u>	<u>1.0004</u>	<u>1702</u>	<u>2.2144</u>	<u>1.0614</u>
<u>0512</u>	<u>1.3497</u>	<u>0.7870</u>	<u>1703</u>	<u>0.9111</u>	<u>0.3565</u>
<u>0513</u>	<u>0.9485</u>	<u>0.5283</u>	<u>1704</u>	<u>1.0155</u>	<u>0.5937</u>
<u>0514</u>	<u>1.6370</u>	<u>1.0661</u>	<u>1801</u>	<u>0.6493</u>	<u>0.4455</u>
<u>0516</u>	<u>1.7467</u>	<u>1.0310</u>	<u>1802</u>	<u>0.6453</u>	<u>0.4491</u>
<u>0517</u>	<u>1.7376</u>	<u>1.1315</u>	<u>2002</u>	<u>0.6822</u>	<u>0.5948</u>
<u>0518</u>	<u>1.8931</u>	<u>0.9812</u>	<u>2004</u>	<u>0.7449</u>	<u>0.6211</u>

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Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>2007</u>	<u>0.4526</u>	<u>0.3485</u>	<u>3506</u>	<u>1.2322</u>	<u>0.5767</u>
<u>2008</u>	<u>0.3155</u>	<u>0.2478</u>	<u>3509</u>	<u>0.3804</u>	<u>0.3645</u>
<u>2009</u>	<u>0.2941</u>	<u>0.3318</u>	<u>3510</u>	<u>0.3596</u>	<u>0.3123</u>
<u>2101</u>	<u>0.7117</u>	<u>0.5624</u>	<u>3511</u>	<u>0.6723</u>	<u>0.5376</u>
<u>2102</u>	<u>0.4831</u>	<u>0.4369</u>	<u>3512</u>	<u>0.3273</u>	<u>0.3084</u>
<u>2104</u>	<u>0.2663</u>	<u>0.2851</u>	<u>3513</u>	<u>0.4539</u>	<u>0.4215</u>
<u>2105</u>	<u>0.6424</u>	<u>0.5080</u>	<u>3602</u>	<u>0.1081</u>	<u>0.1041</u>
<u>2106</u>	<u>0.3948</u>	<u>0.3312</u>	<u>3603</u>	<u>0.4854</u>	<u>0.4038</u>
<u>2201</u>	<u>0.2538</u>	<u>0.2083</u>	<u>3604</u>	<u>0.8822</u>	<u>0.7995</u>
<u>2202</u>	<u>0.6874</u>	<u>0.5004</u>	<u>3605</u>	<u>0.5244</u>	<u>0.3652</u>
<u>2203</u>	<u>0.4174</u>	<u>0.4177</u>	<u>3701</u>	<u>0.2674</u>	<u>0.2237</u>
<u>2204</u>	<u>0.2538</u>	<u>0.2083</u>	<u>3702</u>	<u>0.3950</u>	<u>0.3626</u>
<u>2401</u>	<u>0.4471</u>	<u>0.3545</u>	<u>3708</u>	<u>0.5981</u>	<u>0.4331</u>
<u>2903</u>	<u>0.6234</u>	<u>0.5763</u>	<u>3802</u>	<u>0.1629</u>	<u>0.1519</u>
<u>2904</u>	<u>0.6706</u>	<u>0.5688</u>	<u>3808</u>	<u>0.4629</u>	<u>0.3441</u>
<u>2905</u>	<u>0.5113</u>	<u>0.4956</u>	<u>3901</u>	<u>0.1293</u>	<u>0.1548</u>
<u>2906</u>	<u>0.3491</u>	<u>0.2798</u>	<u>3902</u>	<u>0.3947</u>	<u>0.3725</u>
<u>2907</u>	<u>0.4904</u>	<u>0.4369</u>	<u>3903</u>	<u>1.0555</u>	<u>1.0518</u>
<u>2908</u>	<u>1.0323</u>	<u>0.7433</u>	<u>3905</u>	<u>0.1293</u>	<u>0.1548</u>
<u>2909</u>	<u>0.3863</u>	<u>0.3362</u>	<u>3906</u>	<u>0.4894</u>	<u>0.4218</u>
<u>3101</u>	<u>1.0165</u>	<u>0.6108</u>	<u>3909</u>	<u>0.2219</u>	<u>0.2180</u>
<u>3102</u>	<u>0.2674</u>	<u>0.2237</u>	<u>4002</u>	<u>1.3535</u>	<u>0.7779</u>
<u>3103</u>	<u>0.5599</u>	<u>0.4236</u>	<u>4101</u>	<u>0.2835</u>	<u>0.2227</u>
<u>3104</u>	<u>0.6333</u>	<u>0.4119</u>	<u>4103</u>	<u>0.3546</u>	<u>0.4136</u>
<u>3105</u>	<u>0.7337</u>	<u>0.6430</u>	<u>4107</u>	<u>0.1397</u>	<u>0.1149</u>
<u>3303</u>	<u>0.3882</u>	<u>0.3302</u>	<u>4108</u>	<u>0.1494</u>	<u>0.1294</u>
<u>3304</u>	<u>0.4953</u>	<u>0.4693</u>	<u>4109</u>	<u>0.2238</u>	<u>0.1934</u>
<u>3309</u>	<u>0.3856</u>	<u>0.3395</u>	<u>4201</u>	<u>0.6863</u>	<u>0.3478</u>
<u>3402</u>	<u>0.4885</u>	<u>0.3801</u>	<u>4301</u>	<u>0.6610</u>	<u>0.6099</u>
<u>3403</u>	<u>0.2013</u>	<u>0.1515</u>	<u>4302</u>	<u>0.5670</u>	<u>0.4447</u>
<u>3404</u>	<u>0.4879</u>	<u>0.4233</u>	<u>4304</u>	<u>0.8484</u>	<u>0.6807</u>
<u>3405</u>	<u>0.2774</u>	<u>0.2252</u>	<u>4305</u>	<u>1.2414</u>	<u>0.6928</u>
<u>3406</u>	<u>0.1974</u>	<u>0.1858</u>	<u>4401</u>	<u>0.3763</u>	<u>0.3377</u>
<u>3407</u>	<u>0.6393</u>	<u>0.4175</u>	<u>4402</u>	<u>0.6900</u>	<u>0.5813</u>
<u>3408</u>	<u>0.1655</u>	<u>0.1261</u>	<u>4404</u>	<u>0.4010</u>	<u>0.3800</u>
<u>3409</u>	<u>0.1233</u>	<u>0.1176</u>	<u>4501</u>	<u>0.1800</u>	<u>0.1603</u>
<u>3410</u>	<u>0.2123</u>	<u>0.2204</u>	<u>4502</u>	<u>0.0394</u>	<u>0.0403</u>
<u>3411</u>	<u>0.4587</u>	<u>0.3313</u>	<u>4504</u>	<u>0.0894</u>	<u>0.0979</u>
<u>3412</u>	<u>0.5567</u>	<u>0.3549</u>	<u>4601</u>	<u>0.6628</u>	<u>0.5567</u>
<u>3414</u>	<u>0.5337</u>	<u>0.3825</u>	<u>4802</u>	<u>0.2166</u>	<u>0.1942</u>
<u>3415</u>	<u>0.7203</u>	<u>0.5396</u>	<u>4803</u>	<u>0.2116</u>	<u>0.2155</u>
<u>3501</u>	<u>0.9965</u>	<u>0.7188</u>	<u>4804</u>	<u>0.5483</u>	<u>0.4731</u>
<u>3503</u>	<u>0.2612</u>	<u>0.2976</u>	<u>4805</u>	<u>0.2455</u>	<u>0.2518</u>

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Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
4806	<u>0.0475</u>	<u>0.0471</u>	6108	<u>0.3670</u>	<u>0.3928</u>
4808	<u>0.4395</u>	<u>0.3662</u>	6109	<u>0.0838</u>	<u>0.0680</u>
4809	<u>0.3051</u>	<u>0.2925</u>	6110	<u>0.4327</u>	<u>0.3769</u>
4810	<u>0.1252</u>	<u>0.1360</u>	6201	<u>0.3641</u>	<u>0.2346</u>
4811	<u>0.2150</u>	<u>0.2161</u>	6202	<u>0.5846</u>	<u>0.5498</u>
4812	<u>0.3542</u>	<u>0.2993</u>	6203	<u>0.0680</u>	<u>0.0916</u>
4813	<u>0.1612</u>	<u>0.1438</u>	6204	<u>0.1394</u>	<u>0.1293</u>
4900	<u>0.3936</u>	<u>0.2686</u>	6205	<u>0.2335</u>	<u>0.2083</u>
4901	<u>0.0748</u>	<u>0.0555</u>	6206	<u>0.2190</u>	<u>0.1836</u>
4902	<u>0.0957</u>	<u>0.0733</u>	6207	<u>1.0055</u>	<u>1.2663</u>
4903	<u>0.0946</u>	<u>0.0692</u>	6208	<u>0.1889</u>	<u>0.2397</u>
4904	<u>0.0275</u>	<u>0.0261</u>	6209	<u>0.2437</u>	<u>0.2665</u>
4905	<u>0.2889</u>	<u>0.3127</u>	6301	<u>0.1506</u>	<u>0.0907</u>
4906	<u>0.0929</u>	<u>0.0756</u>	6302	<u>0.1554</u>	<u>0.1514</u>
4907	<u>0.0488</u>	<u>0.0434</u>	6303	<u>0.0635</u>	<u>0.0582</u>
4908	<u>0.0817</u>	<u>0.1706</u>	6304	<u>0.2523</u>	<u>0.2898</u>
4909	<u>0.0376</u>	<u>0.0720</u>	6305	<u>0.0783</u>	<u>0.0927</u>
4910	<u>0.3910</u>	<u>0.3361</u>	6306	<u>0.2651</u>	<u>0.2338</u>
5001	<u>5.8463</u>	<u>2.6663</u>	6308	<u>0.0518</u>	<u>0.0482</u>
5002	<u>0.5996</u>	<u>0.4300</u>	6309	<u>0.1526</u>	<u>0.1565</u>
5003	<u>2.0222</u>	<u>0.9177</u>	6402	<u>0.2724</u>	<u>0.2568</u>
5004	<u>1.1531</u>	<u>0.8475</u>	6403	<u>0.1372</u>	<u>0.1450</u>
5005	<u>0.8165</u>	<u>0.4414</u>	6404	<u>0.1643</u>	<u>0.1773</u>
5006	<u>1.9973</u>	<u>1.0346</u>	6405	<u>0.5812</u>	<u>0.4476</u>
5101	<u>0.9917</u>	<u>0.7365</u>	6406	<u>0.0798</u>	<u>0.0857</u>
5103	<u>0.6948</u>	<u>0.7145</u>	6407	<u>0.2351</u>	<u>0.2296</u>
5106	<u>0.6948</u>	<u>0.7145</u>	6408	<u>0.3643</u>	<u>0.3050</u>
5108	<u>0.8593</u>	<u>0.7581</u>	6409	<u>0.7189</u>	<u>0.4974</u>
5109	<u>0.7194</u>	<u>0.4682</u>	6410	<u>0.2383</u>	<u>0.2035</u>
5201	<u>0.4119</u>	<u>0.3119</u>	6501	<u>0.1478</u>	<u>0.1282</u>
5204	<u>0.9453</u>	<u>0.7275</u>	6502	<u>0.0287</u>	<u>0.0287</u>
5206	<u>0.3936</u>	<u>0.2686</u>	6503	<u>0.0799</u>	<u>0.0493</u>
5207	<u>0.1521</u>	<u>0.1639</u>	6504	<u>0.2846</u>	<u>0.3497</u>
5208	<u>0.8816</u>	<u>0.6753</u>	6505	<u>0.0865</u>	<u>0.1059</u>
5209	<u>0.8192</u>	<u>0.5938</u>	6506	<u>0.0815</u>	<u>0.0874</u>
5301	<u>0.0297</u>	<u>0.0280</u>	6509	<u>0.3099</u>	<u>0.3219</u>
5305	<u>0.0517</u>	<u>0.0510</u>	6510	<u>0.4733</u>	<u>0.3064</u>
5306	<u>0.0529</u>	<u>0.0492</u>	6511	<u>0.2659</u>	<u>0.2979</u>
5307	<u>0.4560</u>	<u>0.3203</u>	6601	<u>0.1689</u>	<u>0.1625</u>
6103	<u>0.0691</u>	<u>0.0807</u>	6602	<u>0.4046</u>	<u>0.3563</u>
6104	<u>0.3235</u>	<u>0.3084</u>	6603	<u>0.3623</u>	<u>0.2870</u>
6105	<u>0.2837</u>	<u>0.2037</u>	6604	<u>0.0591</u>	<u>0.0611</u>
6107	<u>0.1016</u>	<u>0.1316</u>	6605	<u>0.2214</u>	<u>0.3190</u>

PROPOSED

PROPOSED

Base Rates Effective  
January 1, ((2002)) 2003

Base Rates Effective  
January 1, ((2002)) 2003

Class	Accident Fund	Medical Aid Fund
6607	0.1833	0.1674
6608	0.6875	0.3317
6614	949.0000*	855.0000*
6615	341.0000*	323.0000*
6616	280.0000*	249.0000*
6617	105.0000*	94.0000*
6618	99.0000*	50.0000*
6620	3.9535	3.0846
6704	0.1285	0.1224
6705	0.7309	0.8545
6706	0.3191	0.3535
6707	1.9781	1.9660
6708	6.3159	8.2269
6709	0.2366	0.2656
6801	0.4640	0.3333
6802	0.3848	0.4014
6803	0.8780	0.5413
6804	0.2397	0.2092
6809	4.9670	4.6082
6901	0.0000	0.0792
6902	1.0997	0.5155
6903	9.1113	4.4511
6904	0.4710	0.2924
6905	0.4126	0.2777
6906	0.0000	0.2448
6907	1.1049	0.8577
6908	0.5233	0.4288
6909	0.1042	0.0967
7100	0.0300	0.0265
7101	0.0280	0.0236
7102	2.8707	4.6395
7103	0.5129	0.3295
7104	0.0268	0.0252
7105	0.0239	0.0254
7106	0.1615	0.1521
7107	0.2299	0.2445
7108	0.1799	0.2285
7109	0.1318	0.1349
7110	0.4436	0.2911
7111	0.4033	0.3019
7112	0.5859	0.5103
7113	0.3788	0.4023
7114	0.5400	0.6398

Class	Accident Fund	Medical Aid Fund
7115	0.5158	0.4973
7116	0.5375	0.4893
7117	1.1059	0.9591
7118	0.9380	0.8611
7119	1.4819	1.1522
7120	5.7445	4.7421
7121	5.5069	4.4112
7201	1.3722	0.8406
7202	0.0399	0.0276
7203	0.1008	0.1307
7204	0.0000	0.0000
7301	0.4906	0.4115
7302	0.7909	0.6466
7307	0.5147	0.4692
7308	0.1981	0.2820
7309	0.2366	0.2656

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.** The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective  
January 1, ((2002)) 2003

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((0524	0.0179	0.0057	0.0005
0526	0.0088	0.0029	0.0005
0527	0.0008	0.0002	0.0001
0528	0.0022	0.0008	0.0001
0529	0.0014	0.0004	0.0001
0530	0.0263	0.0071	0.0005
0531	0.0119	0.0034	0.0005
0532	0.0011	0.0003	0.0001
0533	0.0032	0.0011	0.0001
0534	0.0023	0.0007	0.0001))
0540	((0.0188))	((0.0060))	0.0006
	0.0246	0.0118	

PROPOSED

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund	Size Group Number	Standard Premium Range
0541	<del>((0.0092))</del> <u>0.0133</u>	<del>((0.0030))</del> <u>0.0061</u>	0.0006	34	83,611 - 91,970
0550	<del>((0.0275))</del> <u>0.0370</u>	<del>((0.0075))</del> <u>0.0147</u>	0.0006	33	91,971 - 101,168
0551	<del>((0.0125))</del> <u>0.0177</u>	<del>((0.0036))</del> <u>0.0072</u>	0.0006	32	101,169 - 111,284
				31	111,285 - 121,853
				30	121,854 - 133,510
				29	133,511 - 146,795
				28	146,796 - 161,821
				27	161,822 - 179,114
				26	179,115 - 199,119
				25	199,120 - 222,074
				24	222,075 - 248,951
				23	248,952 - 280,630
				22	280,631 - 317,655
				21	317,656 - 361,973
				20	361,974 - 415,488
				19	415,489 - 479,560
				18	479,561 - 558,536
				17	558,537 - 657,049
				16	657,050 - 778,945
				15	778,946 - 995,070
				14	995,071 - 1,271,163
				13	1,271,164 - 1,623,860
				12	1,623,861 - 2,074,416
				11	2,074,417 - 2,649,964
				10	2,649,965 - 3,809,234
				9	3,809,235 - 5,590,539
				8	5,590,540 - 7,948,637
				7	7,948,638 - 11,711,689
				6	11,711,690 - 18,215,127
				5	18,215,128 - 28,753,854
				4	28,753,855 & Over))
				<u>63</u>	<u>\$4,575</u> = <u>\$5,527</u>
				<u>62</u>	<u>5,528</u> = <u>6,638</u>
				<u>61</u>	<u>6,639</u> = <u>7,898</u>
				<u>60</u>	<u>7,899</u> = <u>9,345</u>
				<u>59</u>	<u>9,346</u> = <u>10,999</u>
				<u>58</u>	<u>11,000</u> = <u>12,859</u>
				<u>57</u>	<u>12,860</u> = <u>14,979</u>
				<u>56</u>	<u>14,980</u> = <u>17,229</u>
				<u>55</u>	<u>17,230</u> = <u>19,599</u>
				<u>54</u>	<u>19,600</u> = <u>22,109</u>
				<u>53</u>	<u>22,110</u> = <u>24,739</u>
				<u>52</u>	<u>24,740</u> = <u>27,509</u>
				<u>51</u>	<u>27,510</u> = <u>30,409</u>

AMENDATORY SECTION (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

WAC 296-17-90492 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, (~~2002~~) 2003

Size Group Number	Standard Premium Range
<del>((63</del>	<del>\$ 3,202 - \$ 3,648</del>
62	3,649 - 4,381
61	4,382 - 5,213
60	5,214 - 6,168
59	6,169 - 7,260
58	7,261 - 8,490
57	8,491 - 9,887
56	9,888 - 11,369
55	11,370 - 12,937
54	12,938 - 14,591
53	14,592 - 16,331
52	16,332 - 18,157
51	18,158 - 20,069
50	20,070 - 22,068
49	22,069 - 24,188
48	24,189 - 26,322
47	26,323 - 28,462
46	28,463 - 30,813
45	30,814 - 33,429
44	33,430 - 36,342
43	36,343 - 39,563
42	39,564 - 43,170
41	43,171 - 47,221
40	47,222 - 51,734
39	51,735 - 56,831
38	56,832 - 62,608
37	62,609 - 69,099
36	69,100 - 76,008
35	76,009 - 83,610

PROPOSED

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
<u>50</u>	<u>30,410</u> - <u>33,459</u>	<u>24</u>	<u>336,400</u> - <u>377,199</u>
<u>49</u>	<u>33,460</u> - <u>36,649</u>	<u>23</u>	<u>377,200</u> - <u>425,199</u>
<u>48</u>	<u>36,650</u> - <u>39,879</u>	<u>22</u>	<u>425,200</u> - <u>481,199</u>
<u>47</u>	<u>39,880</u> - <u>43,119</u>	<u>21</u>	<u>481,200</u> - <u>548,399</u>
<u>46</u>	<u>43,120</u> - <u>46,679</u>	<u>20</u>	<u>548,400</u> - <u>629,499</u>
<u>45</u>	<u>46,680</u> - <u>50,649</u>	<u>19</u>	<u>629,500</u> - <u>726,499</u>
<u>44</u>	<u>50,650</u> - <u>55,059</u>	<u>18</u>	<u>726,500</u> - <u>846,199</u>
<u>43</u>	<u>55,060</u> - <u>59,939</u>	<u>17</u>	<u>846,200</u> - <u>995,399</u>
<u>42</u>	<u>59,940</u> - <u>65,399</u>	<u>16</u>	<u>995,400</u> - <u>1,209,999</u>
<u>41</u>	<u>65,400</u> - <u>71,539</u>	<u>15</u>	<u>1,210,000</u> - <u>1,507,999</u>
<u>40</u>	<u>71,540</u> - <u>78,379</u>	<u>14</u>	<u>1,508,000</u> - <u>1,925,999</u>
<u>39</u>	<u>78,380</u> - <u>86,099</u>	<u>13</u>	<u>1,926,000</u> - <u>2,459,999</u>
<u>38</u>	<u>86,100</u> - <u>94,849</u>	<u>12</u>	<u>2,460,000</u> - <u>3,142,999</u>
<u>37</u>	<u>94,850</u> - <u>104,699</u>	<u>11</u>	<u>3,143,000</u> - <u>4,165,999</u>
<u>36</u>	<u>104,700</u> - <u>115,199</u>	<u>10</u>	<u>4,166,000</u> - <u>5,770,999</u>
<u>35</u>	<u>115,200</u> - <u>126,699</u>	<u>9</u>	<u>5,771,000</u> - <u>8,317,999</u>
<u>34</u>	<u>126,700</u> - <u>139,299</u>	<u>8</u>	<u>8,318,000</u> - <u>12,039,999</u>
<u>33</u>	<u>139,300</u> - <u>153,299</u>	<u>7</u>	<u>12,040,000</u> - <u>17,739,999</u>
<u>32</u>	<u>153,300</u> - <u>168,599</u>	<u>6</u>	<u>17,740,000</u> - <u>27,599,999</u>
<u>31</u>	<u>168,600</u> - <u>184,599</u>	<u>5</u>	<u>27,600,000</u> - <u>43,559,999</u>
<u>30</u>	<u>184,600</u> - <u>202,299</u>	<u>4</u>	<u>43,560,000</u> - <u>&amp; Over</u>
<u>29</u>	<u>202,300</u> - <u>222,399</u>		
<u>28</u>	<u>222,400</u> - <u>245,199</u>		
<u>27</u>	<u>245,200</u> - <u>271,399</u>		
<u>26</u>	<u>271,400</u> - <u>301,699</u>		
<u>25</u>	<u>301,700</u> - <u>336,399</u>		

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90493 Table II.**

RETROSPECTIVE RATING PLAN A  
 BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~2002~~) 2003

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221
34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

PROPOSED

AMENDATORY SECTION (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

WAC 296-17-90494 Table III.

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO = .058  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, ((2002)) 2003

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

PROPOSED

AMENDATORY SECTION (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90495 Table IV.**

RETROSPECTIVE RATING PLAN A2  
MINIMUM PREMIUM RATIOS  
AND BASIC PREMIUM RATIOS  
LOSS CONVERSION FACTOR = .729  
Effective January 1, ((2002)) 2003

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
63	Basic Premium Ratio	.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
	Minimum Premium Ratio	.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62	Basic Premium Ratio	.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
	Minimum Premium Ratio	.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61	Basic Premium Ratio	.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
	Minimum Premium Ratio	.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730
60	Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
	Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660
50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623
41	Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
	Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40	Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
	Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609
39	Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
	Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38	Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
	Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37	Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36 Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590
35 Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34 Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587
33 Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32 Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31 Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30 Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29 Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28 Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27 Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26 Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25 Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542
24 Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23 Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564
22 Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580
21 Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20 Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19 Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>PROPOSED</b>															
Size Group															
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90496 Table V.**

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, ((2002)) 2003

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
	Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682
62	Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
	Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61	Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
	Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60	Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
	Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59	Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
	Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58	Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
	Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57	Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
	Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56	Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
	Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55	Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
	Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54	Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
	Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53	Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
	Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589
52	Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
	Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51	Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
	Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573
50	Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
	Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49	Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
	Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555
48	Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
	Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547
47	Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
	Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46	Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
	Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
45	Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
	Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44	Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
	Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523
43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151

PROPOSED

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27 Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400
26 Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25 Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24 Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23 Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22 Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21 Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20 Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19 Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18 Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352
17 Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16 Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15 Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346
14 Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13 Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12 Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345
11 Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<u>Size Group</u>															
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

AMENDATORY SECTION (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-90497 Table VI.**

RETROSPECTIVE RATING PLAN B  
 BASIC PREMIUM RATIOS  
 AND LOSS CONVERSION FACTORS  
 Effective January 1, (~~2002~~) 2003

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<u>Size Group</u>															
63	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62	Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
	Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60	Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
	Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59	Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
	Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57	Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
	Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229
56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756

PROPOSED

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276
53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925
30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827	.812
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000

PROPOSED

PROPOSED

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817	.805
18 Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810	.799
17 Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803	.794
16 Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798	.790
15 Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794	.788
14 Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793	.787
13 Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791	.786
12 Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790	.785
11 Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788	.784
10 Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786	.782
8 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784	.781
7 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783	.780
6 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782	.779
5 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780	.778
4 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779	.777

**AMENDATORY SECTION** (Amending WSR 01-23-061, filed 11/20/01, effective 1/1/02)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ((~~36.0~~) 34.2 mills ((~~\$.0360~~) \$.0342) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each

employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-90100	Purpose.
WAC 296-17-90110	Definitions.
WAC 296-17-90120	Qualifications for drug-free workplace discount.
WAC 296-17-90130	Application of drug-free workplace discount.
WAC 296-17-90140	Drug-free workplace discount certification.
WAC 296-17-90150	Maximum program cap for drug-free workplace discount.

**WSR 02-19-106  
PROPOSED RULES  
PUGET SOUND  
CLEAN AIR AGENCY**

[Filed September 18, 2002, 10:17 a.m.]

Original Notice.

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

Title of Rule: Amend Section 8.12 of Regulation I.

Purpose: To update the Kitsap County no-burn zone around the city of Poulsbo, Washington.

Other Identifying Information: Section 8.12 pertains to the description of the Kitsap County no-burn area.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: This proposal revises the legal description of the area in which outdoor burning is prohibited, based on Kitsap County's recent adoption of a new urban growth area (UGA) boundary around the city of Poulsbo.

Reasons Supporting Proposal: Since Kitsap County has adopted a new UGA boundary, our legal description and map needs to be updated to reflect these changes.

Name of Agency Personnel Responsible for Drafting: Amy Fowler, 110 Union Street, Suite #500, Seattle, WA 98101, (206) 689-4017; Implementation: Dave Kircher, 110 Union Street, Suite #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, Suite #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal revises the legal description of the

area in which outdoor burning is prohibited, based on Kitsap County's recent adoption of a new urban growth area (UGA) boundary around the city of Poulsbo, Washington.

Proposal Changes the Following Existing Rules: Our legal description and map will be amended to reflect the newly adopted UGA boundary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

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

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on October 24, 2002, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by October 17, 2002, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite #500, Seattle, WA 98101, fax (206) 343-7522, by October 14, 2002.

Date of Intended Adoption: October 24, 2002.

September 17, 2002

Amy L. Fowler

Air Resource Specialist

**AMENDATORY SECTION****REGULATION I SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA**

(a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

(1) The Kingston Urban Growth Area as shown in Figure 8-1;

(2) The City of Bainbridge Island;

(3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in Figure 8-2:

- Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
- head directly west to Waaga Way;
- continue west on Waaga Way to Nels Nelson Road NW;
- head north following the Silverdale Urban Growth Area boundary to Island Lake;
- head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
- follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
- continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
- head directly west to NW Mountain View Road;
- follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;
- follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific

- railroad track leaves the Bangor Naval Reservation property at its southern boundary;
  - head south along the Northern Pacific railroad track to NW Westgate Road;
  - follow NW Westgate Road west to Olympic View Road NW;
  - head south on Olympic View Road NW to Anderson Hill Road;
  - head west on Anderson Hill Road to Willamette Meridian Road NW;
  - head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;
  - head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
  - follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
  - head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;
  - head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
  - head south to State Highway 3;
  - head southwest on State Highway 3 to the Mason County line;
  - head east to the line separating T23N, R1W, Sections 22 and 23;
  - head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
  - head east 1.33 miles;
  - head north to State Highway 3;
  - head west 0.42 mile;
  - head north to the Bremerton city limits;
  - head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
  - head east another 0.33 mile;
  - head south to the intersection of Feigley Road SW and SW Old Clifton Road;
  - head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
  - include the entire Urban Growth Area of McCormick Woods;
  - at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
  - start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
  - head southeast along State Highway 16 to Bethel Road SE;
  - head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
  - start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
  - continue east along SE Sedgwick Road to Longlake Road SE;
  - head north along Longlake Road SE to the line between T24N and T23N;
  - head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
  - head north to SE Mile Hill Drive;
  - head east along SE Mile Hill Drive to Bullman Road SE;
  - head north 0.5 mile along and past Bullman Rd SE;
  - head west to SE Horstman Road and continue to Baby Doll Road SE;
  - head north along Baby Doll Road SE to E Collins Road;
  - head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
  - head directly north to the center line of Port Orchard Bay;
  - follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and
- (4) The Poulsbo area as follows and as shown in Figure 8-3:
- (A) The Poulsbo Urban Growth Area (UGA);  
 (B) The following areas adjacent to the Poulsbo UGA:  
 (i) Southeast of Poulsbo UGA and east of State Highway 305:
- from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
  - follow the UGA west, north, and west again until it intersects State Highway 305;
  - head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.
- (ii) Northeast of Poulsbo UGA:  
That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.
- (iii) North of Poulsbo UGA along State Highway 307:
- from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
  - follow the UGA west and then north until it intersects State Highway 307;
  - head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.
- (iv) North of Poulsbo UGA and east of State Highway 3:
- from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
  - head south 0.05 mile to the Poulsbo UGA;
  - head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.
- (v) West of Poulsbo UGA:
- from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;

- head east 0.25 mile on Rude Road;
- head south 0.25 mile;
- head east to the Poulsbo UGA;
- head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.

(vi) South of Poulsbo UGA and east of State Highway 3:

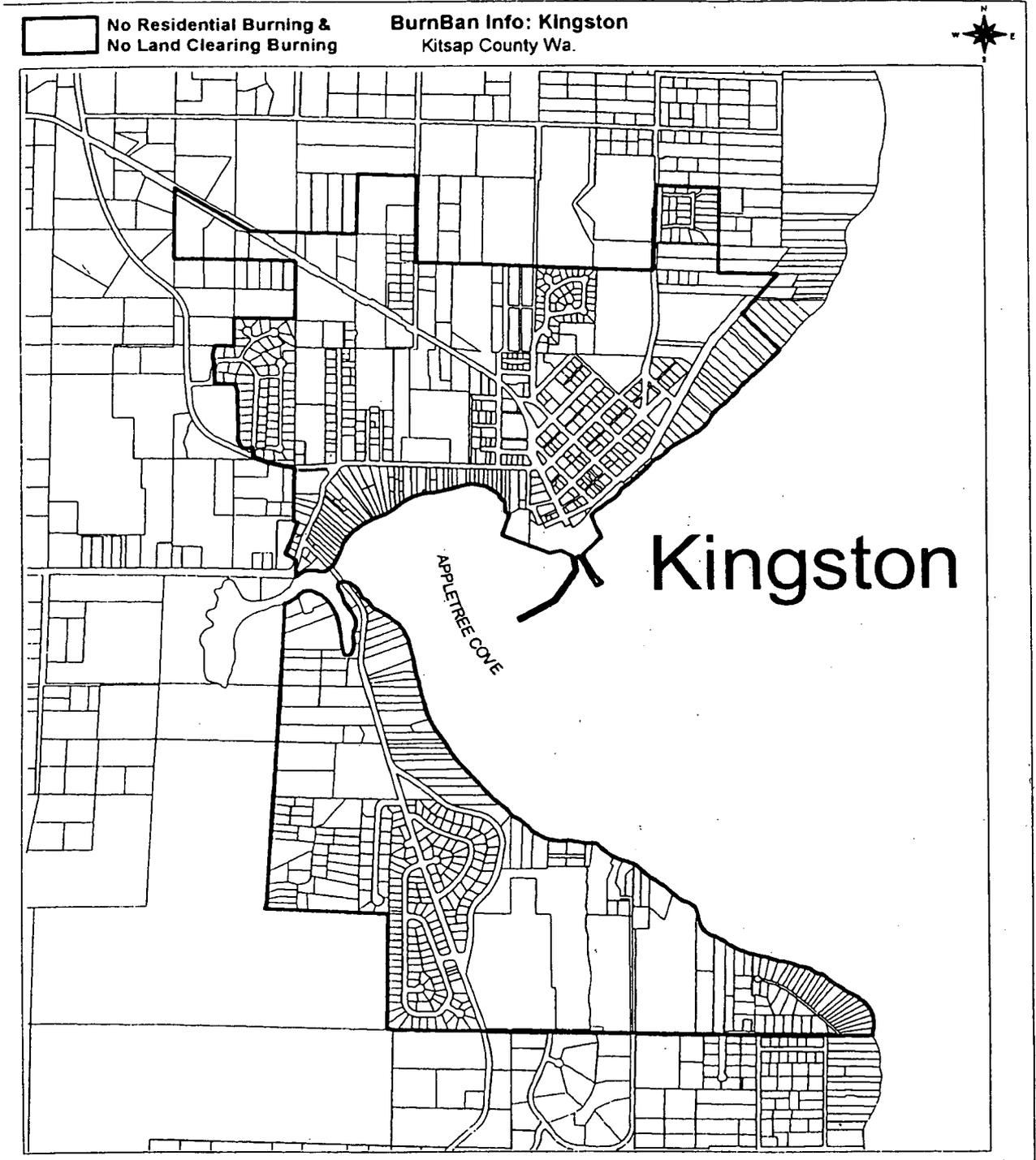
- from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
  - head east to Liberty Bay;
  - follow the shore of Liberty Bay north to the Poulsbo UGA;
  - follow the Poulsbo UGA west to Viking Way NW.
- ((~~• Beginning at the Poulsbo Joint Planning Area boundary and the west shore of Liberty Bay;~~
- ~~• Follow the Poulsbo Joint Planning Area boundary west and then north to State Highway 3;~~
  - ~~• head west 0.25 mile;~~
  - ~~• head north to NW Rude Road;~~
  - ~~• head west 0.25 mile on NW Rude Road;~~
  - ~~• head north to Rhododendron Lane NW;~~
  - ~~• continue north on Rhododendron Lane NW to the northern Poulsbo Joint Planning Area boundary;~~
  - ~~• head east to the intersection of T26N, R1E, Sections 2,3,10, and 11;~~
  - ~~• head east 0.25 mile and then south to the Poulsbo city boundary;~~
  - ~~• follow the Poulsbo city boundary to State Highway 307;~~
  - ~~• head northeast on State Highway 307 to Big Valley Road NE;~~
  - ~~• head south to the Poulsbo Joint Planning Area boundary;~~
  - ~~• follow the Poulsbo Joint Planning Area boundary east to NE Gala Way;~~
  - ~~• continue on NE Gala Way to NE Lincoln and then to Noll Road NE;~~
  - ~~• head south on Noll Road NE to Tallagson Lane NE;~~
  - ~~• continue south on Tallagson Lane NE and then south to NE Heron Pond Lane;~~
  - ~~• head west on NE Heron Pond Lane to Noll Road NE;~~
  - ~~• head south on Noll Rd NE to State Highway 305;~~
  - ~~• head northwest on State Highway 305 to the Poulsbo city limits;~~
  - ~~• head southwest to Liberty Bay.))~~

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in Figure 8-2:

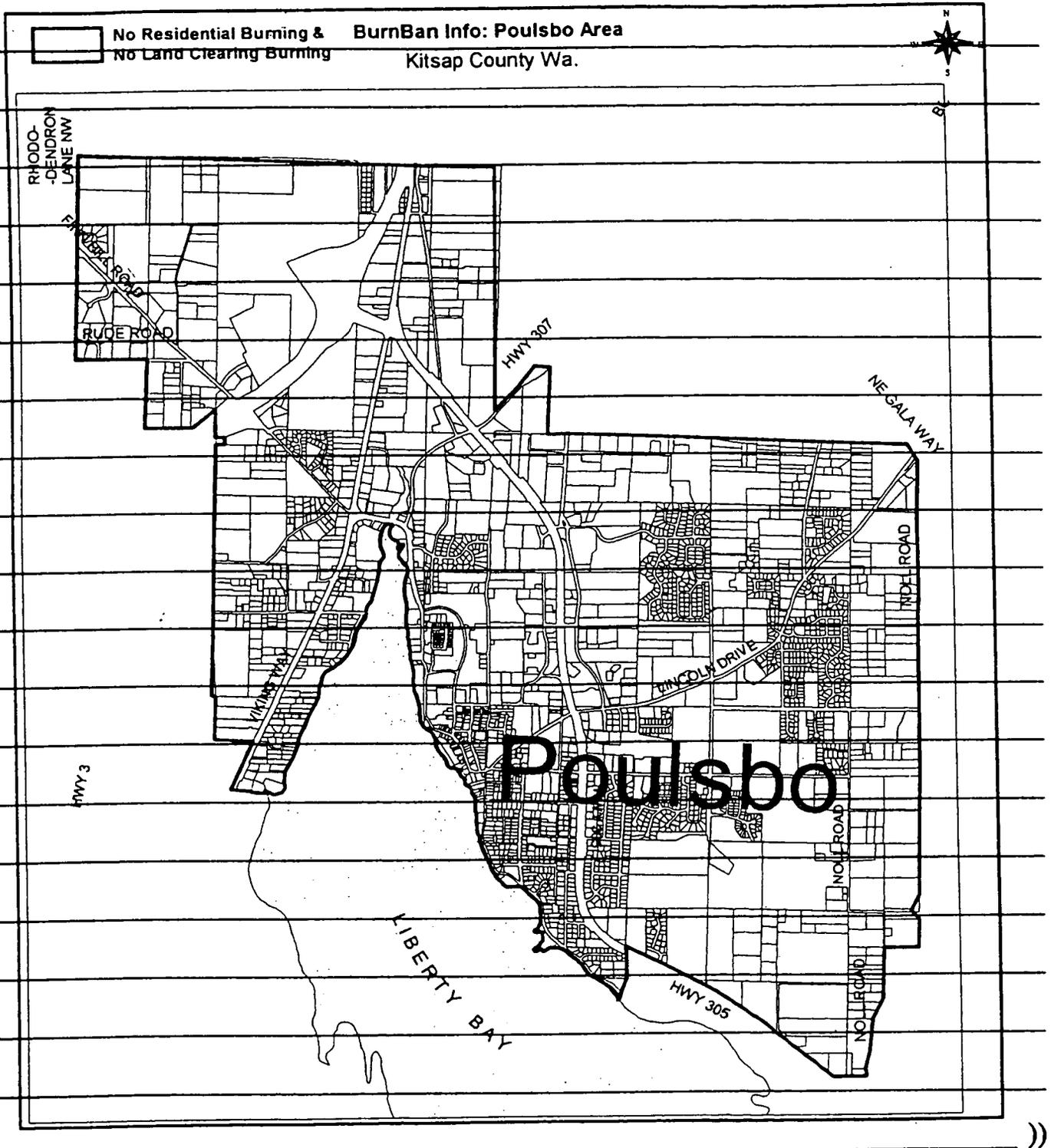
- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

Figure 8-1



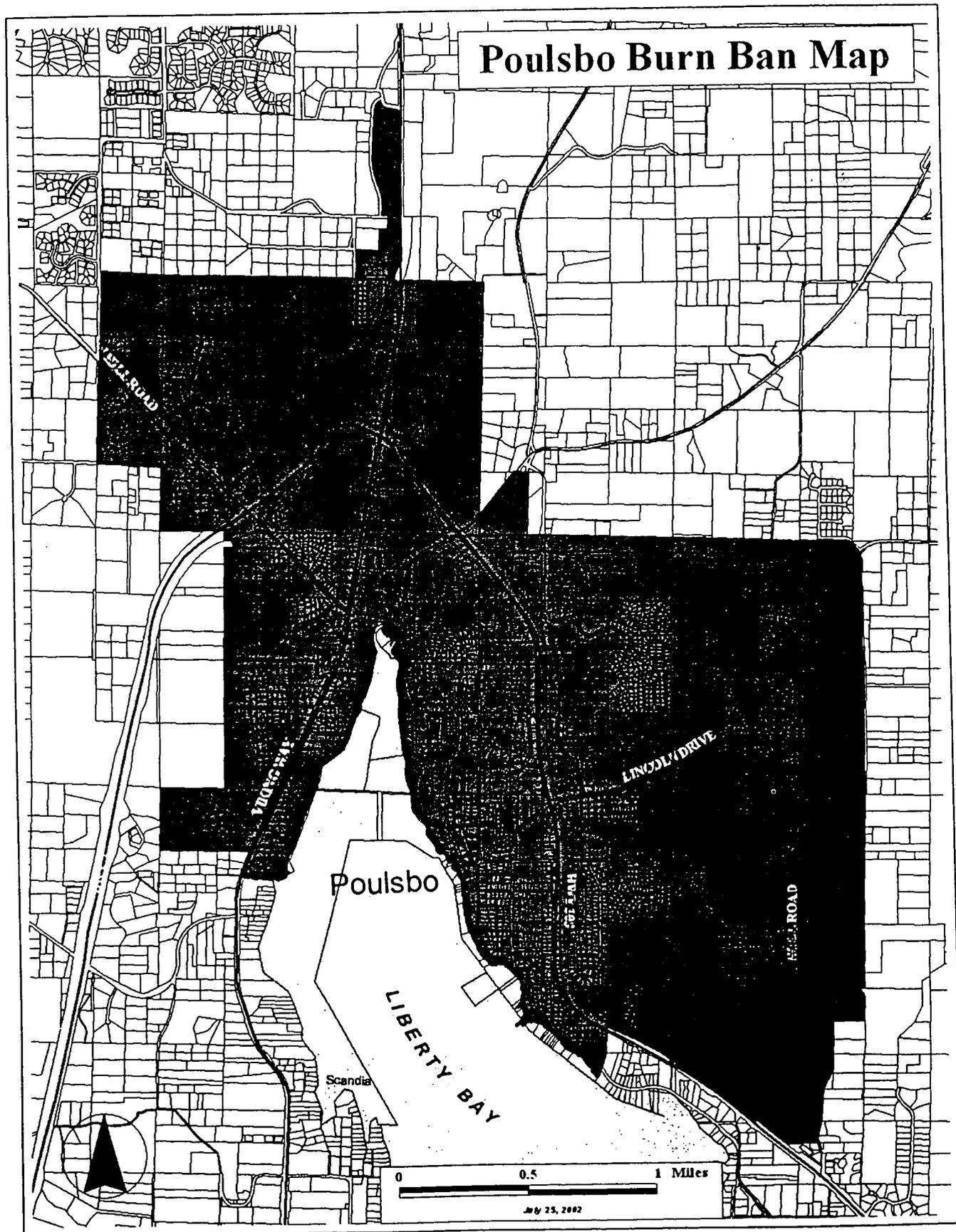


((Figure 8-3



PROPOSED

PROPOSED



**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-19-107**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 18, 2002, 10:24 a.m.]

Supplemental Notice to WSR 02-14-092.

Preproposal statement of inquiry was filed as WSR 01-06-021.

**Title of Rule:** Rules related to wood destroying organism (WDO) inspections, WAC 16-228-2005, 16-228-2035, and 16-228-2045.

**Purpose:** Current WDO inspection rules are vague and somewhat difficult for inspectors and their customers to understand. Clarification is needed as to which licensees must comply with the revised WDO inspection rules. Further clarification is necessary regarding when a diagram must be produced in a WDO inspection and to whom the diagram must be provided. Information included in a diagram can be helpful to home sellers and buyers when making decisions regarding repairs or chemical treatments for WDOs.

**Statutory Authority for Adoption:** RCW 15.58.040 and chapter 34.05 RCW.

**Statute Being Implemented:** RCW 15.58.040 (2)(k).

**Summary:** These proposed rules clarify those currently in existence and new rules recently proposed. The proposed rules (WAC 16-228-2005 and 16-228-2035) inadvertently included only structural pest inspectors falling under the licensing authority of chapter 15.58 RCW and excluded those who fall under chapter 17.21 RCW, such as pest control operators who conduct WDO inspections. Clarification of when a diagram must be produced and the ultimate recipient of that diagram (WAC 16-228-2045) will aid all involved in the home sale and purchase process.

**Reasons Supporting Proposal:** Structural pest inspectors will be positively impacted by new, clarified rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions, thereby resulting in an increased level of consumer protection.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Cliff Weed and Dan Suomi, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

**Name of Proponent:** Department of Agriculture, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Current WDO inspection rules are often difficult for inspectors, real estate agents, and their customers to understand. Clarification is needed as to which licensees must comply with the revised WDO inspection rules. The proposed rules inadvertently included only structural pest inspectors falling under the licensing authority of chapter

15.58 RCW and excluded those who fall under the licensing authority of chapter 17.21 RCW, such as pest control operators who conduct WDO inspections.

Further clarification is necessary regarding when a diagram must be produced in a WDO inspection and to whom the diagram must be provided. Some inspectors produce narrative reports that may adequately describe WDO problems for their customers. Other inspectors prefer to provide a diagram of problem areas along with a narrative report. Information included on a diagram can be helpful to home sellers and buyers when making decisions regarding repairs or chemical treatments for WDOs. Consumers should be allowed to make an informed decision as to whether a diagram is needed or not. Clarification of when a diagram must be produced and the ultimate recipient of that diagram will aid all involved in the home sale and purchase process.

Structural pest inspectors will be positively impacted by new, clarified rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions, thereby resulting in an increased level of consumer protection.

**Proposal Changes the Following Existing Rules:** This supplemental filing is the department's response to testimony taken at the August 6, 2002, public hearing on the original notice. The department has made these changes to the proposed rules to address concerns related to the need and cost of providing a diagram for WDO inspection reports. The department believes that the proposed revisions to WAC 16-228-2045 attached to this supplemental filing effectively address the public concerns raised at the August 6, 2002, public hearing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only new requirement in the proposed rules that may impose a new cost on those individuals and businesses that conduct structural pest inspections in Washington state is the requirement that a copy of the inspection diagram is a part of the inspection report and must be given to the customer along with the report when requested by the customer. The department believes that the cost of providing a customer with a copy of an inspection diagram, which an inspector is already required to prepare under current rules, does not constitute a "more than minor cost" under RCW 19.85.030 (1)(a), therefore a small business economic impact statement is not required. Scaled diagrams are not required. Computer generated diagrams are not required. The proposed rule only requires that the "diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram." The impact of the proposed rule is further mitigated by the fact that the diagram must be given to the customer only when the customer requests it. The department received a great deal of testimony at the August 6, 2002, public hearing that a diagram is rarely requested by customers, therefore, it believes that a cost that it initially concluded was not "more than minor" is even less so.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

PROPOSED

Hearing Location: Five DIS interactive technology sites simultaneously via videoconference: 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA; 1107 S.W. Grady Way, Suite 112, Renton, WA; 1101 North Argonne, Suite 109, Spokane, WA; 2500 N.E. 65th Avenue, Vancouver, WA; and 8551 West Gage Boulevard, Suite H, Kennewick, WA; on October 29, 2002, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by October 15, 2002, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093, by October 30, 2002.

Date of Intended Adoption: November 20, 2002.

September 18, 2002.

Bob Arrington

Assistant Director

## NEW SECTION

**WAC 16-228-2005 Wood destroying organism inspections and reporting criteria.** All persons required to be licensed to conduct wood destroying organism (WDO) inspections must comply with the rules set forth in this section.

(1) **Purpose:** This section will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington.

(2) **Definitions:** The definitions set forth in this section must apply throughout unless the context otherwise requires. Definitions contained in this section are nonexclusive to other uses in expanded or contracted form found elsewhere in the RCW or the Washington Administrative Code (WAC).

(a) **Accessible areas:** Areas typically and routinely visible by normal access.

(b) **Conductive debris:** Cellulose or noncellulose material that provides no structural support but can be a source of food or provide a habitat for WDOs. This definition includes, but is not limited to, tree roots, stumps, formboards, scrap wood, paper, wood product, paper product, or other natural or manufactured product.

(c) **Complete wood destroying organism inspection:** Inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete WDO inspections must also include any WDO inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific WDO inspection.

(d) **Conductive conditions:** Conditions that may lead to or enhance an infestation of WDOs.

(e) **Detached structure:** Separate structure that is not physically connected to the subject structure by a foundation or roof system.

(f) **Earth:** Includes, but is not limited to, soil, decorative bark, gravel, rock, or other landscape materials.

(g) **Excluded area:** Area not inspected and therefore, not included in a WDO inspection.

(h) **Frass:** Specifically, solid larval insect excrement, but can include by-products of insect feeding or tunneling activity in wood or insulation materials.

(i) **Inaccessible areas:** Parts of a structure that cannot be inspected without excavation or the physical removal of objects are inaccessible and may be subject to infestation by WDOs. Such areas include, but are not limited to, wall voids, spaces between floors, areas concealed by insulation, substructures with clearances less than eighteen inches between unimproved ground and wood joists or the bottom of wood structural floors without joists or, less than twelve inches between unimproved ground and wood girders, substructures with insufficient clearance between structural members and/or ducts and piping and the finished grade to permit passage by an inspector for the purposes of a WDO inspection, floors beneath coverings, sleeper floors, areas concealed by furniture, appliances, and/or personal possessions, exterior wood decks with less than a five-foot clearance, locked rooms, or areas that imperil the health or safety of the inspector. These rules will not require inspectors to make extraordinary efforts to gain access to areas deemed inaccessible by the inspector. Inaccessible areas are, by their nature, excluded from the inspection.

(j) **Inadequate ventilation:** Condition promoting the retention of excessive moisture in substructures or other confined spaces and identified by, but not limited to, the presence of metal rust, condensation, mold, mildew, or fungal growth.

(k) **Specific wood destroying organism inspection:** Inspection of a structure for purposes of identifying or verifying evidence of an infestation of WDOs prior to pest management activities.

(l) **Person** is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(m) **Structure:** A single building that includes any exterior attached decks, walks, stairways, or porches. For the purposes of this definition, entry and exit decks to manufactured homes are considered to be a part of the structure.

(n) **Wood:** Any material used in a structure that can be damaged by WDOs.

(o) **Wood destroying organism:** Insects or fungi that will consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. For the purposes of this section, WDOs include, but are not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(p) **Wood destroying organism inspection:** The service of inspecting a building for the presence of WDOs, their damage, or conducive conditions leading to their development. For purposes of these rules, a WDO inspection must be defined as either a "complete WDO inspection" or a "specific WDO inspection."

(q) **Wood destroying organism inspection report:** The written opinion of an inspector licensed by the WSDA and based upon what was visible and evident at the time of an inspection.

(r) **WSDA:** Washington state department of agriculture.

NEW SECTION

**WAC 16-228-2035 Complete wood destroying organism inspections.** (1) Any WDO inspection conducted by any person pursuant to the sale, exchange, or refinancing of real property or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection and must be performed by individuals required to be licensed. Such inspections will be conducted in accordance with the rules established by this section.

(2) Inspectors must make a thorough inspection of accessible areas that are not specifically excluded in the report. Inspectors will not be required to place themselves into a position or gain access to any portion of a structure that may cause physical injury or otherwise imperil their health and safety. Access to structures should be restricted to the use of accepted methods and practices.

(3) Substructure crawl areas must be inspected when accessible. Inaccessibility of substructure crawl areas due to inadequate clearance, the presence of ducting or piping, foundation walls, partitions or other such conditions that block access must be explained in the inspection report and annotated on the report diagram. The report findings must state that inaccessible substructure crawl areas may be vulnerable to infestation by WDOs and should be made accessible for inspection.

(4) Limits of inspections: Complete WDO inspections will identify conditions present at a subject property at the time of an inspection. Inspectors are not required to report on any WDO infestation or other condition that might be subject to seasonal constraints or environmental conditions if evidence of those constraints or conditions is not visible at the time of the inspection.

NEW SECTION

**WAC 16-228-2045 Complete wood destroying organism inspection reports.** (1) Any report that identifies damage or infestation by WDOs or, conditions conducive to damage or infestation by WDOs pursuant to the sale, exchange, or refinancing of any structure or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection report and must comply with this section. The terms "Report" or "report" as used in this section will mean a complete WDO inspection report.

(2) Report form: A written report may take any form in presentation, provided that all elements of this section are included and identifiable.

(3) A complete WDO inspection report must be issued to the person paying for and/or otherwise requesting the inspection.

(4) Report contents: Reports must contain the information identified in this section, when and where applicable.

(a) Washington state department of agriculture inspection control number (WSDA ICN): A WSDA ICN must be obtained in accordance with the provisions of RCW 15.58.450 and be prominently displayed in the upper third of the front page of each report. This number must be unique to the structure(s) subject to the report. The assigned WSDA ICN must follow the original report and supplemental reports

(if any) pertaining to the sale, exchange, or refinancing activity on a property for a specific client. A new WSDA ICN must be issued for any subsequent sale, exchange, or refinancing activity.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Parties involved in the real estate transaction: The name of the property owner, their designated representative, or purchaser of the inspection report must be identified on the first page of the report.

(d) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple structures at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(e) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(5) Report of findings: A complete WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) Damage and/or infestation by WDOs: The report must identify any damage or infestation by WDOs on or in the structure.

(b) Conditions conducive to damage and/or infestation by WDOs must be explained in narrative form in accordance with the provisions of WAC 16-228-2025. When evidence of moisture ants, dampwood termites, wood infesting anobiids, or wood decay fungi is detected during a complete WDO inspection, the inspector must identify and report the condition(s) conducive to such infestations. It must be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(c) When reporting conducive conditions, the inspector must describe the condition and annotate the diagram with an approximate location of that condition. Provided that; if conducive conditions within the interior of the structure can be clearly described in the report findings, diagrammed representation of such conditions is not required.

(d) Inaccessible areas will be fully identified in narrative form where such areas are annotated on the report diagram.

(e) Excluded areas: The report must list all excluded areas not already defined in WAC 16-228-2005 (2)(i) as inaccessible.

(6) Diagrams: A diagram must be prepared for each inspection report. Upon request, a copy must be provided to the person paying for and/or otherwise requesting the inspection.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required; however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) Diagrams must identify the approximate location of inaccessible areas.

(d) Diagrams must identify the approximate location of WDOs, damage, and/or conducive conditions leading to an infestation of WDOs.

(e) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(f) When a diagram is not provided as part of the report, the following statement must appear in a prominent location. "WAC 16-228-2045 requires that a diagram be prepared for WDO inspection reports. A copy is available upon request."

(g) Locations for this statement include, but are not limited to, the following:

(i) Above or beneath the WSDA ICN;

(ii) On written documents such as preinspection agreements or attachments to the report.

(h) This statement must stand out by having larger print than the main body of the report, be highlighted, or be in bold print.

(7) Excluded areas must be annotated on the diagram.

(8) A record of all complete WDO inspection reports prepared for real estate transactions or resulting from telephone solicitation must be maintained on file by the inspecting firm for a period of four years. Upon written request, these records must be made available to the WSDA.

PROPOSED

## WSR 02-19-076

## EXPEDITED RULES

## DEPARTMENT OF AGRICULTURE

(Wine Commission)

[Filed September 16, 2002, 11:14 a.m.]

Title of Rule: Travel reimbursement policy, chapter 16-575 WAC.

Purpose: To establish in rule provisions for reimbursement of actual travel expenses for Washington Wine Commission board members and employees.

Statutory Authority for Adoption: Chapter 15.88 RCW.

Statute Being Implemented: RCW 15.88.050.

Summary: The travel reimbursement rule will allow the Washington Wine Commission to reimburse commission board members and employees for actual travel expenses.

Reasons Supporting Proposal: The Washington Wine Commission adopted the proposed rule as its policy for reimbursement of actual travel expenses in accordance with RCW 15.88.050.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Burns, 93 Pike Street, Suite 315, Seattle, WA 98101, (206) 667-9463.

Name of Proponent: Washington Wine Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Chapter 15.88 RCW as amended in the 2002 legislature allows for reimbursement of actual travel expenses as defined in rule.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The travel reimbursement policy will allow the Washington Wine Commission to reimburse commission board members and employees for actual travel expenses.

Proposal does not change existing rules.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steve Burns, Washington Wine Commission, 93 Pike Street, Suite 315, Seattle, WA 98101, AND RECEIVED BY November 18, 2002.

September 9, 2002

Steve Burns

Executive Director

NEW SECTION

**WAC 16-575-030 Wine Commission travel reimbursement policy.** (1) Except as provided in subsection (9) of this section, all travel by Commissioners and by Commission staff must be approved in advance of departure.

(2) Except as provided in subsection (9) of this section, each Commissioner or Commission employee expecting to travel on official Wine Commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which he/she expects to incur in connection with such travel.

(3) Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a Commissioner or Commission employee uses his/her automobile for transportation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

(4) Reimbursement for lodging expenses shall be at actual cost up to a maximum of 200% of the per diem lodging rates for US federal agency employees established by the US General Services Administration.

(5) Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

(6) Travel by Commissioners and by the Executive Director of the Washington Wine Commission must be approved in advance by the Chairperson of the Commission. Travel by other Commission staff must be approved in advance by the Executive Director of the Commission.

(7) Each person traveling on official Commission business shall submit a written request for reimbursement within 45 days after returning to the office from such trip. Written receipts for each expense in excess of \$25 for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

(8) Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the estimated expenses, that the expense was both unanticipated and reasonably incurred.

(9) No advance approval of estimated travel expenses is required for attendance at regular or special meetings of the Commission or a committee thereof within the State of Washington. If attendance at such a meeting requires the Commissioner/employee to travel at least 100 miles from his/her usual place of business, he/she is entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in subsection (4) of this section. He/she is also entitled to reimbursement for costs of transportation and meals as provided in subsections (3) and (5) of this section.

WSR 02-19-095
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed September 17, 2002, 2:31 p.m.]

Title of Rule: Amendatory section WAC 458-30-262
Agricultural land valuation—Interest rate—Property tax
component.

Purpose: To provide county assessors with the rate of
interest and property tax component used in valuing farm and
agricultural land classified under chapter 84.34 RCW (the
open space program) during assessment year 2003.

Statutory Authority for Adoption: RCW 84.34.065.

Statute Being Implemented: RCW 84.34.065.

Summary: The rule is being amended to update the
interest rate and property tax component used to value farm
and agricultural land classified under chapter 84.34 RCW.
The amendments provide information that local taxing offici-
als need to value classified farm and agricultural land dur-
ing assessment year 2003.

Reasons Supporting Proposal: RCW 84.34.065 requires
the department to annually determine a rate of interest and
property tax component. This information is to be set forth in
a rule that is to be published in the Washington State Register
no later than January 1 each year for use in that assessment
year.

Name of Agency Personnel Responsible for Drafting:
Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olym-
pia, WA, (360) 570-6113; Implementation and Enforcement:
Sandy Guilfoil, 1025 Union Avenue S.E., Suite #200, Olym-
pia, WA, (360) 570-5860.

Name of Proponent: Department of Revenue, govern-
mental.

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

Explanation of Rule, its Purpose, and Anticipated
Effects: WAC 458-30-262 provides county assessors with
information they need to value farm and agricultural land
classified under chapter 84.34 RCW during assessment year
2003. The underlying statute, RCW 84.34.065, requires the
rate of interest and property tax component to be set forth in
a rule that is updated annually. The figures are used to deter-
mine the value of classified farm and agricultural land. RCW
84.34.065 mandates that a revised rule containing this data be
published in the Washington State Register no later than Jan-
uary 1st of each assessment year.

Proposal Changes the Following Existing Rules: The
rule being proposed amends the current version of WAC 458-
30-262. The amendments to the rule change the effective
assessment year, rate of interest, and property tax component.
These figures will be used to value farm and agricultural land
classified under chapter 84.34 RCW during assessment year
2003.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN
EXPEDITED RULE-MAKING PROCESS THAT WILL
ELIMINATE THE NEED FOR THE AGENCY TO HOLD
PUBLIC HEARINGS, PREPARE A SMALL BUSINESS
ECONOMIC IMPACT STATEMENT, OR PROVIDE

RESPONSES TO THE CRITERIA FOR A SIGNIFICANT
LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF
THE EXPEDITED RULE-MAKING PROCESS, YOU
MUST EXPRESS YOUR OBJECTIONS IN WRITING
AND THEY MUST BE SENT TO Kim M. Qually, Counsel,
Department of Revenue, P.O. Box 47467, Olympia, WA
98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov,
AND RECEIVED BY November 18, 2002.

September 16, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-03-040,
filed 1/8/02, effective 2/8/02)

WAC 458-30-262 Agricultural land valuation—
Interest rate—Property tax component. For assessment
year ((2002)) 2003, the interest rate and the property tax com-
ponent that are to be used to value classified farm and agri-
cultural lands are as follows:

- (1) The interest rate is ((9.35)) 8.91 percent; and
(2) The property tax component for each county is:

Table with 4 columns: COUNTY, PERCENT, COUNTY, PERCENT. Lists counties and their respective interest rates and property tax components.

WSR 02-19-096
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed September 17, 2002, 2:32 p.m.]

Title of Rule: Amendatory section WAC 458-18-220
Refunds—Rate of interest.

Purpose: To provide the rate of interest that will be
assessed when property taxes paid in 2003 are refunded to
taxpayers.

Statutory Authority for Adoption: RCW 84.69.100.

EXPEDITED

Statute Being Implemented: RCW 84.69.100.

Summary: The rates of interest reflected in this rule are used when property taxes are refunded. The rates of interest are shown in chronological order with reference to the year the property taxes were paid. The rule is being revised to provide the rate of interest for treasury bill auction year 2002, which is used as a basis for refunding taxes paid in 2003.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be paid when property taxes are refunded. It also requires the department to annually adopt a rule that specifies the amount of interest to be collected for each year property taxes were paid.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Sandy Guilfoil, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

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: When property taxes are refunded, RCW 84.69.100 requires the refund to include interest from the date of collection of the portion refundable. The statute specifies that the rate of interest shall be the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. It also mandates the department shall adopt this rate of interest by rule. WAC 458-18-220 sets forth the rate of interest on a yearly basis and is used by county officials to calculate the total amount of property taxes to be refunded to a taxpayer.

Proposal Changes the Following Existing Rules: The proposed rule amends the current version of WAC 458-18-220. The amendments to this rule specify the rate of interest to be paid when taxes paid in 2003 are refunded in accordance with RCW 84.69.100.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY November 18, 2002.

September 16, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-03-039, filed 1/8/02, effective 2/8/02)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
<u>2003</u>	<u>2002</u>	<u>1.73%</u>

EXPEDITED



**WSR 02-17-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed August 9, 2002, 4:06 p.m.]

Date of Adoption: August 5, 2002.

Purpose: Medical Assistance Administration (MAA) is revising this chapter of rules to ensure consistency with program policy; to add reimbursement methodology needed to obtain necessary rate-setting data; to add language to comply with federal requirements regarding billing units; to make department reimbursement policy consistent with other healthcare payers, and; to clarify regulatory language.

Citation of Existing Rules Affected by this Order: Amending WAC 388-530-1000 The medical assistance administration (MAA) drug program, 388-530-1050 Definitions, 388-530-1100 Covered drugs, devices, and pharmaceutical supplies, 388-530-1125 Drug rebate program, 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations, 388-530-1200 Prior authorization program, 388-530-1250 Prior authorization process, 388-530-1300 General reimbursement methodology, 388-530-1350 Estimated acquisition cost (EAC) methodology, 388-530-1400 Maximum allowable cost (MAC) methodology, 388-530-1410 Federal upper limit (FUL) methodology, 388-530-1425 Payment methodology for drugs purchased under the Public Health Service (PHS) Act, 388-530-1450 Dispensing fee determination, 388-530-1500 Reimbursement for compounded prescriptions, 388-530-1550 Unit dose drug delivery systems, 388-530-1600 Unit dose pharmacy billing requirements, 388-530-1625 Compliance packaging services, 388-530-1650 Reimbursement for pharmaceutical supplies, 388-530-1700 Drugs and drug-related supplies from nonpharmacy providers, 388-530-1750 Drugs and pharmaceutical supplies for clients with any third-party coverage, 388-530-1800 Requirements for pharmacy claim payment, 388-530-1850 Drug utilization and education (DUE) council, 388-530-1900 Drug utilization and claims review, 388-530-1950 Point-of-sale (POS) system/prospective drug utilization review (Pro-DUR) and 388-530-2050 Reimbursement for out-of-state prescriptions; and new WAC 388-530-1360 Certified average wholesale price (CAWP) and 388-530-1405 Automated maximum allowable cost (AMAC).

Note: The CR-102, Notice of proposed rule, had included a proposal for a new section WAC 388-530-1380. Due to public testimony, that section is not being adopted.

Statutory Authority for Adoption: RCW 74.09.080.

Other Authority: RCW 74.04.050 and 42 C.F.R. Subpart K, subsection 162.1102.

Adopted under notice filed as WSR 02-12-092 on June 4, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of testimony received, the following changes have been made to the text of the proposed rules:

**WAC 388-530-1050 Definitions.**

"Peer reviewed medical literature" means a research study, report, or findings regarding the specific use of a drug

that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

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~~"Wholesale acquisition cost (WhAC)" means the net price a manufacturer charges wholesalers for a drug. The WhAC is supplied to the medical assistance administration (MAA) by MAA's drug file contractor.~~

**WAC 388-530-1100 Covered drugs, devices, and pharmaceutical supplies.**

(3)(c)(ii) They meet MAA's published expedited prior authorization (EPA) criteria and the dispensing pharmacist follows the EPA process ...

(6) MAA evaluates requests for drugs, devices, and pharmaceutical supplies that are subject to limitations or other restrictions in this chapter on a case-by-case basis. MAA approves the requested services that are beyond the stated limits or restrictions of this chapter when MAA determines that the services are medically necessary, under subsection (5) of this section and under the standards for covered services in WAC 388-501-0165.

**WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations.**

(3) MAA evaluates ((a)) each request for a noncovered drug ((that is listed as noncovered in this section)) under WAC 388-530-1100(5) and under the provisions of WAC ((388-501-0160 which relates to noncovered services. The request for a noncovered drug is called exception to rule. See WAC 388-501-0160 for information about exception to rule)) 388-501-0165.

**WAC 388-530-1300 General reimbursement methodology.** (1) ((MAA's)) The medical assistance administration's (MAA) total reimbursement for a prescription drug must not exceed the lowest of:

- (a) Estimated acquisition cost (EAC) plus a dispensing fee;
- (b) Maximum allowable cost (MAC) plus a dispensing fee;
- (c) Federal Upper Limit (FUL) plus a dispensing fee;
- (d) Actual acquisition cost (AAC) plus a dispensing fee for drugs purchased under section 340 B of the Public Health Service (PHS) Act and dispensed to medical assistance clients; ((e))
- (e) Automated maximum allowable cost (AMAC) plus a dispensing fee;
- (f) Certified average wholesale price (CAWP) plus a dispensing fee; or
- (g) ~~Wholesale acquisition cost (WhAC) plus a dispensing fee; or~~
- (h) The provider's usual and customary charge to the non-Medicaid population.

**WAC 388-530-1350 Estimated acquisition cost (EAC) methodology.**

(1)(a) When acquisition cost data are made available to MAA by drug wholesalers:

(i) MAA determines pharmacies' ((average)) acquisition costs for ((these products:

(2) The pharmacies' average acquisition cost for the products in the NDC sample is based on in-state wholesalers' charges to pharmacy subscribers:

(3) MAA represents the average)) the top 100 single-source drugs reimbursed by MAA as measured by the total dollars paid for each drug.

#### New Section

~~WAC 388-530-1380 Wholesale acquisition cost (WhAC) methodology. (1) The medical assistance administration (MAA) may use the wholesale acquisition cost (WhAC) provided by MAA's drug pricing file contractor in pricing drugs for the purpose of setting MAA's reimbursement rates.~~

~~(2) MAA may use WhAC information to determine a rate that MAA considers to be equivalent to the estimated acquisition cost (EAC). The WhAC and the EAC are both expressed as a percentage of the average wholesale price (AWP) as described in WAC 388-530-1350.~~

~~(3) When a WhAC is available for a drug, MAA may use the WhAC price as MAA's reimbursement rate for the drug when the WhAC price is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).~~

#### **WAC 388-530-1500 Reimbursement for compounded prescriptions.**

(5) Compounded prescriptions are reimbursed as follows:

(a) MAA allows only the lowest cost for each covered ingredient, whether ~~((EAC, MAC))~~ that cost is determined by actual acquisition cost (AAC), estimated acquisition cost (EAC), federal upper limit (FUL), maximum allowable cost (MAC), automated maximum allowable cost (AMAC), certified average wholesale price (CAWP), wholesale acquisition cost (WhAC), or amount billed.

#### **WAC 388-530-1650 Reimbursement for pharmaceutical supplies.**

(4) MAA does not pay a dispensing fee for nondrug items, devices, or supplies. See WAC 388-530-1450 (4)(2).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 25, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 25, Repealed 0.

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

August 5, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1000 The medical assistance administration (MAA) drug program.** (1) The medical assistance administration (MAA) reimburses providers for prescription drugs and pharmaceutical supplies according to department rules and subject to the exceptions and restrictions listed in this chapter.

(2) MAA reimburses only pharmacies that:

(a) Are MAA-enrolled providers; and

(b) Meet the general requirements for providers described under WAC 388-502-0020.

(3) To be both covered and reimbursed under this chapter, prescription drugs must be:

(a) Medically necessary as defined in WAC 388-500-0005;

(b) Within the scope of coverage of an eligible client's medical assistance program. Refer to chapter 388-529 WAC for scope of coverage information;

(c) For a medically accepted indication appropriate to the client's condition;

(d) Billed according to the conditions under WAC 388-502-0150 and 388-502-0160; and

~~((e) Within the scope of an eligible client's medical care program. Refer to chapter 388-529 WAC.))~~ (e) Billed according to the conditions and requirements of this chapter.

(4) Acceptance and filling of a prescription for a client eligible for a medical care program constitutes acceptance of MAA's rules and fees. See WAC 388-502-0100 for general conditions of payment.

AMENDATORY SECTION (Amending WSR 01-24-066, filed 11/30/01, effective 1/2/02)

**WAC 388-530-1050 Definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions, apply to this chapter.

"Active ingredient" means the chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The medical assistance administration (MAA) limits coverage of active ingredients to those with a national drug code (NDC) and those specifically authorized by MAA.

"Actual acquisition cost (AAC)" means the actual price a provider paid for a drug marketed in the package size of drug purchased, or sold by a particular manufacturer or labeler. Actual acquisition cost is calculated based on factors including, but not limited to:

(1) Invoice price, including other invoice-based considerations, such as prompt payment discounts;

(2) Order quantity and periodic purchase volume discount policies of suppliers (wholesalers and/or manufacturers);

(3) Membership/participation in purchasing cooperatives;

(4) Advertising and other promotion/display allowances, free merchandise deals; and

(5) Transportation or freight allowances.

"**Administer**" means the direct application of a prescription drug by injection, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

"**Automated maximum allowable cost (AMAC)**" means the rate established by the medical assistance administration (MAA) for ~~((a))~~ a multiple-source drug~~((s))~~ that is not on the maximum allowable cost (MAC) list and that is designated by ~~((three))~~ two or more products at least one of which must be under a federal drug rebate contract ~~((and which are not on the maximum allowable cost (MAC) list))~~.

"**Average wholesale price (AWP)**" means the average price of a drug product that is calculated from ~~((wholesalers))~~ wholesale prices nationwide at a point in time and reported to the medical assistance administration (MAA) by MAA's drug pricing file contractor.

"**Certified average wholesale price (CAWP)**" means the price certified by the First Data Bank to be the actual average wholesale price of an infusion, injectable, or inhalation drug marketed by a manufacturer or labeler who is subject to a consent order with the United States Department of Justice regarding the reporting of average wholesale price(s).

"**Compendia of drug information**" includes the following:

(1) The American Hospital Formulary Service Drug Information;

(2) The United States Pharmacopeia Drug Information; and

(3) DRUGDEX Information System.

"**Compounding**" means the act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

"**Contract drugs**" means drugs manufactured or distributed by manufacturers/labelers who signed a drug rebate agreement with the federal Department of Health and Human Services (DHHS).

"**Deliver or delivery**" means the transfer of a drug or device from one person to another.

~~(("Department" means the department of social and health services (DSHS).))~~

"**Dispense as written (DAW)**" means an instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

"**Dispensing fee**" means the fee the medical assistance administration (MAA) sets to reimburse pharmacy providers ~~((in addition to ingredient costs,))~~ for dispensing MAA covered prescriptions. The fee is MAA's maximum reimbursement for expenses ~~((that include but are not limited to, information provided to the client as required by state laws and federal regulations, compounding time, and overhead expenses incurred in filling medical assistance prescriptions))~~ involved in the practice of pharmacy and is in addition to MAA's payment for the costs of covered ingredients.

"**Drug Evaluation Unit (DEU)**" means a unit or group designated by the medical assistance administration (MAA) that makes drug coverage recommendations after studying the clinical and pharmacoeconomic attributes of drugs using the Academy of Managed Care Pharmacy drug review submission process. The DEU has physician and pharmacist staff and an advisory committee of actively practicing physicians and pharmacists.

"**Drug file**" means a list of drug~~((s))~~ products, pricing and other information provided to the medical assistance administration's (MAA's) drug data base and maintained by a drug file contractor.

"**Drug file contractor**" also referred to as "**drug pricing file contractor**," means the entity which has contracted to provide the medical assistance administration (MAA), at specified intervals, the latest information and/or data base on drugs and related supplies produced, prepared, processed, packaged, labeled, distributed, marketed, or sold in the marketplace. Contractor-provided information includes, but is not limited to, identifying characteristics of the drug (national drug code, drug name, manufacturer/labeler, dosage form, and strength) for the purpose of identifying and facilitating payment for drugs billed to MAA.

"**Drug rebates**" means payments provided by pharmaceutical manufacturers to state Medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services.

"**Drug-related supplies**" means ~~((nonpharmaceutical))~~ nondrug items necessary for the administration ~~((of))~~, delivery, or monitoring of a drug or drug regimen.

"**Drug utilization review (DUR)**" means a ~~((quality))~~ review ~~((of))~~ of covered outpatient drugs that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"**Emergency kit**" means a set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of ~~((an individual))~~ each nursing facility's client population and is for use during those hours when pharmacy services are unavailable.

"**Estimated acquisition cost (EAC)**" means ~~((MAA's))~~ the medical assistance administration's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

"**Expedited prior authorization (EPA)**" means the process for authorizing selected drugs in which providers use a set of numeric codes to indicate to the medical assistance administration (MAA) the acceptable indications~~((of))~~, conditions~~((of))~~, diagnoses~~((of))~~, and criteria that are applicable to a particular request for drug authorization.

"**Experimental drugs**" means drugs the Food and Drug Administration (FDA) has not approved, or approved drugs when used for medical indications other than those listed by the FDA.

"**Expired drug**" means a drug for which the shelf life expiration date has been reached.

"**Federal upper limit (FUL)**" means the maximum allowable payment set by the ~~((Health Care Financing Administration-))~~ Centers for Medicare and Medicaid Services (CMS) (formerly known as HCFA) for a multiple-source drug.

"**Four brand name prescriptions per calendar month limit**" means the maximum number of paid prescription claims for brand name drugs that MAA allows for each client in a calendar month without a complete review of the client's drug profile.

"**Generic code number sequence number**" means a number used by the medical assistance administration's drug file contractor to group together products that have the same ingredients, route of administration, drug strength, and dosage form. It is applied to all manufacturers and package sizes.

"**Generic drug**" means a nonproprietary drug that is required to meet the same bioequivalency tests as the original brand name drug.

"**Inactive ingredient**" means a drug component that remains chemically unchanged during compounding but serves as the:

- (1) Necessary vehicle for the delivery of the therapeutic effect; or
- (2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

"**Ingredient cost**" means the portion of a prescription's cost attributable to the covered drug ingredients~~((;))~~ or chemical components~~((, and/or substances))~~.

"**Less than effective drug**" or "**DESI**" means a drug for which:

- (1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or
- (2) The secretary of the department of health and human services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

"**Long-term therapy**" means ~~((treatment))~~ a drug regimen a client receives or will receive continuously through and beyond ninety days.

"**Maximum allowable cost (MAC)**" means the maximum amount that ~~((MAA will))~~ the medical assistance administration pays for a specific dosage form and strength of a multiple-source drug product.

"**Medically accepted indication**" means any ~~((indicated))~~ use for a covered outpatient drug:

- (1) Which is approved under the federal Food, Drug, and Cosmetic Act; or
- (2) The use of which ~~((appears in peer-reviewed medical literature; or~~
- (3) Which is accepted) is supported by one or more ~~((of the references listed in))~~ citations included or approved for

inclusion in any of the compendia of drug information, as defined in this chapter.

"**Modified unit dose delivery system**" (also known as blister packs or "bingo/punch cards") means a method in which each patient's medication is delivered to a nursing facility:

- (1) In individually sealed, single dose packages or "blisters"; and
- (2) In quantities for one month's supply, unless the prescriber specifies ~~((short-term))~~ a shorter period of therapy.

"**Multiple-source drug**" means a drug marketed or sold by:

- (1) Two or more manufacturers or labelers; or
- (2) The same manufacturer or labeler:
  - (a) Under two or more different proprietary names; or
  - (b) Under a proprietary name and a generic name.

"**National drug code (NDC)**" means the eleven-digit number the manufacturer or labeler assigns to a pharmaceutical product and attaches to the product container at the time of packaging ~~((that identifies the product's manufacturer, dose form and strength, and))~~. The NDC is composed of digits in 5-4-2 groupings. The first five digits comprise the labeler code assigned to the manufacturer by the Food and Drug Administration (FDA). The second grouping of four digits is assigned by the manufacturer to describe the ingredients, dose form, and strength. The last grouping of two digits describes the package size.

"**Noncontract drugs**" are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

~~((Nonprescription drugs" means drugs that may be lawfully sold without a prescription.))~~

"**Obsolete NDC**" means a national drug code replaced or discontinued by the manufacturer or labeler.

"**Over-the-counter (OTC) drugs**" means drugs that do not require a prescription before they can be sold or dispensed.

"**Peer reviewed medical literature**" means a research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

"**Pharmacist**" means a person licensed in the practice of pharmacy by the state in which the prescription is filled.

~~((Pharmacy research specialist" means a licensed pharmacist employed by MAA.))~~

"**Pharmacy**" means every location licensed by the State Board of Pharmacy in the state where the practice of pharmacy is conducted.

"**Point-of-sale (POS)**" means a pharmacy claims processing system capable of receiving and adjudicating claims on-line.

"**Practice of pharmacy**" means the practice of and responsibility for:

- (1) Accurately interpreting prescription orders;
- (2) Compounding ~~(;) drugs;~~
- (3) Dispensing, labeling, administering, and distributing of drugs and devices;

~~((3))~~ (4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;

- ~~((4))~~ (5) Monitoring of drug therapy and use;
- ~~((5))~~ (6) Proper and safe storage of drugs and devices;
- ~~((6))~~ (7) Documenting and maintaining records;

~~((7))~~ (8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs; and

~~((8))~~ (9) Participating in drug utilization reviews and drug product selection.

**"Practitioner"** means an individual who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person authorized by state law as a practitioner.

**"Preferred drug"** means MAA's drug(s) of choice within a selected therapeutic class.

**"Prescriber"** means a physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

**"Prescription"** means an order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

**"Prescription drugs"** means drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

**"Prior authorization program"** means a medical assistance administration (MAA) program, subject to the requirements of 42 U.S.C. 1396r-8 (d)(5), that may require, as a condition of payment, that a drug on MAA's drug file be prior authorized. See WAC 388-530-1200.

**"Prospective drug utilization review (Pro-DUR)"** means a process in which a request for a drug product for a particular ~~((patient))~~ client is screened, before the product is dispensed, for potential drug therapy problems.

**"Reconstitution"** means the process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

**"Retrospective drug utilization review (Retro-DUR)"** means the process in which ~~((patient))~~ client's drug utilization is reviewed on a periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or unnecessary care.

**"Risk/benefit ratio"** means the result of assessing the side effects of a drug or drug regimen compared to the positive therapeutic outcome of therapy.

**"Single source drug"** means a drug produced or distributed under an original new drug application approved by the Food and Drug Administration (FDA).

**"Substitute"** means to replace a prescribed drug, with the prescriber's authorization, with:

- (1) An equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or
- (2) A therapeutically equivalent drug other than the identical base or salt.

**"TCS"** See **"therapeutic consultation service."**

~~("Terminated drug product" means a product for which the shelf life expiration date has been met, per manufacturer notification.)~~

**"Terminated NDC"** means a national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

**"Therapeutic alternative"** means a drug product that contains a different ~~((therapeutic agent))~~ chemical structure than the drug ~~((in question))~~ prescribed, but is in the same ~~((pharmacological))~~ pharmacologic or therapeutic class and can be expected to have a similar therapeutic effect and adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

**"Therapeutic class"** means a group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

**"Therapeutic consultation service (TCS)"** means the prescriber and ~~((an MAA designated))~~ a medical assistance administration (MAA) designated clinical pharmacist jointly review prescribing activity when drug claims for a medical assistance client exceed program limitations.

**"Therapeutically equivalent"** means ~~((chemically dissimilar prescription drugs with))~~ drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

- (1) Information from the Food and Drug Administration (FDA);
- (2) Published and peer-reviewed scientific data;
- (3) Randomized controlled clinical trials; ~~((and))~~ or
- (4) Other scientific evidence.

**"Tiered dispensing fee system"** means a system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

**"True unit dose delivery"** means a method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

**"Unit dose drug delivery"** means true unit dose or modified unit dose delivery systems.

**"Usual and customary charge"** means the fee that the provider typically charges the general public for the product or service.

PERMANENT

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1100 Covered drugs, devices, and pharmaceutical supplies.** (1) The medical assistance administration (MAA) covers medically necessary (~~(prescribed)~~) drugs, devices, and pharmaceutical supplies when they are prescribed for medically accepted indications, subject to the restrictions described in this section and other published WAC (~~(, except for those excluded under WAC 388-530-1150)~~). For exceptions to the prescription requirement, see subsection (4) of this section.

(2) MAA reimburses a provider for medically necessary drugs (listed in subsection (1)(a) through (e) of this section) only when the manufacturer has a signed drug rebate agreement with the federal Department of Health and Human Services (DHHS). (~~(Refer to WAC 388-530-1125 for information on)~~) Exceptions to the drug rebate requirement are described in WAC 388-530-1125 which describes the drug rebate program. (Covered drugs)

(3) MAA covers the following medically necessary drugs, devices, and supplies (include):

(a) Outpatient drugs, generic or brand name.

(b) Over-the-counter (OTC) drugs when the drug:

(i) Is prescribed by a provider with prescribing authority (see exceptions in subsection (4) of this section);

(ii) Is not excluded from coverage under WAC 388-530-1150;

(iii) Is a less costly therapeutic alternative; and

(~~(iii)~~) (iv) Does not require prior authorization.

(c) Drugs requiring prior authorization when:

(i) Prior authorized by MAA; or

(ii) They meet MAA's published expedited prior authorization (EPA) criteria and the dispensing pharmacist follows the EPA process ((defined in WAC 388-530-1050) described in WAC 388-530-1250(4).

(d) Oral, topical and/or injectable drugs, vaccines for immunizations, and biologicals, prepared or packaged for individual use.

(e) Drugs with obsolete national drug codes (NDCs) for up to two years from the date the NDC is designated obsolete, ((if) unless the drug is ((not a terminated drug product) expired as defined in WAC 388-530-1050.

(f) ((Drug-related supplies as determined in consultation with federal guidelines.

(g) Family planning)) Drugs and supplies used in conjunction with family planning under subsection (4) of this section and under chapter 388-532 WAC, including drugs dispensed for emergency contraception and nonprescribed OTC contraceptive supplies.

(~~(h)~~) (g) Drugs, devices, and supplies provided under unusual and extenuating circumstances to clients by providers who request and receive MAA approval.

(~~(2)~~) (h) Drug-related supplies as determined in consultation with federal guidelines.

(4) MAA covers family planning drugs, devices, and supplies per chapter 388-532 WAC and as follows:

(a) MAA covers certain over-the-counter (OTC) family planning drugs, devices, and supplies without a prescription when they meet the criteria of WAC 388-530-1200(3); and

(b) MAA may cover family planning drugs that do not meet the federal drug rebate requirement in WAC 388-530-1125 on a case-by-case basis, under the provisions of subsection (6) of this section.

(5) MAA determines if certain drugs are medically necessary and covered with or without restrictions based on evidence contained in compendia of drug information and ((of) peer-reviewed medical literature.

(a) Decisions regarding restrictions are based on, but are not limited to:

(i) Client safety;

(ii) FDA-approved indications;

(iii) Quantity;

(iv) Client age and/or gender; and

(v) Cost.

(b) Restrictions apply ((to), but are not limited to:

(i) Drugs covered in the nursing facility per diem rate;

(ii) Number of refills within a calendar month; and

(iii) Refills requested before seventy-five percent of the ((therapy days' supply has elapsed)) previously dispensed supply is scheduled to be exhausted.

(6) MAA evaluates requests for drugs, devices, and pharmaceutical supplies that are subject to limitations or other restrictions in this chapter on a case-by-case basis. MAA approves the requested services that are beyond the stated limits or restrictions of this chapter when MAA determines that the services are medically necessary, under subsection (5) of this section and under the standards for covered services in WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1125 Drug rebate program.** The medical assistance administration (MAA) covers only those outpatient prescription drugs and over-the-counter (OTC) drugs supplied by manufacturers who have a drug rebate contract with the ((Health Care Financing Administration (HCFA))) Department of Health and Human Services (DHHS). MAA may make exceptions to the drug rebate requirement based on medical necessity ((and) on a case-by-case basis. Exceptions ((require prior authorization—refer to WAC 388-501-0165)) to this requirement must be prior authorized by MAA. MAA may exempt the following from the drug rebate requirement in WAC 388-530-1100(2):

(1) Family planning drugs as provided by WAC 388-530-1100(4); and

(2) Other drugs approved under WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies and reimbursement limitations.** (1) The medical assistance administration (MAA) does not cover:

(a) ((Nonecontract drugs,)) Brand or generic drugs, when the manufacturer has not signed a rebate agreement with the federal Department of Health and Human Services. Refer to WAC 388-530-1125 for information on the drug rebate program.

(b) A drug prescribed:  
 (i) For weight loss or gain;  
 (ii) For infertility, frigidity, impotency, or sexual dysfunction;  
 (iii) For cosmetic purposes or hair growth; or  
 (iv) To promote smoking cessation, except as described in WAC 388-533-0400(21), smoking cessation for pregnant women.

(c) Over-the-counter (OTC) drugs~~(h)~~ and supplies, ~~((unless)) except as described under WAC 388-530-1100 ~~((1)(b), or for family planning as described under chapter 388-532 WAC)~~.~~

(d) Prescription vitamins and mineral products, except:  
 (i) When prescribed for clinically documented deficiencies;

(ii) Prenatal vitamins, only when prescribed and dispensed to pregnant women; or

(iii) Fluoride preparations for children under the early and periodic screening, diagnosis, and treatment (EPSDT) ~~((or "healthy kids") services))~~ program.

(e) A drug prescribed for an indication that is not evidence based as determined by:

(i) MAA in consultation with federal guidelines; or  
 (ii) The Drug Utilization and Education (DUE) Council; and

(iii) MAA medical consultants and ~~((pharmacy research specialist))~~ MAA pharmacist(s).

(f) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.

(g) ~~((Outpatient drugs for which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.~~

~~(h))~~ Drugs that are:

(i) Not approved by the Food and Drug Administration (FDA); or

(ii) Prescribed for non-FDA approved indications or dosing, unless prior authorized; or

(iii) Unproven for efficacy or safety.

(h) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.

(i) Drugs requiring prior authorization for which MAA authorization has been denied.

(j) Preservatives, flavoring and/or coloring agents.

(k) Less than a one-month supply of drugs for long-term therapy.

(l) A drug with an obsolete National Drug Code (NDC) more than two years from the date the NDC is designated obsolete by the manufacturer.

(m) Products or items that do not have an eleven-digit NDC.

(2) MAA does not reimburse enrolled providers for:

(a) Outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods including, but not limited to:

(i) Diagnosis-related group (DRG);

(ii) Ratio of costs-to-charges (RCC);

(iii) Nursing facility per diem;

(iv) Managed care capitation rates;

(v) Block grants; or

(vi) Drugs prescribed for clients who are on the MAA hospice program when the drugs are related to the client's terminal condition.

(b) Any drug regularly supplied as an integral part of program activity by other public agencies (e.g., immunization vaccines for children).

(c) Prescriptions written on pre-signed prescription blanks filled out by nursing facility operators or pharmacists. MAA may terminate the core provider agreement of pharmacies involved in this practice.

(d) Drugs used to replace those taken from nursing facility emergency kits.

(e) Drugs used to replace a physician's stock supply.

(f) Free pharmaceutical samples.

(g) ~~((Terminated))~~ A drug product((s)) after the product's national drug code (NDC) termination date.

(h) A drug product whose shelf life has expired.

(3) MAA evaluates ~~((a))~~ each request for a noncovered drug ~~((that is listed as noncovered in this section))~~ under WAC 388-530-1100(5) and under the provisions of WAC ~~((388-501-0160 which relates to noncovered services. The request for a noncovered drug is called exception to rule. See WAC 388-501-0160 for information about exception to rule))~~ 388-501-0165.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1200 Prior authorization program.**

(1) The medical assistance administration (MAA) ~~((pharmacy research specialist))~~ pharmacist(s), medical consultants, and drug utilization review team evaluate drugs to determine prior authorization status on the drug file ~~((, and))~~. MAA may consult with a drug evaluation unit, the Drug Utilization and Education (DUE) Council, and/or participating MAA providers in this evaluation.

(2) To facilitate the evaluation process for a drug product, a drug manufacturer may send the ~~((pharmacy research specialist))~~ MAA pharmacist(s) a written request and the following supporting documentation:

(a) Background data about the drug;

(b) Product package information;

(c) Any pertinent clinical studies; ~~((and))~~

(d) Outcome and effectiveness data using the Academy of Managed Care Pharmacy's drug review submission process; and

(e) Any additional information the manufacturer considers appropriate.

(3) ~~((Evaluation of))~~ MAA evaluates a drug ~~((includes))~~ based on, but ~~((is))~~ not limited to, the following criteria:

(a) ~~((There is))~~ Whether the manufacturer has signed a federal drug rebate ~~((contract))~~ agreement ~~((signed by the manufacturer))~~ except as specified in WAC 388-530-1125;

(b) Whether the drug is a less-than-effective drug;

(c) The drug's ~~((has a favorable))~~ risk/benefit ratio;

(d) ~~((The))~~ Whether like drugs are on MAA's drug file ~~((status of:))~~

~~((i))~~ Like drugs; ~~((i))~~ there are less costly therapeutic alternative drugs;

(e) Whether the drug falls into one of the categories authorized by federal law to be excluded from coverage; ~~((and))~~

(f) The drug's ~~((has a))~~ potential for abuse; and

Whether outcome data demonstrate that the drug is cost effective.

(4) MAA updates and reviews the drug file list as necessary and periodically publishes a list of drugs not requiring prior authorization.

(5) Manufacturers may seek review of ~~((formulary))~~ MAA's prior authorization decisions by writing to ~~((the MAA medical director))~~ MAA's chief medical officer.

**AMENDATORY SECTION** (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1250 Prior authorization process.** (1) The medical assistance administration (MAA) requires pharmacies to obtain prior authorization for:

(a) Drugs with a prior authorization indicator on the MAA drug file list;

(b) Drugs that ~~((have))~~ exceed specific ~~((per-month dose))~~ dosage or unit limits as indicated by the Food and Drug Administration (FDA); and

(c) Additional fills in a calendar month for drugs dispensed for a less than thirty-four day supply when:

(i) Two fills for the same prescription have been dispensed, except for:

(A) ~~((Compounded prescriptions;~~

~~((B)))~~ Over-the-counter (OTC) contraceptives; or

~~((C)))~~ (B) Drugs prescribed to a suicidal patient or a patient at risk for potential drug abuse; or

(ii) Four fills in the same calendar month for the same prescription have been dispensed for any of the following:

(A) Antibiotics;

(B) Anti-asthmatics;

(C) Schedule II and III drugs;

(D) Antineoplastic agents;

(E) Topical preparations; or

(F) Propoxyphene, propoxyphene napsylate, and all propoxyphene combinations.

(2) The pharmacy provider must make a request to MAA for a drug requiring prior authorization before dispensing the drug. The pharmacy provider must:

(a) Ensure the request states the medical diagnosis and includes medical justification for the drug; and

(b) Keep on file documentation of the prescriber's medical justification that is communicated to the pharmacy by the prescriber at the time the prescription is filled. The records must be retained for the period specified in WAC 388-502-0020 (1)(c).

(3) MAA evaluates a request for prior authorization based on, but not limited to:

(a) Requirements in this section;

(b) Requirements under WAC 388-530-1000, 388-530-1150, and 388-501-0165; and

(c) The least costly alternative between two or more ~~((preparations))~~ products of equal effectiveness.

(4) MAA authorizes certain prescribed drugs through a process called "expedited prior authorization (EPA)." MAA determines which drugs can be authorized through the ~~((expedited prior authorization))~~ EPA process by ~~((establishing specific utilization criteria))~~ using factors which include, but are not limited to:

(a) ~~((High))~~ Product cost;

(b) Potential for clinical misuse;

(c) Narrow therapeutic indication; and

(d) Safety concerns.

(5) MAA may authorize reimbursement at the brand name estimated acquisition cost (EAC) for a brand name multiple-source drug that would have been reimbursed at the maximum allowable cost (MAC) for that multiple-source drug, if:

(a) The pharmacist calls for prior authorization; and

(b) The prescriber indicates:

(i) "Dispense as written" ~~((for))~~ on the prescription; and

(ii) That a specific brand is "medically necessary" for a particular client; or

(c) The availability of generic(s) equivalents in the marketplace is severely curtailed and the price disparity between the brand name EAC and the generic MAC ~~((is such that))~~ reimbursement affects clients' ~~((would be denied))~~ access to the medication.

(6) MAA provides a response ~~((to a request for drugs requiring prior authorization)),~~ by telephone or other telecommunication device, within twenty-four hours of a request for drugs that require prior authorization, if the request is received during normal state business hours. If a provider needs prior authorization to dispense a drug during a weekend or Washington state holiday, the provider may dispense the drug without prior authorization only when:

(a) Given in an emergency;

(b) MAA receives justification within seventy-two hours of the fill date, excluding weekends and Washington state holidays; and

(c) MAA agrees with the justification and approves the request.

(7) MAA's prior authorization:

(a) Is limited to a decision of medical appropriateness for a drug; and

(b) Does not guarantee payment.

**AMENDATORY SECTION** (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1300 General reimbursement methodology.** (1) ~~((MAA's))~~ The medical assistance administration's (MAA) total reimbursement for a prescription drug must not exceed the lowest of:

(a) Estimated acquisition cost (EAC) plus a dispensing fee;

(b) Maximum allowable cost (MAC) plus a dispensing fee;

(c) Federal Upper Limit (FUL) plus a dispensing fee;

(d) Actual acquisition cost (AAC) plus a dispensing fee for drugs purchased under section 340 B of the Public Health

Service (PHS) Act and dispensed to medical assistance clients; ~~((or))~~

(e) Automated maximum allowable cost (AMAC) plus a dispensing fee;

(f) Certified average wholesale price (CAWP) plus a dispensing fee; or

(g) The provider's usual and customary charge to the non-Medicaid population.

(2) MAA selects the ~~((in state pharmaceutical wholesalers))~~ sources for pricing information used to set EAC and MAC. These sources may include pharmaceutical wholesalers.

(3) MAA may solicit assistance from ~~((representative))~~ pharmacy providers, ~~((through their state associations,))~~ pharmacy benefit managers (PBM), other government agencies, actuaries, and/or other consultants when establishing EAC and/or MAC.

(4) If the pharmacy provider offers a discount, rebate, promotion or other incentive which directly relates to the reduction of the price of a prescription to the individual non-Medicaid customer, the provider must similarly reduce its charge to MAA for the prescription.

(5) If a pharmacy gives a product free to the general public, the pharmacy must not submit a claim to MAA when giving the free product to a medical assistance client.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1350 Estimated acquisition cost (EAC) methodology.** (1) The medical assistance administration (MAA) determines EAC as follows:

~~((1) No more than once every three years and no less than once every ten years, MAA:))~~

(a) ~~((Takes a minimum sample of two hundred fifty of the top national drug codes (NDCs) paid by MAA, excluding drugs under the MAC program; and~~

~~(b))~~ When acquisition cost data are made available to MAA by drug wholesalers:

(i) MAA determines pharmacies' ~~((average))~~ acquisition costs for ~~((these products.~~

~~(2) The pharmacies' average acquisition cost for the products in the NDC sample is based on in-state wholesalers' charges to pharmacy subscribers.~~

~~(3) MAA represents the average))~~ the top 100 single-source drugs reimbursed by MAA as measured by the total dollars paid for each drug.

(ii) Establishes the actual acquisition cost (AAC) for each product on the sample list as a percentage of the published average ~~((published))~~ wholesale price (AWP), determined for that product by MAA's drug pricing file contractor.

~~((4))~~ (iii) MAA averages the percentages obtained from the sample, and that average represents the EAC.

~~((5))~~ (b) When drug wholesalers do not make acquisition cost data available to MAA, MAA may set EAC using acquisition cost information provided, or rates set, by any of the following:

(i) Audit agencies, federal or state;

(ii) Other state health care purchasing agencies;

(iii) Pharmacy benefit managers;

(iv) Individual pharmacy providers participating in MAA's programs;

(v) Other third party payers; and/or

(vi) Actuaries or other consultants.

(2) MAA establishes EAC as a percentage of AWP, derived by applying a discount to AWP.

(3) MAA may set EAC for specified drugs or drug categories at a percentage of AWP other than that determined in subsection ~~((4))~~ (1)(a) of this section when MAA considers it necessary. MAA ends the exemption when ~~((it considers))~~ the necessity no longer exists.

~~((6) MAA pays EAC for a drug with an established MAC when the EAC for the particular drug is lower than the MAC price.~~

(7) The factors MAA considers in setting a rate for a class of drugs under this subsection include, but are not limited to:

(a) Product cost;

(b) MAA's documented clinical concerns; and

(c) MAA's budget limits.

(4) MAA bases EAC drug reimbursement on the actual package size dispensed.

(5) MAA uses the EAC as MAA's reimbursement for a drug when the EAC is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1), or when the conditions of WAC 388-530-1400(3) are met.

#### NEW SECTION

**WAC 388-530-1360 Certified average wholesale price (CAWP).** (1) The medical assistance administration (MAA) reimburses providers the certified average wholesale price (CAWP) for selected infusion, injectable, and inhalation drugs manufactured and/or marketed by manufacturers/labelers who are subject to a consent order with the United States Department of Justice.

(2) The CAWP is determined by First Data Bank (FDB) through a survey of wholesale prices. FDB reports these prices to states and certifies that they accurately represent the price from wholesalers to retailers for these drugs.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1400 Maximum allowable cost (MAC) methodology.** (1) The medical assistance administration (MAA) establishes a maximum allowable cost (MAC) for a multiple-source drug which is available from at least ~~((three))~~ two manufacturers/labelers.

(2) ~~((MAA may exclude from MAC selected multiple-source drugs when clinical response significantly differs between brand and generic equivalents.~~

(3) MAA determines the MAC for a multiple-source drug by:

(a) ~~((Obtaining copies of in-state wholesalers' product catalogs;~~

(b) Identifying)) When drug wholesalers make acquisition cost data available to MAA, MAA:

(i) Identifies what products are available from ~~((each in-state))~~ wholesalers for each MAC drug;

~~((e) Determining the average)) (ii) Determines pharmacy ((subscriber's) subscribers' approximate acquisition costs for these products;~~

~~((d) Ranking)) (iii) Ranks the products in descending order by approximate acquisition cost; and~~

~~((e) Establishing)) (iv) Establishes the MAC at a level which gives ((most) pharmacists access to ((two) one product(s) from a manufacturer with a qualified rebate agreement (see WAC 388-530-1125).~~

(b) When drug wholesalers do not make acquisition cost data available to MAA, MAA may set a MAC for a drug in the same manner described in WAC 388-530-1350 (1)(b).

~~((4) MAA may establish a MAC for a drug using the maximum allowable cost set by another third party for that drug.~~

(5)) (3) The MAC established for a multiple-source drug does not apply if the written prescription identifies that a specific brand is medically necessary for a particular client. In such cases EAC for the particular brand applies, provided prior authorization is obtained from MAA as specified under WAC 388-530-1250(5), Prior authorization.

~~((6)) (4) Except as provided in subsection (3) of this section, MAA reimburses providers for a multiple-source drug at the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).~~

(5) The MAC established for a multiple-source drug applies to all package sizes of that drug, ((except)) including those identified as unit dose National Drug Codes (NDCs) by the manufacturer(s) of the drug.

~~((7) MAA pays the EAC for a multiple source product if the EAC for that product is less than the MAC established for the drug.~~

(8) The automated maximum allowable cost (AMAC) pricing applies to multiple source drugs:

(a) Produced by three or more manufacturers/labelers at least one of which must have a federal drug rebate agreement; and

(b) Which are not on the MAC list.

(9) AMAC reimbursement for all products within a generic code number (GCN) sequence is at the EAC of the third lowest priced product in that sequence, or the EAC of the lowest priced drug under a federal rebate agreement in that sequence, whichever is higher.

(10) For a multiple source product under AMAC, MAA pays the EAC if the EAC for the multiple source product is less than the AMAC established for that product.

(11) MAA recalculates AMAC each time there is a pricing update provided by the drug file contractor to any product in GCN sequences.))

## NEW SECTION

**WAC 388-530-1405 Automated maximum allowable cost (AMAC).** (1) The medical assistance administration (MAA) uses the automated maximum allowable cost (AMAC) pricing methodology for multiple-source drugs that are:

(a) Not on the published maximum allowable cost (MAC) or federal upper limit (FUL) lists; and

(b) Produced by two or more manufacturers/labelers, at least one of which must have a federal drug rebate agreement.

(2) MAA establishes AMAC as a specified percentage of the published average wholesale price (AWP). MAA may use different percentage discounts from AWP for the estimated acquisition cost (EAC) and AMAC.

(3) MAA sets the percentage discount from AWP for AMAC reimbursement using any of the information sources identified in WAC 388-530-1350 (1)(b).

(4) MAA may set AMAC reimbursement at different percentage discounts from AWP for different multiple source drugs. MAA considers the same factors as those in WAC 388-530-1350(3).

(5) AMAC reimbursement for all products within a generic code number sequence number is at the AMAC determined for the second lowest priced product in that sequence, or the AMAC of the lowest priced drug under a federal rebate agreement.

(6) MAA recalculates AMAC each time the drug file contractor provides a pricing update to any product in a GCN sequence.

(7) Except as provided in WAC 388-530-1400(3), MAA reimburses at the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1410 Federal upper limit (FUL) methodology.** (1) The medical assistance administration (MAA) adopts the federal upper limit (FUL) set by the ((Health Care Financing Administration (HCFA) unless a lower MAC is already in place for the multiple source drug)) Centers for Medicare and Medicaid Services (CMS) (formerly known as HCFA).

(2) ((MAA pays the EAC for a multiple source product if the EAC for that product is less than the FUL established for that drug.

(3)) MAA's maximum payment for multiple-source drugs for which ((HCFA)) CMS has set ((a)) FULs will not exceed, in the aggregate, the prescribed upper limits plus the dispensing fees set by MAA.

(3) Except as provided in WAC 388-530-1400(3), MAA uses the FUL as MAA's reimbursement rate for the drug when the FUL price is the lowest of the rates calculated under the methods listed in WAC 388-530-1300(1).

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1425 Payment methodology for drugs purchased under the Public Health Service (PHS) Act.** (1) Drugs purchased under section 340B of the Public Health Service (PHS) Act can be dispensed to medical assistance clients only by PHS-qualified health facilities ((to medical assistance clients)). These medications must be billed using the actual acquisition cost (AAC) of the drug plus the appropriate dispensing fee.

(2) ((Drugs provided or dispensed by other specified providers must be billed using AAC. See WAC 388-530-1700.

~~(3) AAC includes allowances or discounts for volume purchases, purchasing cooperatives, and advertising or other promotional allowances.))~~ Providers dispensing drugs under this section are required to submit their valid MAA provider number(s) to the PHS Health Resources and Services Administration, Office of Pharmacy Affairs. This requirement is to ensure that claims for drugs dispensed under this section and paid by MAA are excluded from the drug rebate claims that are submitted to the manufacturers of the drugs. See WAC 388-530-1125 for information on the drug rebate program.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1450 Dispensing fee determination.**

(1) Subject to the provisions of WAC 388-530-1300, the medical assistance administration (MAA) pays a dispensing fee for each prescribed and covered ((prescription)) drug.

((4)) (2) MAA does not pay a dispensing fee for non-drug items, devices, or supplies.

(3) MAA adjusts the dispensing fee by considering factors including, but not limited to:

- (a) Legislative appropriations for vendor rates;
- (b) Input from provider and/or advocacy groups;
- (c) Input from state-employed or contracted actuaries;

and

(d) Dispensing fees paid by other third-party payers, including, but not limited to, health care plans and other states' Medicaid agencies.

((2)) (4) MAA uses a tiered dispensing fee system which reimburses higher volume pharmacies at a lower fee and ((small)) lower volume pharmacies at a higher fee.

((3)) (5) MAA uses total annual prescription volume (both Medicaid and non-Medicaid) reported to MAA to determine each pharmacy's dispensing fee tier.

(a) A pharmacy which fills more than thirty-five thousand prescriptions annually is a high-volume pharmacy. MAA considers hospital-based pharmacies that serve both inpatient and outpatient clients as high-volume pharmacies.

(b) A pharmacy which fills between fifteen thousand one and thirty-five thousand prescriptions annually is a mid-volume pharmacy.

(c) A pharmacy which fills fifteen thousand or fewer prescriptions annually is a low-volume pharmacy.

((4)) (6) MAA determines a pharmacy's annual total prescription volume as follows:

(a) MAA sends out a prescription volume survey form to pharmacy providers during the first quarter of the calendar year;

(b) Pharmacies return completed prescription volume surveys to MAA by the date specified, typically April 15th of each year. Pharmacy providers not responding to the survey by the specified date are assigned to the high volume category;

(c) Pharmacies must include all prescriptions dispensed from the same physical location in the pharmacy's total prescription count;

(d) ~~((Hospital-based pharmacies which serve both inpatient and outpatient clients are not required to include hospi-~~

~~tal inpatient doses/prescriptions in the total volume reported to MAA;~~

~~((e)) MAA considers prescriptions dispensed to nursing facility clients as outpatient prescriptions;~~

~~((f)) (e) Assignment to a new dispensing fee tier is effective on the first of the month, (typically May 1st of each year) following the date specified by MAA.~~

~~((5)) (7) A pharmacy may request a change in dispensing fee tier during the interval between the annual prescription volume surveys. The pharmacy must substantiate such a request with documentation showing that the pharmacy's most recent six-month dispensing data, annualized, would qualify the pharmacy for the new tier. If MAA receives the documentation by the twentieth of the month, assignment to a new dispensing fee tier is effective on the first of the following month.~~

~~((6)) (8) MAA grants general dispensing fee rate increases only when authorized by the legislature. Amounts authorized for dispensing fee increases may be distributed nonuniformly (e.g., tiered dispensing fee based upon volume).~~

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1500 Reimbursement for compounded prescriptions.** (1) The medical assistance administration (MAA) covers a drug ingredient used for a compounded prescription only when the manufacturer has a signed rebate agreement with the federal Department of Health and Human Services (DHHS). MAA considers bulk chemical supplies used in compounded prescriptions as non-drug items, which do not require a drug rebate agreement. MAA covers such bulk chemical supplies only as specifically approved by MAA.

(2) MAA does not cover or reimburse for coloring agents, preservatives, and flavoring agents used in compounded prescriptions except when they are necessary as a complete vehicle for compounding (e.g., simple syrup).

(3) MAA does not consider reconstitution to be compounding.

~~(a) MAA ((may consider the act of combining two or more active ingredients or the adjustment of therapeutic strengths and/or forms by a pharmacist in the preparation of a prescription to be))~~ reimburses pharmacists for compounding drugs only if the client's drug therapy needs are unable to be met by commercially available dosage strengths and/or forms of the medically necessary drug.

(b) The pharmacist must ensure the need for the adjustment of the drug's therapeutic strength and/or form is well documented in the client's file.

((2)) (c) The pharmacist must ensure that the ingredients used in a compounded prescription are for an approved use as defined in "medically approved indication" in WAC 388-530-1050.

(4) MAA requires that each drug ingredient used for a compounded prescription be billed to MAA using its eleven-digit national drug code (NDC) number.

(5) Compounded prescriptions are reimbursed as follows:

(a) MAA allows only the lowest cost for each covered ingredient, whether ~~((EAC, MAC))~~ that cost is determined by actual acquisition cost (AAC), estimated acquisition cost (EAC), federal upper limit (FUL), maximum allowable cost (MAC), automated maximum allowable cost (AMAC), certified average wholesale price (CAWP), or amount billed.

(b) MAA applies current prior authorization requirements to drugs used as ingredients in compounded prescriptions, except as provided under subsection ~~((2))~~(5)(c) of this section. MAA denies payment for a drug requiring prior authorization used as an ingredient in a compounded prescription when prior authorization was not obtained.

(c) MAA may designate selected drugs as not requiring prior authorization when used for compounded prescriptions, but requiring prior authorization for other uses. For the list of selected drugs, refer to ~~((the pharmacy))~~ MAA's prescription drug program billing instructions.

(d) MAA reimburses a dispensing fee as described under WAC 388-530-1450 for:

(i) Each covered or prior authorized drug ingredient billed separately; and

(ii) Drugs used in compounding under subsection ~~((2))~~(5)(c) of this section.

(e) MAA does not pay a separate fee for compounding time.

~~((3) In addition to reimbursement for ingredient and dispensing fees, MAA may set maximum allowable fees, called compounded prescription preparation fees, for special procedures, equipment, or supplies used in compounding prescriptions.~~

~~(a) The pharmacy must note in its records any necessary special procedures, equipment, supplies, or containers used in preparing the compounded prescription.~~

~~(b) MAA adjusts compounded prescription preparation fees by considering factors including, but not limited to:~~

~~(i) Legislative appropriations for vendor rates;~~

~~(ii) Input from provider and/or advocacy groups;~~

~~(iii) Audit findings regarding costs of compounding equipment and supplies, as specified in subsection (4) of this section; and~~

~~(iv) Compounded prescription preparation fees paid by other third party payers, including but not limited to health care plans and other states' Medicaid agencies.~~

~~(c) MAA does not reimburse compounded prescription preparation fees for infusion products; MAA reimbursement for home infusion and other intravenous admixtures is limited to ingredient costs and dispensing fees only.~~

~~(d) MAA reimburses pharmacies for only one preparation fee for each compounded prescription.~~

~~(e) Pharmacies bill MAA for compounded prescription preparation fees using state assigned drug codes, which MAA publishes periodically in the pharmacy billing instructions.~~

~~(f) A separate dispensing fee does not apply to the state assigned drug preparation fee codes.~~

~~(4) MAA may audit selected pharmacies dispensing compounded prescriptions, to determine acquisition or estimated costs of equipment and/or supplies used in compounding.)~~ (6) MAA requires pharmacists to document the need for each inactive ingredient added to the compounded pre-

scription. MAA limits reimbursement to those that meet the following criteria. To be reimbursed by MAA, each inactive ingredient must be:

(a) A necessary component of a compounded drug; and

(b) Listed in MAA's prescription drug program billing instructions.

AMENDATORY SECTION (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1550 Unit dose drug delivery systems.**

(1) The medical assistance administration (MAA) pays for unit dose drug delivery systems only for clients residing in nursing facilities, except as provided in subsections ~~((6))~~ (7) and ~~((7))~~ (8) of this section.

(2) Unit dose delivery systems may be either true or modified unit dose.

(3) MAA pays pharmacies that provide unit dose delivery service MAA's highest allowable dispensing fee for each unit dose prescription dispensed to clients in nursing facilities. MAA reimburses ingredient costs for drugs under unit dose systems ~~((at the appropriate MAC, FUL, AAC, EAC, or billed charge, whichever is lowest. MAA reimburses unit dose providers for drugs dispensed in manufacturers' unit dose packaging at the EAC for the specific unit dose NDCs))~~ as described in WAC 388-530-1500 (5)(a).

(4) MAA pays a pharmacy that dispenses drugs in bulk containers or multi-dose form to clients in nursing facilities the regular dispensing fee applicable to the pharmacy's total annual prescription volume tier. Drugs MAA considers not deliverable in unit dose form include, but are not limited to, liquids, creams, ointments, ophthalmic and otic solutions. MAA reimburses ingredient costs ~~((for such drugs at the lowest of MAC, FUL, AAC, EAC, or billed charge))~~ as described in WAC 388-530-1500 (5)(a).

(5) MAA pays a pharmacy that dispenses drugs prepackaged by the manufacturer in unit dose form to clients in nursing facilities the regular dispensing fee applicable ~~((to that pharmacy's total annual prescription volume tier))~~ under WAC 388-530-1450(5). MAA reimburses ingredient costs ~~((at the EAC applicable to the unit dose NDC))~~ for drugs prepackaged by the manufacturer in unit dose form as described in WAC 388-530-1500 (5)(a).

(6) MAA limits its coverage and payment for manufacturer-designated unit dose packaging to the following conditions:

(a) The drug is a single source drug and a multidose package for the drug is not available;

(b) The drug is a multiple source drug but there is no other multidose package available among the drug's generic equivalents; or

(c) The manufacturer-designated unit dose package is the most cost-effective package available or it is the least costly alternative form of the drug.

(7) MAA reimburses a pharmacy provider for manufacturer-designated unit dose drugs dispensed to clients not residing in nursing facilities only when such drugs:

(a) Are available in the marketplace only in manufacturer-designated unit dose packaging; and

(b) Would otherwise have been covered outpatient drugs. The unit dose dispensing fee does not apply in such cases. MAA pays the pharmacy the dispensing fee applicable to the pharmacy's total annual prescription volume tier.

~~((7))~~ (8) MAA may pay for unit dose delivery systems for developmentally disabled (DD) clients residing in approved community living arrangements.

**AMENDATORY SECTION** (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1600 Unit dose pharmacy billing requirements.** (1) To be eligible for a unit dose dispensing fee from the medical assistance administration (MAA), a pharmacy must:

(a) Notify MAA in writing of its intent to provide unit dose service;

(b) Identify the nursing facility(ies) to be served;

(c) Indicate the approximate date unit dose service to the facility(ies) will commence; and

(d) ~~((Sign an agreement to))~~ Follow department requirements for unit dose reimbursement.

(2) Under a unit dose delivery system, a pharmacy must bill only for the number of drug units actually used by the medical assistance client in the nursing facility, except as provided in subsections (3) ~~((and))~~, (4), and (5) of this section. It is the unit dose pharmacy provider's responsibility to coordinate with nursing facilities to ensure that the unused drugs the pharmacy dispensed to MAA clients are returned to the pharmacy for credit.

(3) The pharmacy must submit an adjustment form or claims reversal of the charge to MAA for the cost of all unused drugs returned to the pharmacy from the nursing facility on or before the sixtieth day following the date the drug was dispensed, except as provided in subsection ~~((4))~~ (5) of this section. Such adjustment must conform to the nursing facility's monthly log as described in subsection ~~((6))~~ (7) of this section.

(4) MAA pays a unit dose provider a dispensing fee when a provider-packaged unit dose prescription is returned, in its entirety, to the pharmacy. A dispensing fee is not paid if the returned prescription is for a drug with a manufacturer-designated unit dose national drug code (NDC). In addition to the dispensing fee paid under this subsection, the provider may bill MAA one unit of the tablet or capsule but must credit MAA for the remainder of the ingredient costs for the returned prescription.

(5) Unit dose providers do not have to credit MAA for federally designated schedule two drugs which are returned to the pharmacy. These returned drugs must be disposed of according to federal regulations.

~~((5))~~ (6) Pharmacies must not charge clients or MAA a fee for repackaging a client's bulk medications in unit dose form. The costs of repackaging are the responsibility of the nursing facility when the repackaging is done:

(a) To conform with a nursing facility's drug delivery system; or

(b) For the nursing facility's convenience.

~~((6))~~ (7) The pharmacy must maintain detailed records of medications dispensed under unit dose delivery systems.

The pharmacy must keep a monthly log for each nursing facility served, including but not limited to the following information:

(a) Facility name and address;

(b) Client's name and patient identification code (PIC);

(c) Drug name/strength;

(d) National Drug Code (NDC);

(e) Quantity and date dispensed;

(f) Quantity and date returned;

(g) Value of returned drugs or amount credited;

(h) Explanation for no credit given or nonreusable returns; and

(i) Prescription number.

~~((7))~~ (8) Upon MAA's request, the pharmacy must submit copies of the logs referred to in subsection ~~((6))~~ (7) of this section.

~~((8))~~ (9) When the pharmacy submits the completed annual prescription volume survey to MAA, it must include an updated list of all nursing facilities currently served under unit dose systems.

**AMENDATORY SECTION** (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1625 Compliance packaging services.**

(1) The medical assistance administration (MAA) reimburses pharmacies for compliance packaging services provided to clients considered at risk for adverse drug therapy outcomes. Clients who are eligible for compliance packaging services must not reside in a nursing home or other inpatient facility, and must meet (a) and either (b) or (c) of this subsection. The client must:

(a) Have one or more of the following representative disease conditions:

(i) Alzheimer's disease;

(ii) Blood clotting disorders;

(iii) Cardiac arrhythmia;

(iv) Congestive heart failure;

(v) Depression;

(vi) Diabetes;

(vii) Epilepsy;

(viii) HIV/AIDS;

(ix) Hypertension;

(x) Schizophrenia; or

(xi) Tuberculosis.

(b) Concurrently consume two or more prescribed medications for chronic medical conditions, that are dosed at three or more intervals per day; or

(c) Have demonstrated a pattern of noncompliance that is potentially harmful to ~~((their))~~ the client's health. The client's pattern of noncompliance with the prescribed drug regimen must be fully documented in the provider's file.

(2) Compliance packaging services include:

(a) Reusable hard plastic containers of any type (e.g., medisets); and

(b) Nonreusable compliance packaging devices (e.g., blister packs).

(3) MAA pays a filling fee and reimburses pharmacies for the compliance packaging device and/or container. The frequency of fills and number of payable compliance packag-

ing devices per client is subject to limits specified by MAA. MAA does not pay filling or preparation fees for blister packs.

(4) Pharmacies must use the HCFA-1500 claim form to bill MAA for compliance packaging services.

**AMENDATORY SECTION** (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1650 Reimbursement for pharmaceutical supplies.** (1) The medical assistance administration (MAA) reimburses for selected covered pharmaceutical supplies that are not ((already)) included in ((other)) MAA's drug claim payment system((s)), called the point-of-sale (POS) system.

(2) MAA bases reimbursement of pharmaceutical items or supplies that are not payable through the POS on MAA-published fee schedules.

(3) MAA uses any or all of the following methodologies to set the maximum allowable reimbursement rate for ((a)) pharmaceutical ((device/supply)) items, devices, and supplies:

(a) A pharmacy provider's acquisition cost. Upon review of the claim, MAA may require an invoice which must show the name of the ((drug)) item, the manufacturer, ((drug strength, and cost)) the product description, the quantity, and the cost including any free goods associated with the invoice;

(b) Medicare's reimbursement for the item; or

(c) A specified discount off the item's list price or manufacturer's suggested retail price (MSRP).

(4) MAA does not pay a dispensing fee for nondrug items, devices, or supplies. See WAC 388-530-1450(2).

**AMENDATORY SECTION** (Amending WSR 01-01-029, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1700 Drugs and ((pharmaceutical)) drug-related supplies from nonpharmacy providers.** The medical assistance administration (MAA) reimburses for covered drugs, supplies, and devices provided or administered by nonpharmacy providers under specified conditions.

(1) MAA reimburses actual acquisition cost (AAC) to a physician or ARNP for a covered drug (oral, topical or injectable) prepared or packaged for individual use and provided or administered to a client during an office visit. When the cost of the drug provided or administered to the client exceeds the established fee, the physician or ARNP may submit to MAA a photocopy of the invoice for the actual drug cost. The invoice must show the name of the drug, the manufacturer, the National Drug Code (NDC), drug strength, quantity, and cost.

(2) MAA reimburses drugs and supplies provided to clients by local health departments according to its established fee schedules.

(3) MAA does not reimburse providers for the cost of vaccines obtained through the state department of health (DOH); MAA does pay physicians and ARNPs a fee for administering the vaccine.

(4) MAA reimburses family planning clinics:

(a) For oral contraceptives, the lesser of the family planning clinic's certified full fee or MAA's maximum allowable fee per cycle of birth control pills. The certified full fee is the clinic's acquisition cost for each cycle of birth control pills, as reported annually by the clinic to DOH;

(b) For contraceptive supplies and devices, the clinic's actual acquisition cost or MAA's maximum allowable fee, whichever is specified by MAA; and

(c) For other drugs, supplies, and devices, according to MAA's established fee schedules.

(5) MAA may request family planning clinics and other nonpharmacy providers to submit an invoice for the actual cost of the drug, supply, or device billed. If an invoice is requested, the invoice must show the:

(a) Name of the drug, supply, or device((-the));

(b) Drug or product manufacturer((-));

(c) NDC of the product(s);

(d) Drug strength((-and quantity or));

(e) Product description ((and));

(f) Quantity((-)); and

(g) Cost, including any free goods associated with the invoice.

**AMENDATORY SECTION** (Amending WSR 00-14-071, filed 7/5/00, effective 8/5/00)

**WAC 388-530-1750 Drugs and pharmaceutical supplies for clients with any third-party coverage.** (1) The medical assistance administration (MAA) requires pharmacy providers to meet the third party requirements of WAC 388-501-0200.

(2) Except as specified under MAA's managed care contracts, ((the medical assistance administration (-))) MAA((-)) does not reimburse providers for any drugs or pharmaceutical supplies provided to clients who have pharmacy benefits under MAA-contracted managed care plans. The managed care plan is responsible for payment.

((2)) (3) The following definitions apply to this section:

(a) "Closed pharmacy network" means an arrangement made by an insurer which restricts prescription coverage to an exclusive list of pharmacies. This arrangement prohibits the coverage and/or payment of prescriptions provided by a pharmacy that is not included on the exclusive list.

(b) "Private point-of-sale (POS) authorization system" means an insurer's system, other than the MAA POS system, which requires that coverage be verified by or submitted to the insurer's agent for authorization at the time of service and at the time the prescription is filled.

((3)) (4) This subsection applies to MAA clients who have a third-party resource that is a managed care entity other than an MAA-contracted plan, or have other insurance that requires the use of "closed pharmacy networks" or "private point-of-sale authorization." MAA will not pay pharmacies for prescription drug claims until the pharmacy provider submits an explanation of benefits from the private insurance that demonstrates that the pharmacy provider has complied with the terms of the third-party's coverage.

(a) If the private insurer pays a fee based on the incident of care, the pharmacy provider must file a claim with MAA consistent with MAA's billing requirements.

(b) If the private insurer pays the pharmacy provider a monthly capitation fee for all prescription costs related to the client, the pharmacy provider must submit a claim to MAA for the amount of the client copayment, coinsurance, and/or deductible. MAA pays the provider the lesser of:

- (i) The billed amount; or
- (ii) MAA's maximum allowable fee for the prescription.

~~((4))~~ (5) For clients eligible for both Medicare and medical assistance, MAA reimburses providers for:

- (a) An amount up to MAA's maximum allowable fee for drugs Medicare does not cover, but MAA ~~((does))~~ covers; or
- (b) Deductible and/or coinsurance amounts up to Medicare's or MAA's maximum allowable fee, whichever is less, for drugs Medicare and MAA cover; or
- (c) Deductible and/or coinsurance amounts for clients under the qualified Medicare beneficiary (QMB) program for drugs Medicare ~~((does))~~ covers but MAA does not cover.

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

**WAC 388-530-1800 Requirements for pharmacy claim payment.** (1) When billing the medical assistance administration (MAA) for pharmacy services, providers must:

- (a) Use the appropriate department claim form or electronic billing specifications; ~~((and))~~
- (b) Include the actual eleven-digit National Drug Code (NDC) number of the product dispensed; and
- (c) Bill MAA using metric decimal quantities which is the National Council for Prescription Drug Programs (NCPDP) billing unit standard.

(2) When billing drugs requiring authorization, providers must insert the authorization number in the appropriate data field on the drug claim.

(3) When billing drugs under the expedited authorization process, providers must insert the authorization number which includes the corresponding criteria code(s) in the appropriate data field on the drug claim.

(4) Pharmacy services for clients on restriction under WAC 388-501-0135 must be prescribed by the client's primary care provider and are paid only to the client's primary pharmacy, except in cases of:

- (a) Emergency;
- (b) Family planning services; or
- (c) Services properly referred from the client's assigned pharmacy or physician/ARNP.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1850 Drug utilization and education (DUE) council.** The medical assistance administration (MAA) establishes a drug utilization and education (DUE) council and determines membership rotation.

(1) The DUE council ~~((must))~~:

- (a) ~~((Have))~~ Has a minimum of eight and a maximum of ten members, representing actively practicing health care professionals who have recognized knowledge and expertise in one or more of the following:

(i) The clinically appropriate prescribing of covered outpatient drugs;

(ii) The clinically appropriate dispensing and monitoring of covered outpatient drugs;

(iii) Drug use review, evaluation, and intervention;

(iv) Medical quality assurance; and

(v) Disease state management.

(b) ~~((Be))~~ Is made up of at least one-third but not more than fifty-one percent physicians, and at least one-third but not more than fifty-one percent pharmacists; and

(c) Includes an advanced registered nurse practitioner and a physician~~((s))~~ assistant.

(2) The DUE council meets periodically to:

(a) Advise MAA on drug utilization review activities;

(b) Review provider and patient profiles;

(c) Recommend adoption of standards and treatment guidelines for drug therapy;

(d) Provide interventions targeted toward therapy problems; and

(e) Produce an annual report.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1900 Drug utilization and claims review.** (1) The medical assistance administration's (MAA's) drug utilization review (DUR) consists of:

(a) A prospective drug utilization review (Pro-DUR) that requires all pharmacy providers to:

(i) Obtain patient histories of allergies, ~~((idiosyncrasies))~~ idiosyncrasies, or chronic condition(s) which may relate to drug utilization~~((--See WAC 246-875-020(1)(h)(i)))~~;

(ii) Screen for potential drug therapy problems; and

(iii) Counsel the patient in accordance with existing state pharmacy laws and federal regulations; and

(b) A retrospective drug utilization review (Retro-DUR), in which MAA provides for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and individuals receiving benefits.

(2) MAA performs a periodic sampling of claims to determine if drugs are appropriately dispensed and billed. If a review of the sample finds that a provider is inappropriately dispensing or billing for drugs, MAA may implement corrective action that includes, but is not limited to:

(a) Educating the provider regarding the problem practice(s);

(b) Requiring the provider to maintain specific documentation in addition to the normal documentation requirements regarding the provider's dispensing or billing actions;

(c) Recouping the payment for the drug(s); and/or

~~((e))~~ (d) Terminating the provider's core provider agreement.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-1950 Point-of-sale (POS) system/prospective drug utilization review (Pro-DUR).** (1) ~~((A))~~

Pharmacy (~~(drug)~~) claims (~~((received by MAA for payment))~~) for drugs and other products listed in the medical assistance administration (MAA) drug file list and billed to MAA by National Drug Code (NDC) are adjudicated by the MAA point-of-sale (POS) system. Claims must be submitted for payment using the billing unit standard identified in WAC 388-530-1800.

(2) All pharmacy drug claims processed through the POS system undergo a system-facilitated prospective drug utilization review (Pro-DUR) screening as a complement to the Pro-DUR screening required of pharmacists.

~~(3) ((MAA selects national council for prescription data processing (NCPDP) codes for pharmacy provider use in overriding MAA POS system alert messages.~~

~~(4))~~ If the MAA POS system identifies a potential drug therapy problem during Pro-DUR screening, a message will alert the pharmacy provider indicating the type of potential problem.

~~((a))~~ The alerts ~~((tø))~~ regarding possible drug therapy problems include, but are not limited to:

~~((i))~~ (a) Therapeutic duplication;

~~((ii))~~ (b) Duration of therapy exceeds the recommended maximum period;

~~((iii))~~ (c) Drug-to-drug interaction;

~~((iv))~~ (d) Drug disease precaution;

~~((v))~~ (e) High dose;

~~((vi))~~ (f) Ingredient duplication;

~~((vii))~~ (g) Drug-to-client age conflict;

~~((viii))~~ (h) Drug-to-client gender conflict; or

~~((ix))~~ (i) Refill too soon.

~~((b))~~ The dispensing pharmacist evaluates the potential drug therapy conflict.

~~(i)~~ If the conflict is resolved, the pharmacy may process the claim using the applicable NCPDP code.

~~(ii)~~ If the conflict is not resolved, MAA requires prior authorization for claims when an alert message is triggered in the POS system and NCPDP code is not appropriate.

~~(5))~~ (4) MAA provides pharmacy providers with a list of codes from which to choose in overriding MAA POS system alert messages. The override codes come from the national council for prescription drug programs (NCPDP).

(5) The dispensing pharmacist evaluates the potential drug therapy conflict and chooses one of the following:

(a) If the conflict is resolved, the pharmacy may process the claim using the applicable NCPDP override code.

(b) If the conflict is not resolved, MAA requires prior authorization. This includes all claims for which an alert message is triggered in the POS system and an NCPDP override code is not appropriate.

(6) MAA requires providers to retain documentation of the justification for the use of payment system override codes as described in subsections (4) and (5) of this section. MAA requires the documentation be retained for the same period as that described in WAC 388-502-0020.

(7) POS/Pro-DUR screening is not applicable to pharmacy claims included in the managed care capitated rate.

AMENDATORY SECTION (Amending WSR 01-01-028, filed 12/7/00, effective 1/7/01)

**WAC 388-530-2050 Reimbursement ~~((of))~~ for out-of-state prescriptions.** (1) The medical assistance administration (MAA) reimburses out-of-state pharmacies for prescription drugs provided to an eligible client within the scope of the client's medical care program if the pharmacy:

(a) Contracts with MAA to be an enrolled provider; and

(b) Meets the same criteria MAA requires for in-state pharmacy providers.

(2) MAA considers pharmacies located in bordering areas listed in WAC ~~((388-501-075))~~ 388-501-0175 the same as in-state pharmacies.

## WSR 02-17-030

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 12, 2002, 3:26 p.m.]

Date of Adoption: August 8, 2002.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833. These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-416-0025; and amending WAC 388-503-0505, 388-503-0510, 388-503-0515, 388-408-0055, 388-416-0010, 388-418-0025, 388-450-0105, 388-424-0010, 388-438-0110, 388-505-0210, 388-505-0220, 388-450-0005, 388-450-0035, 388-450-0065, 388-450-0170, 388-450-0210, 388-523-0100, 388-462-0015, 388-470-0026, 388-470-0070, and 388-478-0075.

Statutory Authority for Adoption: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415.

Adopted under notice filed as WSR 02-13-100, 02-13-101, 02-13-102, 02-13-103, and 02-13-104 on June 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-503-0510 (2)(a) should read, "The program requirements for the TANF cash assistance program or the requirements of WAC 388-505-0220 or 388-505-0210; or"

WAC 388-503-0515 new subsection (3) should read, "Individuals eligible for state financial assistance (SFA) cash grants may receive medical coverage for: (a) An emergent medical condition as described in WAC 388-438-0110; or (b) Pregnancy as described in WAC 388-462-0115.

WAC 388-424-0010(2) should read, "Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or SCHIP for five years after obtaining status as a qualified alien, unless they are any of the following...."

Delete the new (3) and renumber the ones following.

Current (4)(d) should read, "The child is a lawful permanent resident."

WAC 388-505-0220 (1)(b) should read, "Receiving cash diversion assistance, except SFA relatable families, described in chapter 388-222 WAC."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 21, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 21, Repealed 1.

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

August 8, 2002

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-503-0505 General eligibility requirements for medical programs.** (1) Persons applying for benefits under the medical coverage programs established under chapter 74.09 RCW must meet the eligibility criteria established by the department in chapters 388-400 through 388-555 WAC.

(2) Persons applying for medical coverage are considered first for federally funded or federally matched programs. State-funded programs are considered after federally funded programs are not available to the client except for brief periods when the state-funded programs offer a broad scope of care which meet a specific client need.

(3) Unless otherwise specified in program specific WAC, the eligibility criteria for each medical program ~~(are)~~ is as follows:

(a) ~~(Verifiable)~~ Verification of age and identity (chapters 388-404, 388-406, and 388-490 WAC); and

(b) Residence in Washington state (chapter 388-468 WAC); and

(c) Citizenship or immigration status in the United States (chapter 388-424 WAC); and

(d) Possession of a valid Social Security Account Number (chapter ~~(388-474)~~ 388-476 WAC); and

(e) Assignment of medical support rights to the state of Washington (WAC 388-505-0540); and

(f) Cooperation in securing medical support (chapter 388-422 WAC); and

(g) Countable resources ~~((which are))~~ within program limits (chapters 388-470 and 388-478 WAC); and

(h) Countable income ~~((which are))~~ within program limits (chapters 388-450 and 388-478 WAC).

(4) In addition to the general eligibility requirements in subsection (3) of this section, each program has specific eligibility requirements as described in applicable WAC.

(5) Persons living in ~~((correctional institutions))~~ a public institution, including a correctional facility, are not eligible for the department's medical coverage programs. A person living in a city or county jail may be considered only for the medically indigent (MI) program. For a person under age twenty or over age sixty-five who is a patient in an institution for mental disease see WAC 388-513-1315(13) for exception.

(6) Persons terminated from SSI or TANF cash grants and those who lose eligibility for categorically needy (CN) medical coverage have their CN coverage ~~((extended))~~ continued while their eligibility for other medical programs is redetermined. This ~~((extension))~~ continuation of medical coverage is described in chapter 388-434 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-503-0510 How a client is determined "related to" a categorical program.** (1) A person is related to the Supplemental Security Income (SSI) program if they are:

(a) Aged, blind, or disabled as defined in WAC 388-511-1105(1) or chapter 388-475 WAC; or

(b) Considered as eligible for SSI under WAC 388-511-1105(5) or chapter 388-475 WAC; or

(c) Children meeting the requirements of WAC 388-505-0210(6).

(2) A person or family is considered to be related to the temporary assistance for needy families (TANF) program ~~((or the state-funded assistance (SFA) program))~~ if they meet:

(a) The program requirements for the TANF ~~((or the SFA))~~ cash assistance programs or the requirements of WAC 388-505-0210 or 388-505-0220~~((, 388-505-0210 (3) or (4), or 388-503-0310 (17)(b)))~~; or

(b) Would meet such requirements except that ~~((~~ (i) ~~the assistance unit's countable income ((exceeds)) or resources exceed the TANF ((or the SFA program standards in chapter 388-478 WAC; or~~

(ii) The assistance unit's countable resources exceed the cash program standards in chapter 388-470 WAC)).

(3) Persons related to SSI or to TANF are eligible for categorically needy (CN) or medically needy (MN) medical coverage if they meet the other eligibility criteria for these medical programs. See chapters 388-475, 388-505 and 388-519 WAC for these eligibility criteria.

(4) Persons related to SSI or to TANF and who receive the related CN medical coverage have redetermination rights as described in WAC 388-503-0505(6).

~~((5) Persons related to SFA are eligible for state-funded medical coverage as long as they meet the other eligibility criteria for the medical program. The state-funded medical coverage has the same scope of coverage as CN or MN coverage described in subsection (3) of this section.))~~

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-503-0515 Medical coverage resulting from a cash grant.** (1) Families or individuals eligible for SSI, SSI state supplement or TANF cash grants are automatically eligible for categorically needy (CN) medical coverage. These clients receive medical coverage benefits without making a separate application. Certification for CN medical coverage parallels that for the cash benefits.

(2) Upon termination of cash benefits as described in subsection (1) of this section, medical coverage continues until the client's eligibility for other medical coverage can be completed. Continuing medical coverage is terminated if the client does not cooperate with the eligibility re-determination process.

(3) ~~((Families or))~~ Individuals eligible for ~~((or related to))~~ state financial assistance (SFA) cash grants ~~((are eligible for state funded))~~ may receive medical coverage ~~((For this program, the term "related to" is defined parallel to WAC 388-503-0510(2). The scope of medical coverage parallels that for the federally funded CN program))~~ for:

(a) An emergent medical condition as described in WAC 388-438-0110; or

(b) Pregnancy as described in WAC 388-462-0015.

**AMENDATORY SECTION** (Amending WSR 02-03-008, filed 1/4/02, effective 2/4/02)

**WAC 388-424-0010 Alien status—Eligibility requirements for the temporary assistance for needy families program and medical benefits.** (1) Qualified aliens as described in WAC 388-424-0005(3) who were residing in the United States (U.S.) before August 22, 1996 may receive temporary assistance for needy families (TANF), Medicaid, and CHIP benefits.

(2) Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or ~~((CHIP))~~ SCHIP for five years after ~~((their date of entry))~~ obtaining status as a qualified alien, unless they are any of the following:

(a) An alien as described under WAC 388-424-0005(3)(b), (d), (e), (g), or (h); or

(b) A lawful permanent resident who is:

(i) On active duty in the U.S. military, other than active duty for training;

(ii) An honorably discharged U.S. veteran;

(iii) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;

(iv) A Hmong or Highland Lao veteran who served in the military on behalf of the U.S. Government during the Vietnam conflict; or

(v) The spouse or unmarried dependent child(ren) of a person described in subsection (2)(b)(i) through (iv) of this section.

(3) A child born outside of the U.S. automatically becomes a U.S. citizen when:

(a) At least one of the parents is a U.S. citizen by birth or naturalization;

(b) The child is under eighteen years of age; ~~((and))~~

(c) The child is residing in the U.S. in legal and physical custody of the citizen parent; and

(d) The child is a lawful permanent resident.

(4) An Indian as described in WAC 388-424-0020 (2)(b) and (c) may receive Medicaid or CHIP benefits.

(5) Aliens, including PRUCOL aliens as defined in WAC 388-424-0005(4), who would qualify for Medicaid benefits, but are determined ineligible because of alien status or requirements for a Social Security Number, may receive medical coverage as follows:

(a) State-funded categorically needy (CN) scope of care for:

(i) ~~(i) pregnant women, as described in WAC 388-462-0015((i))~~

~~(ii) Children as described in WAC 388-505-0210; or~~

~~(iii) Family medical as described in WAC 388-505-0220; and~~

(b) Alien emergency medical services as described in WAC 388-438-0110.

(6) Alien status does not ~~((effect))~~ affect eligibility for the medically indigent program described in WAC 388-438-0100.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-416-0010 Medical certification periods for recipients of cash assistance programs.** (1) The certification period for medical services begins on the first day of the month of application when the client is determined eligible for cash assistance for one of the following programs:

(a) Temporary assistance for needy families (TANF) ~~((or state family assistance (SFA)))~~; ~~((or))~~

(b) Supplemental Security Income (SSI); or

(c) ~~((General assistance for pregnant women (GA-S); or~~

~~((d) General assistance for children (GA-H); or~~

~~((e)))~~ Refugee assistance.

(2) The certification period for the medical programs associated with the cash programs in subsection (1) of this section continues as long as eligibility for these programs lasts. When a client's cash assistance is terminated, eligibility for medical assistance is continued until eligibility is redetermined as described in WAC ~~((388-418-WAC))~~ 388-418-0025.

(3) The certification period for medical can begin up to three months prior to the month of application for clients described in subsection (1) of this section if the conditions in WAC 388-416-0015(6) apply.

(4) The certification period for medical care services begins on the date eligibility begins for the following cash assistance programs:

(a) General assistance for unemployable persons (GA-U); or

(b) Alcohol and drug abuse treatment and support act (ADATSA) programs, when the client is either receiving a grant or waiting for treatment to begin.

(5) The certification period for medical care services for clients in subsection (4) of this section runs concurrently with

the period of eligibility for the client's cash assistance program.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-416-0025 Certification period for children's health program.

**AMENDATORY SECTION** (Amending WSR 01-11-110, filed 5/21/01, effective 6/21/01)

#### WAC 388-505-0210 Children's medical eligibility.

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance (~~as defined in chapter 388-500 WAC~~) when:

(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as described in WAC 388-424-0005(1) or immigrant status as described in WAC 388-424-0010 (1) or (2);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) Children under the age of nineteen are eligible for the state children's health insurance program (SCHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a) and (b) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) ~~((Children under the age of nineteen who first physically entered the U.S. after August 21, 1996 are eligible for state-funded CN scope of care when they meet the:~~

~~(a) Eligibility requirements in subsection (2)(b), (c), and (d) of this section; and~~

~~(b) Qualified alien requirements for lawful permanent residents, parolees, conditional entrants, or domestic violence victims as described in WAC 388-424-0005 (3)(a), (c), (f), or (i).~~

(5)) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075 when income is counted according to WAC 388-408-0055 (1)(c); and

(c) One of the following criteria:

(i) Reside in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for more than thirty days;

(ii) Reside in a psychiatric or chemical dependency facility;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

~~((6))~~ (5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

~~((7))~~ (6) Children under the age of nineteen are eligible for Medically Needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

~~((8) Children described in subsection (4)(a) and (b) whose countable income exceeds the standard in WAC 388-478-0075 (1)(c) are eligible for state-funded MN scope of care.~~

(9)) (7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection ~~((6))~~(5)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

~~((10) Noncitizen children, including visitors or students from another country and undocumented children, under the age of eighteen are eligible for the state-funded children's health program, if:~~

~~(a) The department determines the child ineligible for any CN or MN scope of care medical program;~~

~~(b) They meet family income levels described in WAC 388-478-0075 (1)(a); and~~

~~(c) They meet state residency requirements as described in chapter 388-468 WAC.~~

(11)) (8) There are no resource limits for children under(:

(a) CN or MN coverage;

(b) State-funded CN or MN scope of care; or

(c) The children's health programs.

(12))

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220;

or

(b) Medical extensions as described in WAC 388-523-0100.

~~((13))~~ (10) Except for a client described in subsection ~~((5))~~(4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

**AMENDATORY SECTION** (Amending WSR 01-11-110, filed 5/21/01, effective 6/21/01)

**WAC 388-505-0220 Family medical eligibility.** (1) A person is eligible for categorically needy (CN) medical assistance when they are:

(a) Receiving temporary assistance for needy families (TANF) cash benefits;

(b) Receiving cash diversion assistance, except SFA relatable families, described in chapter 388-222 WAC;

(c) Eligible for TANF cash benefits but choose not to receive; or

(d) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and WAC 388-470-0050 and 388-470-0026 for recipients.

(2) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC;

(c) Is an unmarried minor parent who is not in a department-approved living situation;

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days;

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator;

(f) Was convicted of a drug related felony;

(g) Was convicted of receiving benefits unlawfully;

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states;

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Is not cooperating with WorkFirst requirements.

~~(3) ((A person is eligible for state funded CN scope of care family medical when the person:~~

~~(a) Is eligible for or receiving SFA cash benefits;~~

~~(b) Is receiving SFA cash diversion assistance described in chapter 388-222 WAC;~~

~~(c) Is not eligible for or receiving SFA solely due to factors described in subsection (2)(a) through (j) of this section; or~~

~~(d) Meets the criteria of (1)(d) of this section.~~

(4)) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-

505-0540 or the medical good cause criteria described in chapter 388-422 WAC.

~~((5) When the only eligible child in an SFA cash assistance unit is over nineteen years of age the assistance unit is not eligible for a family medical program, but individual members shall be redetermined for eligibility for other medical programs.~~

~~(6))~~ (4) Except for a client described in WAC 388-505-0210 ~~((5))~~ (4)(c)(i) and (ii), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

**AMENDATORY SECTION** (Amending WSR 01-05-041, filed 2/14/01, effective 3/17/01)

**WAC 388-438-0110 The alien emergency medical (AEM) program.** (1) The alien emergency medical (AEM) program is a federally-funded program. It is for aliens who are ineligible for other Medicaid programs, due to citizenship or alien status requirements described in WAC 388-424-0005 and 388-424-0010.

(2) Except for the Social Security Number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:

(a) WAC 388-505-0110, for an SSI-related person;

(b) WAC 388-505-0220, for family medical programs;

(c) WAC 388-505-0210, for a child under the age of nineteen; or

(d) WAC 388-523-0100, for medical extensions.

(3) When an alien has monthly income which exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must have:

(a) An emergency medical condition as described in WAC 388-500-0005; or

(b) Been approved by the department as requiring nursing facility or COPES level of care.

(5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.

(6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

**AMENDATORY SECTION** (Amending WSR 02-10-018, filed 4/22/02, effective 5/23/02)

**WAC 388-523-0100 Medical extensions—Eligibility.** (1) A family who received temporary assistance for needy families (TANF), ~~((state family assistance (SFA) cash,))~~ or family medical program in any three of the last six months in the state of Washington is eligible for extended medical benefits when they become ineligible for their current medical program because the family receives:

(a) Child or spousal support, which exceeds the payment standard described in WAC 388-478-0065, and they are not

eligible for any other categorically needy (CN) medical program; or

(b) Increased earned income, resulting in income exceeding the CN income standard described in WAC 388-478-0065.

(2) A family is eligible to receive extended medical benefits beginning the month after termination from TANF(~~SFA~~) cash or family medical program for:

(a) Four months for a family described in subsection (1)(a) of this section; or

(b) Up to twelve months, in two six-month segments, for a family described in subsection (1)(b) of this section. For the purposes of this chapter, months one through six are the initial six-month extension period. Months seven through twelve are the second six-month extension period.

(3) A family member is eligible to receive six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The individual family member:

(i) Moves out of state;

(ii) Dies;

(iii) Becomes an inmate of a public institution;

(iv) Leaves the household; or

(v) Does not cooperate, without good cause, with the division of child support or with third party liability requirements.

(b) The family:

(i) Moves out of state;

(ii) Loses contact with the department or the department does not know the whereabouts of the family; or

(iii) No longer includes a child as defined in WAC 388-404-0005(1).

(4) A family member is eligible to receive the second six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The family is no longer eligible for the reasons described in subsection (3)(a) or (b); or

(b) The individual family member is the caretaker adult who:

(i) Stops working or whose earned income stops;

(ii) Does not, without good cause, complete and return the completed medical extension report or otherwise provide the required income and child care information; or

(iii) Does not, without good cause, pay the billed premium amount for one month.

(5) A family described in subsection (3) will not receive medical extension benefits for any family member who has been found ineligible for TANF/SFA cash because of fraud in any of the six months prior to the medical extension period.

(6) For the purposes of this chapter, only individual family members that are eligible for Medicaid are certified to receive medical benefits under this program.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-462-0015 Medical programs for pregnant women.** (1) A pregnant woman is eligible for medical services described in this chapter only when her pregnancy is confirmed by a licensed medical practitioner, licensed labo-

ratory, community clinic, family planning clinic, or health department clinic.

(2) A pregnant woman is eligible for CN (~~medical~~) Medicaid coverage if she meets the following requirements as described in WAC 388-503-0505:

(a) Citizenship or immigration status (chapter 388-424 WAC); and

(b) Social Security Account Number (chapter 388-474 WAC); and

(c) Washington state residence (chapter 388-468 WAC); and

(d) Countable income meets the standard described in WAC 388-478-0075.

(3) A pregnant woman is considered for medically needy (MN) program coverage if she meets the requirements in subsection (2)(a) through (c) of this section and:

(a) Her countable income is greater than the standard in subsection (2)(d) of this section; and

(b) Her countable resources do not exceed the standard in WAC 388-478-0070.

(4) A pregnant woman is eligible for CN scope of care under the state-funded pregnant woman program if she is not eligible for programs in subsection (2) of this section due to citizenship, immigrant or Social Security Number requirements.

(5) A pregnant woman is considered for MN scope of care under the state-funded pregnant woman program if:

(a) She is not eligible for the program under subsection (4) of this section because her income exceeds the standard; and

(b) Her resources do not exceed the standard in WAC 388-478-0070.

(6) A pregnant woman is considered for the medically indigent (MI) program if her resources exceed the standards in WAC 388-478-0070.

(7) Only the income of an unmarried father of an unborn child that is actually contributed to a pregnant woman is considered as income to her.

(8) There are no resource limits for the programs described in subsections (2) and (4) of this section.

(9) The assignment of child support and medical support rights as described in chapter 388-422 WAC do not apply to pregnant women.

(10) Unless stated otherwise, this section contains the only eligibility requirements for pregnant women to qualify for medical coverage.

(11) A woman who was eligible for and received medical coverage on the last day of pregnancy is eligible for extended medical benefits for postpartum care through the end of the month:

(a) Which includes the sixtieth day from the end of the pregnancy, for a pregnant woman receiving Medical in any program except Medically Indigent (MI); or

(b) The pregnancy ends, for a pregnant woman receiving MI benefits.

(12) A woman who was eligible for a medical program on the last day of pregnancy is eligible for family planning services for twelve months from the end of the pregnancy.

AMENDATORY SECTION (Amending WSR 01-18-006, filed 8/22/01, effective 9/22/01)

**WAC 388-470-0026 Excluded resources for family medical programs.** "Continuously eligible" means, for the purposes of this chapter, there has not been a break of a calendar month or more in a client's eligibility since the date the client received resources in an amount that would cause the client to exceed the resource limit of a family medical program.

(1) The department does not count any increase in a client's resources received while a client:

(a) Is eligible for and receiving coverage under a family medical program; and

(b) Remains continuously eligible for a family medical program.

(2) The department does not count the resource increase for a client:

(a) Who meets the requirement of subsection (1)(a) of this section;

(b) Whose family medical program is terminated; and

(c) Who is later found eligible for all months since the termination, which may include a retroactive period of up to three months.

(3) The department counts the resource increase when the client is ineligible for a family medical program for a full calendar month or more except as described in subsection (2) of this section.

(4) When determining the eligibility of a Holocaust survivor for a family medical program, the department does not count the recoveries of:

(a) Insurance proceeds; and

(b) Other assets.

(5) For the purposes of this section, a family medical program includes the medical extension benefits as described in WAC 388-523-0100.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-470-0070 How vehicles are counted toward the resource limit for cash assistance and ~~(TANF/SFA-related)~~ family medical programs.** (1) A vehicle is any device for carrying persons and objects by land, water, or air.

(2) The entire value of a licensed vehicle needed to transport a physically disabled assistance unit member is excluded.

(3) The equity value of one vehicle up to five thousand dollars is excluded when the vehicle is used by the assistance unit or household as a means of transportation. Each separate medical assistance unit is allowed this exclusion.

AMENDATORY SECTION (Amending WSR 02-07-090, filed 3/19/02, effective 4/1/02)

**WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL).** (1) The department bases the income standard upon

the Federal Poverty Level (FPL) for the following medical programs:

~~(a) Children's health program up to one hundred percent of FPL;~~

~~(b)) Pregnant women's program up to one hundred eighty-five percent of FPL;~~

~~((e)) (b) Children's categorically needy program up to two hundred percent of FPL;~~

~~((d)) (c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and~~

~~((e)) (d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but under two hundred fifty percent of FPL.~~

(2) Beginning April 1, 2002, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$739	\$1366	\$1477	\$1625	\$1846
2	\$995	\$1841	\$1990	\$2189	\$2488
3	\$1252	\$2316	\$2504	\$2754	\$3130
4	\$1509	\$2791	\$3017	\$3319	\$3771
5	\$1765	\$3266	\$3530	\$3883	\$4413
6	\$2022	\$3741	\$4044	\$4448	\$5055
7	\$2279	\$4215	\$4557	\$5013	\$5696
8	\$2535	\$4690	\$5070	\$5577	\$6338
9	\$2792	\$5165	\$5584	\$6142	\$6980
10	\$3049	\$5640	\$6097	\$6707	\$7621
Add to the ten person standard for each person over ten:					
	\$257	\$475	\$514	\$565	\$642

(3) There are no resource limits for the programs under this section.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0005 Income—Ownership and availability.** This section applies to cash assistance, medical programs for children, pregnant women and families, and food assistance.

~~(1) (For TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs:~~

~~(a)) The department counts all available income owned or possessed by a client ((is considered when determining)) to figure the client's eligibility and benefit level((-~~

~~(b) Ownership of income is determined according to)) when:~~

~~(a) You get or expect to get the income in the month.~~

~~(b) It is income we must count under chapter 388-450 WAC.~~

~~(c) You own the income. We use applicable state and federal laws pertaining to property ownership ((and eligibility for assistance programs)) to determine if you actually own the income. For married persons, ownership of separate and community income is determined according to chapter 26.16 RCW.~~

~~((e) Income owned by a client is considered available when it is at hand and may be used to meet the client's current need))~~

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(d) You have control over the income, which means the income is actually available to you.

(e) You can use the income to meet your current needs. We count the gross amount of available income ((is counted)) in the month it is received((-):

(i) If the income is usually available on a specific day, ((it is considered)) we consider it to be available on that date.

(ii) If you usually get the income ((is usually received)) monthly or semi-monthly and ((the)) your pay date changes due to a reason beyond ((the client's)) your control, such as a weekend or holiday, ((it is counted)) we count it in the month you actually get it ((is intended to cover rather than the month it is actually received)).

(iii) If you usually get the income ((is usually received)) weekly or bi-weekly and ((the)) your pay date changes due to a reason beyond ((the client's)) your control, ((it is counted)) we count it in the month ((it is received)) you get it.

((d) The income of a person who is not a member of a client's assistance unit may be considered available to the client under the rules of this chapter if the person is financially responsible for the client and lives in the home with the client. For medical programs, financial responsibility is described in WAC 388-408-0055.

(e) For medical programs, the income of a financially responsible person, not living in the home is considered available to the extent it is contributed.

(f) Funds))

(2) We consider the income that is legally yours as available income, even if it is paid to someone else for you. For example, the father of your child has a court order to pay you two hundred fifty dollars per month in child support. Instead of giving the money directly to you (as required in the court order), he gives the money to your landlord to pay part of your rent. We still count the two hundred fifty dollars as income even though you never actually got the money.

(3) We may also count the income of certain people who live in your home, even if they are not getting assistance. Their income counts as part of your income.

(a) For cash assistance, we count the income of ineligible, disqualified, or financially responsible people as defined in WAC 388-405-0100.

(b) For food assistance, we count the income of ineligible assistance unit members as defined in WAC 388-408-0035.

(c) For family and SSI-related medical assistance, we count the income of financially responsible people as defined in WAC 388-408-0055 and chapter 388-475 WAC.

(d) For long-term care services, we count the income of financially responsible people as defined in WAC 388-506-0620.

(4) If you have a joint bank account with someone who is not in your AU, we consider any money deposited into ((a bank)) that account ((which is held jointly by a client and another are considered income possessed by and available to the client)) as your income unless:

(i) ((The client)) You can show that all or part of the funds belong exclusively to the other account holder and are held or used solely for the benefit of that holder; or

(ii) ((The funds have been considered by the)) Social Security Administration (SSA) ((when determining)) used

that money to determine the other account holder's eligibility for SSI benefits.

((g)) (5) Potential income is income ((a client)) you may have access to that can be used to reduce the need for assistance. ((For cash and medical programs, when the department determines)) If we determine that a potential income source exists, ((the client may be denied assistance when the client fails or refuses to)) you must make a reasonable effort to make the income available((-

(i) A client's eligibility is not affected until the income is received as long as the client makes reasonable efforts to make potential income available; and

(ii) A client may)) in order to get cash or medical assistance.

(a) We do not count that income until you actually get it; and

(b) You can choose whether to receive TANF/SFA or Supplemental Security Income (SSI) benefits.

((2) For TANF/SFA, RCA, GA and food assistance programs))

(6) The income of an alien's sponsor is considered available to the alien under the rules of this chapter when determining the alien's eligibility and benefit level.

((3)) (7) For SSI-related medical:

(a) Income is considered available and owned when it is:

(i) Received; and

(ii) Can be used to meet the clients needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and certain other receipts are not defined as income for SSI-related medical purposes as described in 20 C.F.R. Sec. 416.1103.

((4)) (8) For medical programs, ((trusts are described in WAC 388-505-0595)) see WAC 388-561-0100 for more information about trusts.

(9) You may give us proof about an income source anytime, including when we ask for it or if you disagree with a decision we made, about:

(a) Who owns the income;

(b) Who has legal control of the income;

(c) The amount of the income; or

(d) The availability of the income.

AMENDATORY SECTION (Amending WSR 00-18-057, filed 9/1/00, effective 9/4/00)

WAC 388-450-0035 Educational benefits. This section applies to ((TANF/SFA, RCA, GA, TANF/SFA related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) We exclude the)) cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) We do not count:

(a) Educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

- ~~((a)) (i) College work study (federal and state);~~  
~~((b)) (ii) Pell grants; and~~  
~~((c)) (iii) BIA higher education grants.~~

~~((2) We do not count the following types of educational assistance, in the form of grants, loans, or work study when determining a student's need:~~

~~(a) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; and~~

~~(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:~~

- ~~(i) Christa McAuliffe Fellowship Program;~~  
~~(ii) Jacob K. Javits Fellowship Program; and~~  
~~(iii) Library Career Training Program.~~

~~(3) Educational assistance under subsection (2)(a) of this section is disregarded when used for the following attendance costs when a student is attending school less than half-time:~~

- ~~(a) Tuition;~~  
~~(b) Fees; and~~

~~(c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.~~

~~(4) Educational assistance under subsection (2)(a) of this section that is used for the following expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:~~

- ~~(a) Books;~~  
~~(b) Supplies;~~  
~~(c) Transportation;~~  
~~(d) Dependent care; and~~  
~~(e) Miscellaneous personal expenses.~~

~~(5) For TANF/SFA, RCA, GA, and TANF/SFA related medical assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.~~

~~(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.~~

~~(7) When a student participates in WorkFirst work study, educational assistance made available to the student is:~~

- ~~(a) Disregarded for cash and medical assistance;~~  
~~(b) Counted as earned income for food assistance.~~

~~(8) When a student participates in a work study program that is not excluded by subsections (1) and (2) or (7)(a) of this section, the income received is treated as earned income:~~

- ~~(a) Applying the applicable earned income disregards;~~  
~~(b) For TANF/SFA, RCA, GA, and TANF/SFA related medical assistance, excluding the difference between the student's appropriate need standard and payment standard; and~~  
~~(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.~~

~~(9) When a student receives Veteran's Administration Educational Assistance:~~

- ~~(a) All applicable attendance costs are subtracted; and~~  
~~(b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.~~

~~(10) When a student participates in graduate school studies, educational assistance made available to the student is counted as:~~

~~(a) Assistance from another agency for cash and medical assistance;~~

~~(b) Earned income for food assistance if there are work requirements; or~~

~~(c) Unearned income for food assistance if there are no work requirements)~~

~~(b) Educational assistance in the form of grants, loans or work-study made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include, but are not limited to:~~

- ~~(i) Christa McAuliffe Fellowship Program;~~  
~~(ii) Jacob K. Javits Fellowship Program; and~~  
~~(iii) Library Career Training Program.~~

~~(2) For assistance in the form of grants, loans or work-study under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391:~~

~~(a) If you are attending school half-time or more, we subtract the following expenses:~~

- ~~(i) Tuition;~~  
~~(ii) Fees;~~

~~(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;~~

- ~~(iv) Books;~~  
~~(v) Supplies;~~

~~(vi) Transportation;~~

~~(vii) Dependent care; and~~

~~(viii) Miscellaneous personal expenses.~~

~~(b) If you are attending school less than half-time, we subtract the following expenses:~~

- ~~(i) Tuition;~~  
~~(ii) Fees; and~~

~~(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.~~

~~(c) For cash assistance and medical programs for children, pregnant women and families, we also subtract the difference between the appropriate need standard and payment standard for your family size.~~

~~(d) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.~~

~~(3) If you are participating in WorkFirst work study, that work study income is:~~

- ~~(a) Not counted for cash and medical assistance;~~  
~~(b) Counted as earned income for food assistance.~~

~~(4) If you are participating in a work study program that is not excluded in subsection (1), of this section, we count that work study income as earned income:~~

- ~~(a) You get any applicable earned income disregards;~~  
~~(b) For cash assistance, and medical programs for children, pregnant women and families, we also subtract the difference between the need standard and payment standard for your family size as described in chapter 388-478 WAC; and~~

~~(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.~~

(5) If you get Veteran's Administration Educational Assistance:

- (a) All applicable attendance costs as subtracted; and
- (b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0065 Gifts—Cash and noncash.** A gift is an item furnished to a client without work or cost on his or her part.

(1) A cash gift is a gift that is furnished as money, cash, checks or any other readily negotiable form.

(a) For ~~((TANF/SFA, RCA, GA S, GA H, and TANF/SFA related))~~ cash assistance and medical programs for children, pregnant women and families, cash gifts totaling no more than thirty dollars per calendar quarter for each assistance unit member are disregarded as income.

(b) ~~((For GA U, cash gifts are treated as unearned income:~~

~~(e))) For food assistance programs:~~

~~(i) Cash gifts to the assistance unit are excluded if they total thirty dollars or less per quarter;~~

~~(ii) Cash gifts in excess of thirty dollars per quarter are counted in full as unearned income.~~

(2) For ~~((TANF/SFA, RCA, GA S, GA H, GA U and TANF/SFA related))~~ cash assistance and medical programs for children, pregnant women and families, and food assistance, a noncash gift is treated as a resource.

(a) If the gift is a countable resource, its value is added to the value of the client's existing countable resources and the client's eligibility is redetermined as specified in chapter 388-470 WAC.

(b) If the gift is an excluded or noncountable resource, it does not affect the client's eligibility or benefit level.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0170 TANF/SFA earned income incentive and deduction.** ~~((H))~~ This section applies to ~~((:~~

~~(a)) TANF/SFA, ((GA S, GA H, and~~

~~(b) TANF/SFA related))~~ RCA, and medical programs for children, pregnant women, and families except as specified under WAC 388-450-0210.

~~((2) When determining countable income:))~~

(1) If a client works, the department only counts some of the income to determine eligibility and benefit level.

(2) We only count fifty percent of ((a client's)) your monthly gross earned income ((is disregarded as an incentive to employment)). We do this to encourage you to work.

(3) ((The actual cost of care of each dependent child or incapacitated adult living in the same home and receiving TANF/SFA is deducted when determining countable income under the following conditions:

(a) An applicant is eligible for a dependent care deduction for expenses incurred prior to the open effective date in the month of grant opening on a prorated basis;

(b) A recipient is eligible for a dependent care deduction if:

(i) The assistance unit received AFDC on October 13, 1988;

(ii) The dependent care deduction was applied when determining the benefit level for that month;

(iii) The assistance unit has remained continuously eligible for AFDC or TANF/SFA since that time; and

(iv) The assistance unit has chosen to use the deduction rather than state paid dependent care.

(4) The dependent care deduction specified in subsection (3) of this section is not allowed unless:

(a) The care provided by a parent or stepparent;

(b) The care provider verifies the cost incurred;

(c) The cost is incurred for the month of employment being reported; and

(d) The amount deducted for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following)) If you pay for care before we approve your benefits, we subtract the amount you pay for those dependent children or incapacitated adults who get cash assistance with you.

(a) The amount we subtract is:

(i) Prorated according to the date you are eligible for benefits;

(ii) Cannot be more than your gross monthly income; and

(iii) Cannot exceed the following for each dependent child or incapacitated adult:

Dependent Care Maximum Deductions

<u>Hours Worked Per Month</u>	<u>((Dependent) Child Under Two Years of Age ((or Older))</u>	<u>((Dependent Under)) Child Over Two Years of Age or Incapacitated Adult</u>
0 - 40	\$ 43.75	\$ 50.00
41 - 80	\$ 87.50	\$ 100.00
81 - 120	\$ 131.25	\$ 150.00
121 or More	\$ 175.00	\$ 200.00

(b) In order to get this deduction:

(i) The person providing the care must be someone other than the parent or stepparent of the child or incapacitated adult; and

(ii) You must verify the expense.

AMENDATORY SECTION (Amending WSR 02-03-009, filed 1/4/02, effective 2/4/02)

**WAC 388-450-0210 Countable income for medical programs.** (1) For purposes of medical program eligibility, a client's countable income is income which remains when:

(a) The income cannot be specifically excluded; and

(b) All appropriate deductions and disregards allowed by a specific program, have been applied.

(2) A client's countable income cannot exceed the income standard for the specific medical programs described in WAC 388-478-0065, 388-478-0070, 388-478-0075, 388-

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478-0080, or 388-513-1305, 388-513-1315, or 388-513-1395 unless the program allows for those limits to be exceeded.

(3) Unless modified by subsection (4) of this section, the TANF/SFA income rules, as described in this chapter, are used to determine a client's countable income for the following programs:

(a) Family medical program as described in WAC 388-505-0220;

(b) Medical extensions as described in chapter 388-523 WAC;

(c) Pregnant women's program as described in WAC 388-462-0015;

(d) Children's medical program as described in WAC 388-505-0210;

~~(e) ((Children's health program as described in WAC 388-505-0210; and~~

~~(f))~~ Medically Indigent (MI) program as described in WAC 388-438-0100.

(4) Exceptions to the TANF/SFA cash assistance methodology apply as follows:

(a) The financial responsibility of relatives when a client is applying for medical for families, children, pregnant women or for the medically indigent program is specified in WAC 388-408-0055;

(b) Actual work-related child and dependent care expenses, which are the client's responsibility, are income deductions (the limits on this deduction in WAC 388-450-0170 (3) and (4) do not apply);

(c) Court or administratively ordered current or back support paid to meet the needs of legal dependents, are income deductions;

(d) Only income actually contributed to an alien client from the alien's sponsor is countable unless the sponsor signed the affidavit of support I-864 or I-864A. See subsection (5) of this section;

(e) TANF/SFA gross earned income limits as described in WAC 388-450-0165 do not apply;

(f) The fifty percent earned income deduction is not used to calculate countable income for CN programs with income levels based upon the Federal Poverty Level (FPL). These programs are listed in subsection (3)(c), and (d) ~~((and (e)))~~ of this section. The only work related income deductions for these programs are:

(i) Ninety dollars; and

(ii) Actual work-related child and dependent care expenses, as described in (b) of this subsection; and

(iii) Child support as described in (c) of this subsection.

(g) When determining medically needy (MN) or MN scope of care coverage for children or pregnant women for the programs described in subsection (3)(c) and (d), the exception described in subsection (4)(f) is not used as the MN income standards are not based on the FPL;

(h) A nonrecurring lump sum payment is considered as income in the month the client receives payment, and a resource if the client retains the payment after the month of receipt;

(i) Diversion cash assistance (DCA), is not countable income;

(j) Effective April 1, 2002, the department will disregard an increase in earned income when:

(i) A family is receiving benefits under the family medical program; and

(ii) The increase occurs during the second or third month of eligibility. The disregard stops the last day of the third month of eligibility for a family medical program.

(5) When an alien's sponsor has signed the affidavit of support I-864 or I-864A, the sponsor's income and resources are counted as described in WAC 388-450-0155, 388-450-0156, 388-450-0160, and 388-470-0060.

(6) Except when this state has adopted more liberal rules, SSI income rules are used to determine a client's countable income for the following programs:

(a) SSI-related CN or MN; and

(b) Medicare savings programs. Refer to chapter 388-475 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit.** This section applies to TANF/SFA, ~~((GA-S, RCA, RMA and TANF related medical programs))~~ RCA, and RMA. Refer to WAC 388-408-0055 for the rules concerning the treatment of income of financially responsible person for medical programs. The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

(1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-408-0055 Medical assistance units.** (1) A medical assistance unit (MAU) is determined on the basis of relationship and financial responsibility.

(a) Married persons, living together are financially responsible for each other;

(b) Parents are financially responsible for their unmarried, minor children living in the same household;

(c) A parent's financial responsibility is limited when their minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:

(i) The treatment is expected to last ninety days or more;

(ii) The child is in court-ordered out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

(d) Minor children are not financially responsible for their parents or for their siblings.

(2) Certain situations require the establishment of separate MAUs for some family members living in the same household. Separate MAUs are established for:

- (a) A pregnant minor, regardless of whether she lives with her parent(s);
  - (b) A child with income;
  - (c) A child with resources which makes another family member ineligible for medical assistance;
  - (d) A child of unmarried parents when both parents reside with the child;
  - (e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;
  - (f) A ~~((nonresponsible))~~ caretaker relative that is not financially responsible for the support of the child;
  - (g) SSI recipients or SSI-related persons ~~((related to SSI))~~ from the non-SSI related family members;
  - (h) The purpose of applying medical income standards for an:
    - (i) SSI-related applicant whose spouse is not related to SSI or is not applying for SSI-related medical; and
    - (ii) Ineligible spouse of an SSI-recipient.
- (3) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.
- (4) A parent's income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated among their children in separate MAUs.
- (5) A parent's resources are allocated equally among the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs.
- (6) Countable income for medical programs is described in WAC 388-450-0150 and 388-450-0210.

**AMENDATORY SECTION** (Amending WSR 00-08-002, filed 3/22/00, effective 5/1/00)

**WAC 388-418-0025 Effect of changes on medical program eligibility.** (1) A client continues to be eligible for Medicaid until the department determines the client's ineligibility or eligibility for another medical program. This applies to a client who, during a certification period, becomes ineligible for, is terminated from, or requests termination from:

- (a) A CN Medicaid program ~~((or SFA-related medical program))~~; or
  - (b) Any of the following cash grants:
    - (i) TANF ~~((or SFA))~~;
    - (ii) SSI; or
    - (iii) ~~((GA-H; or (iv)))~~ GA-X. See WAC 388-434-0005 for changes reported during eligibility review.
- (2) A child remains continuously eligible for ~~((medical benefits))~~ CN Medicaid for a period of twelve months from the date of certification for medical benefits or last review, whichever is later. This applies unless the child:
- (a) Moves out of state;
  - (b) Loses contact with the department or the department does not know the child's whereabouts;
  - (c) ~~((Turns eighteen years of age if receiving children's health program benefits))~~ Becomes an inmate of a public

institution, including a correctional facility (refer to WAC 388-505-0210(5) for exceptions);

- (d) Turns nineteen years of age ~~((if receiving children's CN or CN scope of care program benefits))~~;
  - (e) Dies; or
  - (f) Receives benefits under the state children's health insurance program (SCHIP) and:
    - (i) Does not pay health insurance premiums for four consecutive months; or
    - (ii) Is determined to have had creditable coverage at the time of application. Refer to chapter 388-542 WAC.
- (3) When a client becomes ineligible for refugee cash assistance, refugee medical assistance can be continued only through the eight-month limit, as described in WAC 388-400-0035~~((+6))~~ (4).
- (4) A client receiving medical benefits ~~((under))~~ with a TANF ~~((or SFA))~~ cash grant or ~~((related))~~ family medical program is eligible for a medical extension, as described under WAC 388-523-0100, when the client's cash grant or ~~((related))~~ family medical program is terminated as a result of:
- (a) Earned income; or
  - (b) Collection of child or spousal support.
- (5) A change in income during a certification period does not affect eligibility for:
- (a) Pregnant women's medical programs; or
  - (b) The first six months of the ~~((TANF/SFA-related))~~ medical extension benefits.
- (6) For a child receiving benefits under SCHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:
- (a) Family income has decreased to less than two hundred percent FPL;
  - (b) The child becomes pregnant;
  - (c) A change in family size; or
  - (d) The child receives SSI.

## WSR 02-19-004

### PERMANENT RULES

### DEPARTMENT OF REVENUE

[Filed September 4, 2002, 3:59 p.m.]

Date of Adoption: September 4, 2002.

Purpose: WAC 458-12-090, 458-12-270, 458-12-275, 458-12-280, and 458-16-115 provide information about the personal property tax exemptions provided by RCW 84.36.110 for the head of a family and for household goods, furnishings, and personal effects. WAC 458-16-115 is being amended to update and incorporate the information from WAC 458-12-090, 458-12-270, 458-12-275, and 458-12-280. As a result, WAC 458-12-090, 458-12-270, 458-12-275, and 458-12-280 are being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-090 Listing of personalty—\$300 exemption and its effect on listing, 458-12-270 Listing of property—Household goods and personal effects, 458-12-275 Listing of property—\$300—Head of family—In general

and 458-12-280 Listing of property—\$300—Head of family—Definition; and amending WAC 458-16-115 Personal property exemptions(~~(—Exceptions)~~) for household goods, furnishings, and personal effects, and for the head of a family.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.08.070.

Adopted under notice filed as WSR 02-14-056 on June 27, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 4.

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

September 4, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 89-7, filed 5/26/89)

**WAC 458-16-115 Personal property exemptions(~~(—Exceptions)~~) for household goods, furnishings, and personal effects, and for the head of a family. (~~((1) The personal property exemption in RCW 84.36.110 shall not be applied to:~~**

**(a) Houses, cabins, boathouses, boatdocks or other similar improvements which are located on publicly owned lands;**

**(b) Mobile homes; or**

**(c) Floating homes;)) (1) Introduction. This rule**

**explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for otherwise taxable personal property up to a value of three thousand dollars. These exemptions are provided by RCW 84.36.110.**

**(2) Exemption for household goods, furnishings, and personal effects. All household goods and furnishings actually being used to equip and outfit the owner's residence or place of abode and all personal effects held by any person for his or her exclusive use and benefit are exempt from property taxation. Any household goods and furnishings or personal effects held for sale or commercial use do not qualify for this exemption. RCW 84.36.110(1).**

**(a) What are household goods and furnishings? "Household goods and furnishings" are all items of tangible personal property normally located in or about a residence**

**and used or held to enhance the value or enjoyment of the residence, including its premises. The phrase includes, but is not limited to, movable items of necessity, convenience, or decoration, such as furniture, appliances, food, pictures, and tools and equipment used to maintain the residence. Personal property qualifying for this exemption retains its exempt status while temporarily in storage or while being used temporarily at locations other than the owner's residence.**

**"Household goods and furnishings" do not include items of personal property constructed primarily for use independent of and separate from a residence such as boats, motor vehicles, campers, and travel trailers. However, certain motor vehicles, campers, and travel trailers may be entitled to an exemption from property taxation under RCW 84.36.595. Also, some boats may be wholly or partially exempt from property taxation under RCW 84.36.080 and 84.36.090.**

**(b) What are personal effects? "Personal effects" are items of tangible property of a personal or intimate nature that usually and ordinarily accompany a person such as wearing apparel, jewelry, and articles of a similar nature. RCW 84.36.120.**

**(c) When are household goods, furnishings, and personal effects not exempt? Personal property held for sale or used for any business or commercial purpose does not qualify for the household goods exemption. Thus, property used to equip and outfit a motel, hotel, apartment, sorority, fraternity, boarding house, rented home, duplex, or any other premises not used by the owner for his or her own personal residence or place of abode does not qualify for this exemption. Likewise, a hairdresser who uses any portion of his or her home as a beauty salon cannot claim a household goods exemption for personal property held for sale or otherwise used in the business. Business inventories, however, are exempt from property taxation under RCW 84.36.477.**

**Following is a nonexclusive list of items that are exempt as household goods or furnishings if they are used in a residence or place of abode but are fully taxable if they are used for business or commercial purposes.**

**(i) Desks are exempt as household goods if they are used in a residence but are taxable if they are used in a business office, including an office located in the owner's residence.**

**(ii) Silverware and china are exempt if they are used in a residence but are taxable if they are used in a restaurant.**

**(iii) Art or other collections are exempt if they are located in a residence but are taxable if they are located in a public display or used for commercial purposes.**

**(iv) Power equipment such as lawnmowers used exclusively to enhance the value or enjoyment of a residence, including its premises, are exempt, but they are taxable when used to maintain a golf course or for any other business or commercial purpose.**

**(3) Exemption for the head of a family. Each head of a family is entitled to an exemption from his or her taxable personal property in an amount up to three thousand dollars of actual value. RCW 84.36.110(2). For purposes of this exemption, "actual value" has the same meaning as "true and fair value" as defined in WAC 458-07-030. The taxpayer must qualify for the head of a family exemption on January 1st of the assessment year (the assessment date) or the**

exemption is lost for taxes payable the following year. As noted above, household goods, furnishings, and personal effects not used for business or commercial purposes are exempt from property taxation; therefore, the exemption for the head of a family does not apply to such property.

(a) Who qualifies as the head of a family? The exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships. The "head of a family" includes the following residents of the state of Washington:

(i) Any person receiving an old age pension under the laws of this state;

(ii) Any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years;

(iii) The husband or wife, when the claimant is a married person, or a surviving spouse not remarried; and

(iv) Any person who resides with, and has under his or her care and maintenance, any of the following:

(A) His or her minor child or grandchild, or the minor child or grandchild of his or her deceased spouse;

(B) His or her minor brother or sister or the minor child of a deceased brother or sister;

(C) His or her father, mother, grandmother, or grandfather, or the father, mother, grandmother, or grandfather of a deceased spouse; or

(D) Any of the other relatives mentioned in this subsection who have attained the age of majority and are unable to take care of or support themselves.

(b) What property is not exempt? The personal property exemption for the head of a family does not apply to the following:

(i) Private motor vehicles. A "private motor vehicle" is any motor vehicle used for the convenience or pleasure of the owner, which carries a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer, or dealer's license. RCW 84.36.120;

(ii) Mobile homes. A "mobile home" is a trailer designed for human habitation, which is capable of being moved upon the public streets and highways and is either more than thirty-five feet in length or more than eight feet in width. RCW 84.36.120;

(iii) Floating homes. A "floating home" is a building on a float, used in whole or in part for human habitation as a single-family dwelling and is on the property tax rolls of the county in which it is located. A floating home is not designed for self propulsion by mechanical means or by means of wind. RCW 82.45.032; or

(iv) Houses, cabins, boathouses, boat docks, or other similar improvements that are located on publicly owned land.

(c) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) A husband and wife operate a catering business as a limited liability company (LLC). The wife also operates a consulting business as a sole proprietor out of the family home. Husband and wife are not entitled to the head of family exemption for property held by the LLC. However, the wife is entitled to the head of family exemption for the taxable personal property used in her consulting business.

(ii) Jane Doe is a citizen of the United States, over the age of sixty-five, and has resided in the state of Washington continuously for over ten years. Jane owns a farm. She has transferred title to the farm property, both real and personal, into a trust. An attorney is the trustee, and Jane is the sole beneficiary. Since Jane Doe has beneficial ownership of the trust property and she qualifies as the head of a family, Jane may claim the head of a family exemption for the taxable personal property held in the trust.

(4) How do the exemptions included in this rule affect listing? If the county assessor is satisfied that all of the personal property of any person is exempt from taxation, no listing is required by the owner or taxpayer. If the value of taxable personal property exceeds three thousand dollars, then the taxpayer must make a complete listing, and the assessor will deduct three thousand dollars from the total amount of the assessment and assess the remainder. RCW 84.36.110(2).

## WSR 02-19-007

### PERMANENT RULES DEPARTMENT OF

### FISH AND WILDLIFE

[Order 02-223—Filed September 5, 2002, 1:17 p.m.]

Date of Adoption: August 22, 2002.

Purpose: Adopt rules regarding invasive aquatic species.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-12-017.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-13-107 on June 18, 2002.

Changes Other than Editing from Proposed to Adopted  
Version: **New section WAC 220-12-090 Classification—  
Nonnative aquatic animal species.**

- Line 5. Add "(i)" before "Family."
- Line 6. Add "(ii) Family Ranidae: Bull frog, *Rana catesbeiana*."
- Line 12. Strike "Portunidae" and add "Cambaridae" and strike "European green crab"; add "(A) Red swamp crawfish," strike "*Carcinus maenas*" and add "*Procambarus clarkii*"; add "(B) Rusty crawfish, *Orconectes rusticus*"; and add "(iv) Family Portunidae: European green crab, *Carcinus maenas*."
- Line 23. Strike "Grass carp (in the diploid form)" and add "Fathead minnow, *Pimephales promelas*."
- In subsection "(B)," add "Grass carp (in the diploid form), *Ctenopharyngodon idella*."
- After "*idella*" add new subsection "(C)."
- Strike old subsection "(C)" and change to "(D)."

- Line 27. Strike "Lepiosteidae" and add "Esocidae." Strike "Gar pikes: All members of the family" and replace with "Northern pike, *Esox lucius*."
  - Strike line 28, "(d) Molluscs:"
  - Line 29. Strike "(i)" and replace with "(viii)." Strike "Dreissenidae" and add "Lepiosteidae." Strike "Zebra mussels" and add "Garpikes" All members of the family." Strike "genus Drissena and all species known as guagga" and add "(d) Mammals: Family Myocastoridae: Nutria, *Myocastor coypu*."
  - And add "(e)" Molluscs: (i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species know as quagga."
  - Beginning on line 32. Strike "Amphibians" and add "Crustaceans" and strike "Family: Ranidae: Bull frog, *Rana catesbeiana*" and add "All nonnative crustaceans classified as shellfish."
  - Line 34. Strike "Crustaceans" and add "Fish."
  - Beginning on line 35. Strike "Crustaceans" and add "Fish" and strike "shellfish" and add "food fish and game fish" and strike "(ii) Family Malacrosta: (A) Red swamp crayfish, *Procrambarus clarkii*. (B) Rusty crayfish, *Orconectus rusticus*. (c) Fish:" and "(i) All nonnative fish classified as food fish and game fish."
  - Line 46. Strike "Fathead minnow, *Pimephales promelas*" and add "Goldfish, *Carassius auratus*."
  - Line 47. Strike "Goldfish, *Carassius auratus*" and add "Tench, *Tinca tinca*."
  - Line 48. Strike "Tench, *Tinca tinca*" and add "Grass carp (in the triploid form), *Ctenopharyngodon idella*."
  - Beginning on line 49. Strike "(E) Grass carp (in the triploid form), *Ctenopharyngodon idella*" and add "(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.", "(c) Molluscs:" and "(i) All nonnative molluscs classified as shellfish." Strike "(v) Family Esocidae: Northern pike, *Esox lucius*" and "(vi) Family Poeciliidae: Mosquito fish, *Gambusia affinis*" and "(d) Mammals:", "Family Myocastoridae: Nutria, *Myocastor coypu*." Strike "(e) Molluscs:" and "(i) All nonnative molluscs classified as shellfish."
- New section WAC 232-12-016 Nonnative aquatic species.**
- Line 1. Strike "Invasive" and add "Nonnative."
  - Line 2. Strike "invasive" and add "nonnative."
  - Line 2. After the word "species" add, "except nonnative species in ballast water, which are provided for in chapter 220-77 WAC." The definitions of invasive species, prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.
  - Subsection (1), line 1, after the word "unlisted" add "aquatic animal."
  - Subsection (2), line 1, add "Provisions applying to prohibited aquatic animal species." Add new subsection "(a)" after "animal species."
  - Change subsection "(3)" to "(b)."
  - Change subsection "(a)" to "(i)."
  - Change subsection "(b)" to "(ii)."
  - Change subsection "(c)" to "(iii)."
  - Change subsection "(d)" to "(iv)."
  - Change subsection "(4)" to "(c)."
  - At the end of new subsection (c) after the word "provided:", strike "a" and add new subsection "(i)."
  - At the end of new subsection "(i)" after the word "department;", strike "b" and add new subsection "(ii)."
  - At the end of new subsection "(ii)" after the word "possession;" add new subsection "(iii)."
  - At the end of new subsection "(iii)" after the words "program; and," strike "(d)" and add "(iv)."
  - At the end of new subsection "(iv)," strike "(5)" and add "(d)."
  - At the beginning of new subsection "(d)," strike the words "Invasive aquatic plants" and add "Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the waters from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water." Add "(e) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possesses a prohibited aquatic animal species may continue to hold the animal or animals, provided: (i) The person must maintain proof of possession prior to the classification. (ii) The animals may not be transferred to another owner within the state. (iii) The person must comply with all provisions of this section. (iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed." Add new subsection "(3) Infested waters."
  - After new subsection "(3)," in subsection "(a)" after the words "aquatic plants," add "or prohibited aquatic animal species."
  - In subsection (3)(b), strike "Infested" and add "List of infested."
  - Change old subsection "(6)" to "(4)."
  - In new subsection (4)(a), strike "If" and add "When." Strike "found to be" and add "designated by rule as." Strike "with invasive aquatic plants, the department will withdraw aquatic farm registration for" and add ", ongoing." Strike "Private sector cultured aquatic products may be transferred" and add "are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits." Strike "artificial water basins if the water therein is treated to eliminate infestation" and add "department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan."
  - In subsection (4)(c), strike "Nets, traps, buoys, stakes" and add "By permit from the department," and strike "and other equipment used in aquaculture in" and add "from bodies of water" and strike "waters containing prohibited" and add "with invasive" and strike "animal species or invasive aquatic plants must" and add "plants may" and strike "sterilized before" and add "used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior

to" and strike "in other aquaculture." Strike "(d) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use."

- Change old subsection "(7)" to "(5)."
- Change old subsection "(8)" to "(6)."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 5, 2002

Russell W. Cahill, Chair  
Fish and Wildlife Commission

## NEW SECTION

**WAC 220-12-005 Request for classification of non-native aquatic animal species.** Any person requesting classification of a nonnative aquatic animal species as a food fish, game fish, or shellfish must follow the procedure for request for designation prior to approval for release in WAC 232-12-016(1).

## NEW SECTION

**WAC 220-12-090 Classification—Nonnative aquatic animal species.** (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

- (a) Amphibians:
  - (i) Family Pipidae: African clawed frog, *Xenopus laevis*.
  - (ii) Family Ranidae: Bull frog, *Rana catesbeiana*.
- (b) Crustaceans:
  - (i) Family Cercopagidae:
    - (A) Fish hook water flea, *Cercopagis pengoi*.
    - (B) Spiny water flea, *Bythotrephes cederstroemi*.
  - (ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

- (iii) Family Cambaridae:
  - (A) Red swamp crawfish, *Procambarus clarkii*.
  - (B) Rusty crawfish, *Orconectes rusticus*.

(iv) Family Portunidae: European green crab, *Carcinus maenas*.

- (c) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha: All members of the genera *Pygocentrus*, *Roosevelti*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) Grass carp (in the diploid form), *Ctenopharyngodon idella*.

(C) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(D) Rudd, *Scardinius erythrophthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family Lepiosteidae: Gar-pikes: All members of the family.

(d) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

(e) Molluscs:

(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

(2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:

(a) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sarotherodon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(c) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

## NEW SECTION

**WAC 232-12-016 Nonnative aquatic species.** The following provisions apply to nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter 220-77 WAC. The definitions of invasive species,

prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.

(1) Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other nonnative locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Provisions applying to prohibited aquatic animal species.

(a) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(b) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(i) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(iv) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(c) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman lake.

Chelan County: Chelan, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Caterpillar Slough, Lake River.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Franklin County: Kahlotus and Sacajawea lakes, Scooteny Reservoir.

Grant County: Babcock Ridge, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin and Warden lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck Lake.

Island County: Lone Lake.

Jefferson County: Leland Lake.

King County: Alice, Desire, Geneva, Killarney, Meridian, Pine, Pipe, Sawyer, Spring, Steel, and Washington lakes.

Kitsap County: Buck, Long, Mission, Square, and Wye lakes.

Kittitas County: Lavendar and Matton lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Mayfield and Plummer lakes, Swofford Pond, Chehalis River.

Mason County: Isabella, Island, Limerick, Mason and Spencer lakes.

Okanagon County: Conconully, Palmer, Pearygin, and Whitestone lakes.

Pacific County: Black and Loomis lakes.

Pend Oreille County: Davis, Fan, Mashall, and Sacheel lakes, Pend Oreille River.

Pierce County: Bay, Clear, Harts, Kapowsin, Ohop, Spanaway, Tanwax, Tapps, and Whitman lakes.

Skagit County: Big, Campbell, Clear, Erie, McMurray, and Sixteen lakes.

Skamania County: Drano Lake.

Snohomish County: Roesiger and Shoecraft lakes.

Spokane County: Eloika, Liberty, and Silver lakes.

Stevens County: Loon and Waitts lakes.

Thurston County: Hicks, Long, and Munn lakes, Black River.

Wahkiakum County: Columbia River and Brooks Slough.

Whatcom County: Silver, Terrell and Whatcom lakes.

Whitman County: Bryan and Lower Granite lakes.

Yakima County: Myron Lake, unnamed ponds at 12N - 19E - 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the

aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15. . . . (section 4, chapter 281, Laws of 2002).

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

AMENDATORY SECTION (Amending Order 99-19, filed 3/29/99, effective 4/29/99)

**WAC 232-12-017 Deleterious exotic wildlife.** (1) The following animals are hereby designated as deleterious exotic wildlife:

(a) ~~(Fish~~

~~(i) In the family Clariidae, (walking catfish) all members of the family:~~

~~(ii) In the family Cyprinidae, (diploid grass carp) Ctenopharyngodon idella~~

~~(iii) In the family Amiidae, (bowfin, mudfish or grinnel) Amia calva~~

~~(iv) In the family Characidae, the piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa), all species of the genera Serrasalmus, Rooseveltiella and Pygoecentrus~~

~~(v) In the family Cyprinidae, the rudd (Scardinius erythrophthalmus) and Ide (silver orfe or golden orfe (Leuciscus idus))~~

~~(vi) In the family Lepiosteidae, the gar pikes~~

~~(vii) In the family Channidae, the snakeheads (China fish) and all forms of the genus Channa (Ophicephalus)~~

~~(b) Amphibians~~

~~(i) In the family Pipidae, the African clawed frog (Xenopus laevis)~~

~~(e)) Birds~~

~~((f)) In the family Anatidae, the mute swan (Cygnus olor)~~

~~((d)) (b) Mammals~~

~~(i) In the family Viverridae, the mongoose (all members of the genus Herpestes)~~

~~(ii) In the family Suidae, the wild boar (Sus scrofa and all wild hybrids)~~

~~(iii) In the family Tayassuidae, the collared peccary (javelina) (Tayassu tajacu)~~

~~(iv) In the family Bovidae, all members and hybrids of the following genera: Rupicapra (Chamois); Hemitragus (Tahr); Capra (goats, ibexes except domestic goat Capra (hircus)); Ammotragus (Barbary sheep or Aoudad); Ovis (sheep), except domestic sheep Ovis aries; Damaliscus (Sassabies);~~

Alcelaphus buselaphus (Hartebeest); Connochaetes (Wildebeests).

(v) In the family Cervidae, the European red deer (*Cervus elaphus elaphus*), all nonnative subspecies of *Cervus elaphus*, and all hybrids with North American elk; Fallow deer (*Dama dama*), Axis deer (*Axix axis*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*), Sika deer (*Cervus Nippon*), Reindeer (all members of the Genus *Rangifer* except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*).

(2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under (3), (4), (5), (6), or (7) below and as provided in WAC 232-12-01701.

(3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities with written director approval or as otherwise authorized in writing by the director,

(c) The specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be retained or transferred where in compliance with federal law,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with other requirements of this section.

(4) Retention or disposal of existing specimens lawfully in captivity:

(a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife on or before January 18, 1991 may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991 provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section:

(b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992 (in the family Bovidae, Sassaibies (all member of the Genus *Damaliscus*), Hartebeest (*Alcelaphus buselaphus*), Wildebeests (all members of the Genus *Connochaetes*), Markhor (*Capra falconeri*), and Marcopolo sheep (*Ovis ammon*); in the family Cervidae, Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Sika deer (*Cervus Nippon*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof provided such person

complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section and except as provided under subsection (7).

(c) The person reported to the director in writing the species, number and location of the specimens as required.

(d) The specimens are confined to a secure facility at the location reported,

(e) Live specimens are not propagated, except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director,

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director,

(g) Live specimens are not released,

(h) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied and the total number of locations where animals are held is not increased.

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity which are newly classified by the Wildlife Commission as deleterious exotic wildlife by operation of this rule (Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (4)(d) through (4)(h) herein and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2), Fallow deer (*Dama dama*) and reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) may be imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred provided:

(a) The person complies with subsection (4)(c) through (4)(g) hereunder and the other requirements of this section, except for subsections (4)(e), (4)(f), and (4)(h), and

(b) The person complies with department of agriculture WAC 16-54-035 as now or hereafter amended except:

(i) Animals which have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas or have had contact with or shared common ground with animals which have resided at any time east of such line shall not be imported into the state of Washington, unless specifically authorized in writing by the directors of the department of agriculture and the department of wildlife.

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of wildlife.

(d) The specimens are confined to a secure facility.

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals

(a) Escaped deleterious exotic wildlife, including Fallow deer (*Dama dama*), and Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsections (1)(d)(iv) and (1)(d)(v), the "secure facility" must comply with the fencing requirements in subsection (10) unless otherwise authorized by the director in writing.

(10) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-

climbable woven fence, or other fence approved by the director.

(i) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(11) Marking requirements

(a) All live specimens of deleterious exotic wildlife except those listed in subsections (1)(a) and (1)(b), shall be permanently and individually identified by methods approved by the director,

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsections (1)(d)(iv) and (1)(d)(v) must be individually identified by the methods specified below.

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA Official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

#### (12) Testing of specimens

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the Genus Cervus which is identified in subsection (1)(v) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the Genus Cervus which are identified in subsection (1)(v) herein to submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the department. Such testing shall be at the possessor's expense. The director may require that any animal identified a red deer or having nonindigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

#### (13) Reporting

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

#### (14) Inspection

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

#### (15) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

#### (16) Quarantine area

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

#### (17) Seizure

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.

**WSR 02-19-009**

**PERMANENT RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 5, 2002, 2:59 p.m.]

Date of Adoption: July 19, 2002.

Purpose: Amend the regulations regarding eligibility for unemployment benefits of employees of educational institutions to make them consistent with the law as modified by the 2001 legislature. The rules define terms, clarify how the department will determine if an individual has reasonable assurance of continued employment, and further clarify how

reasonable assurance will be determined for instructional, research, or principal administrative staff at community and technical colleges.

Citation of Existing Rules Affected by this Order: Amending WAC 192-210-005 and 192-210-015.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 02-12-126 on June 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

August 23, 2002

Dr. Sylvia P. Mundy  
Commissioner

**AMENDATORY SECTION** (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

**WAC 192-210-005 Definitions—Educational employees.** (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. ~~Tenure or tenure track status is considered a contract.~~

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered

to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

**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.

**AMENDATORY SECTION** (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

**WAC 192-210-015 How will the department decide if reasonable assurance exists?—RCW 50.44.053.** (†) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable. For instructional, research, or principal administrative staff at a community or technical college, the additional provisions of WAC 192-210-020 will be considered in determining whether the individual has reasonable assurance.

~~(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.~~

~~(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.~~

~~(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:~~

~~(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation;~~

~~(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between the academic years or terms;~~

~~(c) The number of comparable positions at the institution;~~

~~(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget.~~

~~(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists;~~

~~(f) The individual's employment history;~~

~~(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.~~

~~(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).~~

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

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

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

### NEW SECTION

#### **WAC 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college—RCW 50.44.053(3).** (1)

A person who performs services in an instructional, research, or principal administrative capacity at a community or technical college is presumed not to have reasonable assurance when an offer is conditioned on enrollment, funding, or program changes.

(2) A conditional or contingent offer of employment is any offer other than an agreement that is binding on the college to provide work and on the individual to perform services.

(3) The assertion by the college that an individual has reasonable assurance of continued employment is insufficient to overcome the presumption that a conditional or contingent offer of employment does not constitute reasonable assurance unless supported by documentation explaining why reasonable assurance exists. The college bears the burden of providing the department with this documentation. Primary weight will be given to the contingent nature of the offer of employment.

(4) Whether an individual has reasonable assurance from the college will be determined on a case by case basis by the total weight of evidence, rather than the existence of any single factor.

(5) Examples of the types of evidence the department will consider in deciding whether the college has overcome the presumption that a conditional or contingent offer is not reasonable assurance include, but are not limited to, the following:

(a) The terms of the offer of employment between the individual and the college, with consideration given to any provisions related to length, contingencies, or reasons for cancellation;

(b) The number of comparable positions at the college;

(c) Any hiring priorities used by the college;

(d) The college's past practices, including the individual's previous experience with similar offers of employment from that college, and whether any classes have been canceled due to lack of enrollment, lack of funding, or program changes.

**WSR 02-19-013  
PERMANENT RULES  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2001-11—Filed September 6, 2002,  
10:18 a.m.]

Date of Adoption: September 6, 2002.

Purpose: These rules implement RCW 48.18.545 and 48.19.035 and restrict the use of credit history in insurance.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.100, 48.18.120, 48.19.080, 48.19.370, 48.30.010, 49.60.178, 48.18.545(7), 48.19.035(5).

Adopted under notice filed as WSR 01-14-155 [02-14-155] on July 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: Numerous editing and clarity changes were made.

WAC 284-24A-001, reference in the title is changed from "this regulation" to "these rules."

WAC 284-24A-005, the definition of "demographic factor" was clarified and "county" was replaced by "rating territory." The definition of "significant factor" was amended and the phrase "credit report" was placed with "credit history or insurance score" to be consistent with ESHB 2544.

WAC 284-24A-010, the purpose language in subsection (1) was deleted. The section was amended to allow for the possibility that there may be fewer than four negative factors that led to an adverse action.

WAC 284-24A-030, the default standard was added to protect confidentiality to be consistent with ESHB 2544.

WAC 284-24A-045, the phrase "initial filing" was replaced with the "first rate and rule filing" for clarity. The section was amended to add a reference to "insurance scores" in addition to "credit history" in the title and text.

WAC 284-24A-055, subsection (1) was amended to replace "credit history" with "insurance scoring model."

WAC 284-24A-065, the questions were numbered for clarity. Question 2 was amended to allow a licensed rating organization to file credit based rating plans on behalf of its member companies. Question 4 was reworded for clarity.

WAC 284-24A-070, the proposed section addressing effective dates was deleted as unnecessary.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 6, 2002

Mike Kreidler

Insurance Commissioner

## Chapter 284-24A WAC

**RULES THAT APPLY TO INSURERS THAT USE  
CREDIT HISTORY FOR PERSONAL INSURANCE  
UNDERWRITING OR RATING**

NEW SECTION

**WAC 284-24A-001 What is the purpose of these rules?** These rules describe the standards that apply to insurers that use underwriting criteria or rating plans for personal insurance based on credit history. The rules have been adopted under the authority and purposes of the following laws: RCW 48.02.060; chapters 48.18; 48.19; and 48.30 RCW.

NEW SECTION

**WAC 284-24A-005 What definitions are important to these rules? "Demographic factors"** means the factors listed below if they are used in an insurer's rates, rating tiers, rating factors, rating rules or risk classification plan:

- Age of the insured;
- Sex of the insured;
- The rating territory assigned to the insured's primary home address; and
- The zip code assigned to the insured's primary home address.

"**Premium**" means the same as RCW 48.18.170.

"**Rate**" means the cost of insurance per exposure unit.

"**Rating factor**" means a number used to calculate premium.

"**Risk classification plan**" means a plan to formulate different premiums for the same coverage based on group characteristics.

"**Significant factor**" means an important element of a consumer's credit history or insurance score. Examples of significant factors include:

- Bankruptcies, judgments, and liens;
- Delinquent accounts;
- Accounts in collection;
- Payment history;
- Outstanding debt;
- Length of credit history; and
- Number of credit accounts.

"**Substantive underwriting factor**" means a factor that is very important to an underwriting decision. Examples of substantive underwriting factors include:

- History of filing claims;
- History of moving violations or accidents;
- History of driving uninsured;
- Type of performance for which a vehicle is designed;

and

- Maintenance of a structure to be insured.

"**Vehicle**" means any motorized vehicle that can be insured under a private passenger auto insurance policy.

NEW SECTION

**WAC 284-24A-010 What must an insurer tell a consumer when it takes an adverse action?** (1) An insurer must tell a consumer about significant factors that adversely affect the consumer's credit history or insurance score. As many as four factors may be needed to explain the adverse action.

(2) An insurer must explain what significant factors led to an adverse action in clear and simple language.

(3) An insurer may choose to tell consumers which factors positively affect a consumer's credit history or insurance score.

NEW SECTION

**WAC 284-24A-015 When must an insurer file the insurance scoring model to comply with the law?** (1) Every insurer that uses an insurance scoring model to underwrite personal insurance coverage must file the model with the commissioner before January 1, 2003.

(2) Every insurer that uses an insurance scoring model to determine personal insurance rates or premiums must file the model with the commissioner before June 30, 2003. Related rates, risk classification plans, rating factors and rating plans must be filed and approved by June 30, 2003.

NEW SECTION

**WAC 284-24A-020 How should an insurance scoring model be filed?** (1) Insurance scoring models must be filed separately. The model must not be filed with any rate or rule filing.

(2) The insurance scoring model must be filed with the current transmittal form accepted by the commissioner. A copy is available at <http://www.insurance.wa.gov/> or by contacting the rates and forms division.

NEW SECTION

**WAC 284-24A-025 Will the commissioner accept filings by insurance scoring model vendors?** (1) The commissioner will allow vendors to file insurance scoring models.

(2) Insurers may use models filed by vendors after the commissioner determines the model complies with Washington state laws.

(3) An insurer may use a model that has been filed by a vendor and accepted by the commissioner if the insurer:

(a) Submits a transmittal form; and

(b) A cover letter that:

(i) References the vendor that filed the model;

(ii) References the filing number used by the vendor;

(iii) States whether the insurance scoring model will be used for underwriting, rating, or both; and

(iv) Proposes an effective date for the insurer's use of the model.

NEW SECTION

**WAC 284-24A-030 How will an insurer or vendor know its insurance scoring model will remain confidential and proprietary?** (1) The law says insurance scoring models will remain confidential unless the commissioner is taking an enforcement action. An insurer or vendor may request that its insurance scoring model be available for public inspection.

(2) The transmittal form has a box an insurer or vendor may check if it wants the model to remain confidential.

(a) If the box is checked "yes," the model will be withheld from public inspection.

(b) If the box is checked "no," the model will be available for public inspection.

NEW SECTION

**WAC 284-24A-035 What will the commissioner do with the insurance scoring model after he or she receives it?** Actuarial analysts will review the model to determine whether it complies with Title 48 RCW. The scope of the review will include whether the model includes:

- (1) Any prohibited factors; and
- (2) Attributes that may result in unfair discrimination.

NEW SECTION

**WAC 284-24A-040 What action will the commissioner take if a model does not comply with Washington law?** The commissioner will:

- (1) Notify the insurer or vendor that the model does not comply with Washington law;
- (2) State the reasons why the model does not comply with Washington law;
- (3) Offer the insurer or vendor sixty days to revise the model to resolve the issue(s) outlined in subsection (2) of this section; and
- (4) Provide a specific date when the model may no longer be used in Washington if the model has not been revised to resolve the issue(s).

NEW SECTION

**WAC 284-24A-045 If an insurer uses credit history or insurance scores to segment personal insurance business for rating purposes, how can the insurer show that its rating plan results in premium rates that are not excessive, inadequate, or unfairly discriminatory?** If an insurer uses credit history or insurance scores to segment personal insurance business for rating purposes, the insurer must:

- (1) Submit a multivariate analysis with the first rate and rule filing the insurer makes to comply with this law.
- (2) Submit a multivariate analysis any time the insurer uses credit history to revise a risk classification plan, rating factor, rating plan, rating tier, or base rates.

NEW SECTION

**WAC 284-24A-050 What types of information must an insurer include in a multivariate analysis?** (1) A multivariate statistical analysis must evaluate the rating factors listed below (if applicable to the rating plan, and to the extent that data are credible):

(a) For homeowners, dwelling property, earthquake, and personal inland marine insurance:

- (i) Credit history;
- (ii) Territory and/or location;
- (iii) Protection class;
- (iv) Amount of insurance;
- (v) Surcharges or discounts based on loss history;
- (vi) Number of family units; and
- (vii) Policy form relativity.

(b) For private passenger automobile, personal liability and theft, and mechanical breakdown insurance:

- (i) Credit history;
- (ii) Driver class;
- (iii) Multicar discount;
- (iv) Territory;
- (v) Vehicle use;
- (vi) Rating factors related to driving record; and
- (vii) Surcharges or discounts based on loss history.

(2) An insurer must provide a general description of the model used to perform the multivariate analysis, including the:

- (a) Formulas the model uses;
  - (b) Rating factors that are included in the modeling process; and
  - (c) Output from the model, such as indicated rates or rating factors.
- (3) An insurer must show how the proposed rates or rating factors are related to the multivariate analysis.

NEW SECTION

**WAC 284-24A-055 Should an insurer submit actuarial data based on demographic factors with an insurance scoring model or with a rate filing?** (1) Insurers should not submit actuarial data based on demographic factors with their insurance scoring model.

(2) Insurers must submit actuarial data based on demographic factors to support any difference in rates or premiums based on:

(a) "No hit," which means the absence of credit history;

or

(b) "No score," which means the inability to determine the consumer's credit history.

(3) The actuarial data must include:

(a) Loss history for an experience period acceptable to the commissioner. The length of the experience period will be determined by the amount of data available to the insurer.

(b) Earned exposures.

(c) Earned premiums.

(d) An analysis of the credibility of the data.

(4) The actuarial data must be segmented by:

(a) Demographic factors;

(b) "No hit"; and

(c) "No score."

(5) The actuarial data must show that the proposed rates, rating factors, rating rules, or risk classification plans relating to "no hit" and "no score" comply with RCW 48.19.020.

(6) These filings are subject to prior approval by the commissioner under the provisions of RCW 48.19.040.

#### NEW SECTION

**WAC 284-24A-065 Questions and answers. (1) Our insurance company uses insurance scoring bands (a range of scores) to determine what to charge a consumer based on their personal insurance score. Does an insurer have to file its insurance scoring bands? Yes.** If an insurer uses insurance scoring bands for rating purposes, the insurer must file them (and any future changes to those bands). The bands are part of the rating plan and must be supported by actuarial analysis.

**(2) What types of data can an insurer use to support a credit-based rating plan? A credit-based rating plan must be based on the experience of the insurer, an affiliated insurer under the same management, or a licensed rating organization. The commissioner will accept data from other states where comparable credit-based rating plans are in effect.**

**(3) The law says an insurer cannot use the number of credit inquiries to set rates or to deny insurance. Can an insurer consider the amount of time since the most recent inquiry? Yes.** The law prohibits an insurer from considering the number of credit-seeking or promotional inquiries. It does not prohibit you from considering the length of time since the most recent inquiry about a consumer's credit rating.

**(4) The law says an insurer cannot use collections identified with a medical industry code to set rates or to deny insurance. Not all credit vendors provide industry codes for collection accounts. If a vendor searches for medical references in a text field, would that action comply with the law? Yes.** Collections identified with a medical industry code cannot be used. If medical history is not coded or identified, insurers and vendors are not required to perform additional research.

**(5) The law says an insurer cannot use the initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history to set rates or to deny insurance. Can my company use the number of such loans and/or the outstanding balance of such loans?**

- An insurer may not use the initial purchase of a home or vehicle to affect eligibility for insurance or insurance premiums. The initial purchase is the first loan taken out to buy a home or vehicle.

- An insurer may evaluate any subsequent borrowing by a consumer.

- A method an insurer or vendor can use to comply with the law is to eliminate vehicle and home loans from the consumer's debt load calculation.

**(6) The law says an insurer cannot use the total available line of credit to set rates or to deny insurance. Can**

**my company use number of credit lines with limits over a set amount?**

- The law prohibits use of data related to the consumer's total available line of credit. Any attribute that evaluates the total amount of credit available to a consumer is prohibited.

- You may use the debt/credit ratio or other ratios that consider the actual debt load. The law does not restrict use of ratios that determine whether an insured is over-extended due to actual debt.

**WSR 02-19-014  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-224—Filed September 6, 2002, 1:32 p.m.]

Date of Adoption: September 5, 2002.

Purpose: Adopt personal use fishing rule amendment.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-315.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-15-106 on July 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: Amendments to WAC 232-28-619 continued to September 27th.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 6, 2002

Nancy Burhart [Burkhart]

for Russ Cahill, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

**WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Hood Canal Shrimp District it is unlawful to use at any one time more than two units of crab gear and two additional units of shrimp gear.

(b) In Hood Canal Shrimp District it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season.

(c) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(d) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots except crawfish pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

### WSR 02-19-016

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed September 9, 2002, 8:55 a.m.]

Date of Adoption: September 9, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02, and implementation of SB 6530.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-500 and 308-56A-460.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 02-15-034 on July 11, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 9, 2002

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

**WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt.** (1) **What is a destroyed or wrecked vehicle?** For the purposes of this section:

(a) A destroyed vehicle means a vehicle((s)) of any age that ~~((have))~~ has been reported wrecked or destroyed by ~~((the owner))~~ an insurance company, licensed wrecker, scrap processor or ~~((insurance company))~~ the owner and includes a salvage vehicle((s)) as defined in RCW 46.12.005; and

(b) A wrecked vehicle is defined in RCW 46.80.010 ~~((4))~~ (6).

(2) **Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department?** Destroyed vehicles may be reported to the department by:

(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:

(i) An insurance company in possession of a certificate of ownership for a vehicle that has been destroyed submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss, and for a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount. If this statement is not provided when required, the department will treat the report as if the insurance company indicated that the market value threshold was met; or

(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section); and

(iii) For a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section. If this statement is not provided when required, the

department will treat the report as if the insurance company indicated that the market value threshold was met.

(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss under RCW 46.12.070 by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "DESTROYED" (~~and~~), the date of loss and a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the reports as if the government or self-insured entity stated that the market value threshold was met.

(c) ~~((Other owners (owner destroyed); and A vehicle is considered destroyed by an individual when))~~ Registered or legal owners:

(i) The ~~((individual))~~ registered or legal owner submits to the department the certificate of ownership under RCW 46.12.070, properly released ~~((by the registered and/or legal owner(s), when applicable, and indicates))~~, indicating on the face of the ownership document "DESTROYED," the date and location of destruction ~~((on the front of the certificate of ownership))~~ and whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the owner indicated that the market value threshold was met; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection(~~;~~) and

~~((iii))~~ a written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090 including a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the report indicated that the market value threshold was met.

**(3) What are the "market value threshold amount" and the criteria used to increase the amount?** The "market value threshold amount" is six thousand five hundred dollars effective June 13, 2002, as set by RCW 46.12.005. The market value threshold amount will be increased based on an increase in the expenditure category "used cars and trucks" of the Consumer Price Index for all Urban Consumers compiled by the Bureau of Labor Statistics, United States Department of Labor, or its successor, for the West Region as provided by RCW 46.12.005.

**(4) Is the market value threshold applied to all motor vehicles that are reported destroyed, wrecked or damaged?** No. The market value threshold is applied to motor vehicles that are at least six years old but not more than twenty years old and are incorporated into the Consumer Price Index expenditure category "used cars and trucks"

which includes, but is not limited to, used passenger cars, light-duty trucks with a gross weight of 12,000 pounds or less, and sport utility vehicles (SUVs).

~~((3))~~ **(5) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle?** After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized or certified.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The owner must sign the bill of sale ~~((must be signed by the owner))~~ and the owner's signature must be notarized or certified.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

~~((4))~~ **(6) When is an insurance claim considered settled?** For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

~~((5))~~ **(7) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle?** Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

~~((6))~~ **(8) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked?** Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

~~((7))~~ **(9) What does ("wrebuil") "WA REBUILT" mean on a Washington certificate of ownership?** The ~~("wrebuil")~~ "WA REBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle:

(a) Is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or ~~((46.80.010(4)))~~ 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030; or

(b) Is a used car or truck with a model year at least six years but not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030 and the vehicle, just prior to the time it was wrecked, destroyed or damaged, met the value requirements as defined in RCW 46.12.005.

~~((8))~~ **(10) Will the certificate of ownership or vehicle registration always indicate "WA REBUILT" for a vehicle described in subsection ~~((7))~~ (9) of this section (~~will the certificate of ownership and registration always indicate "wrebuil")~~?** Yes, the certificate of ownership ~~(and)~~ or vehicle registration certificate shall prominently display a "WA REBUILT" designation on the front of the document unless the brand was applied in error. This designation will continue to appear on every subsequent certificate of ownership ~~(and)~~ or vehicle registration certificate issued for this vehicle.

~~((9))~~ **(11) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation and fees are required to ~~(get)~~ obtain a certificate of ownership?** The documentation required to obtain a certificate of ownership after the vehicle's destruction is:

(a) All documents and fees required by chapters 46.01, 46.12, and 46.16 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts ~~((6))~~ for all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.

**AMENDATORY SECTION** (Amending WSR 00-13-083, filed 6/20/00, effective 7/21/00)

**WAC 308-56A-500 Definitions.** The definitions set forth in RCW 65.20.020 shall apply to WAC 308-56A-505. Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:

(1) "Affixed" means attached.

(2) "Brands" means a notation on the certificate of ownership and vehicle registration certificate that records a special circumstance or condition involving a vehicle that stays with the vehicle registration or certificate of ownership.

(3) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

~~((3))~~ (4) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(5) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

~~((4))~~ (6) "Department" means the same as described in RCW 46.04.162.

~~((5))~~ (7) "Department temporary permit" is a permit temporarily issued in lieu of permanent registration and license plates when required documentation is unavailable.

~~((6))~~ (8) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

~~((7))~~ (9) "Joint tenancy with rights of survivorship" means owners who own a vehicle in joint tenancy with the right to own individually if one of them dies.

~~((8))~~ (10) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(11) "Legal owner" means the same as described in RCW 46.04.270.

~~((9))~~ (12) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(13) "Person" means the same as described in RCW 46.04.405.

~~((10))~~ (14) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

~~((11))~~ (15) "Registered owner" means the same as described in RCW 46.04.460.

~~((12))~~ (16) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

~~((13))~~ (17) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as

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agent, signs an odometer disclosure statement for the transferee, when applicable.

## NEW SECTION

### **WAC 308-56A-530 Vehicles brands and comments.**

(1) **What is a brand?** For the purposes of this section a brand is a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle.

(2) **What brands are assigned to vehicles by the department?** Brands used by the department include, but are not limited to:

- (a) Former exempt, as defined in RCW 46.16.020;
- (b) Former for hire, as defined in RCW 46.72.010;
- (c) Former taxicab, as described in RCW 46.72.010;
- (d) Rebuilt as required in RCW 46.12.075, when a vehicle reported destroyed under RCW 46.12.070 or 46.80.090 and WAC 308-56A-460 meets the definition of salvage vehicle in RCW 46.12.005;
- (e) Street rod as defined in RCW 46.04.571;
- (f) Nonconformity uncorrected or safety defect uncorrected as defined in RCW 19.118.021 (13) and (18);
- (g) Former rental, designation used on a certificate of ownership when a vehicle is removed from a rental fleet and sold as nonrental;
- (h) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18);
- (i) Not eligible for road use as described in RCW 46.09.020.

More than one brand may appear on the vehicle registration or certificate of ownership.

The department will carry forward all brands and jurisdiction codes shown on foreign certificates of ownership/titles. Brands that do not match Washington terminology or that are not listed below will be shown as "nonstandard." Brands carried forward from foreign certificates of ownership/titles may use the same terminology as a Washington brand, but may not have the same definition as the Washington brand. Other brands not used in Washington but carried forward from other jurisdictions are:

- (A) Junk;
- (B) Destroyed;
- (C) Salvage.

Vehicles not reported to DOL as destroyed and then sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.075 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

The jurisdiction code will be identified as "XX."

(3) **What brands are carried forward from other jurisdictions?** In addition to the brands listed in subsection (2) of this section, the department will apply the following brands assigned by other jurisdictions together with the applicable jurisdiction code: Destroyed, salvage, junk. Any other brands assigned by another jurisdiction will be identified by the words "nonstandard."

(4) **Why is a brand used?** A brand is used in the circumstances above for consumer protection. The brand is

used to inform any subsequent owners of the current or former condition or use of the vehicle.

(5) **Will the department remove a brand?** The department will only remove a brand if:

- (a) The brand was applied in error; or
- (b) A vehicle branded not eligible for road use has been modified according to the manufacturer specifications and federal and state standards in such a way to qualify the vehicle for highway use;
- (c) The lemon law administrator certifies that a vehicle branded nonconformity uncorrected should be branded nonconformity corrected;
- (d) The lemon law administrator certifies that a vehicle branded safety defect uncorrected should be branded safety defect corrected.

If a former rental brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(6) **Where are brands located on the documents?** The brand is located in the comments/brands section of the certificate of ownership and vehicle registration. The "WA REBUILT" will show as a banner across the certificate of ownership.

(7) **What is a comment?** For the purposes of this section a comment is an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) **What comments could the department print on certificates of ownership?**

- (a) Comments relating to the ownership that include: Bonded, leased, JTWR0S.
- (b) Comments relating to tax liability that include: Use tax waived - gift, value code, value year.
- (c) Comments relating to the type of title transaction, which include duplicate, and reprint.
- (d) Miscellaneous comments that include: Safety defect uncorrected, safety defect corrected, nonconformity uncorrected, nonconformity corrected, return to manufacturer, not eligible for road use.

(9) **What brands and/or comments could the department print on vehicle registration certificates?** Brands and/or comments printed on vehicle registration certificates may include, but are not limited to:

- (a) "Vehicle Driver And Owner Subject To Federal Drug Program" Title 49 CFR Part 382;
- (b) "Rebuilt" or "WA REBUILT";
- (c) "CVSEF PAID" or "commercial vehicle safety enforcement fee paid";
- (d) "Because scale weight exceeds gross weight, D.O.T. permit also required";
- (e) "Commercial vehicle safety enforcement fee not paid";
- (f) "Display tab on back license plate" only - front plate is still required;
- (g) "\*Check vehicle database record for actual expiration date";
- (h) "Replica";
- (i) "Proof of FHVUT verified";

- (j) "Safety defect";
- (k) "Safety defect corrected";
- (l) "Nonconformity uncorrected";
- (m) "Nonconformity corrected";
- (n) "No title issued" or "no title issued - ownership in doubt";
- (o) "Excise exempt NRM";
- (p) "Excise exempt native American";
- (q) "Excise exempt van pool";
- (r) "Excise exempt rideshare";
- (s) "Registration only";
- (t) "Prorated gross weight to be more than 16,000";
- (u) "Additional owners on record";
- (v) "Not eligible for road use";
- (w) "Perm plt";
- (x) "Use tax waived: Gift";
- (y) "Return to mfg. ";
- (z) "Permanent fleet vehicle";
- (aa) "\*Perm";
- (bb) "Color";
- (cc) Comments relating to the ownership; bonded, leased, JTWROS, registration only;
- (dd) Tax liability DAV, native American, NRM, value code/year, use tax option, rideshare, POW, tax code 95, double transfer;
- (ee) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration;
- (ff) Miscellaneous gift, ride, previous plate VIN flag, farm vehicle restrictions, Federal Drug Program (Title 49 CFR Part 382) vehicle color, odometer code, RETURN TO MFG, not eligible for road use (NEFRU).

(10) **What comments would the department carry forward from other jurisdictions?** The department does not carry forward comments assigned by other jurisdictions.

(11) **Why are comments used?** Comments are used for consumer protection, to inform any subsequent owners and vehicle licensing personnel of the current tax liability, type of ownership, or title transaction type.

(12) **Will the department remove a comment?** The department will remove a comment if:

- (a) The comment was applied in error; or
- (b) The comment no longer applies.

**WSR 02-19-018**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 (Cemetery Board)

[Filed September 9, 2002, 10:51 a.m.]

Date of Adoption: September 5, 2002.

Purpose: To amend existing rules for clarity; bring terminology in line with industry standards; to adopt uniform rules concerning cremation of human remains for consistency between the cemetery and funeral boards; and to bring existing board policy into rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 98-08-010, 98-08-030, 98-08-040, 98-08-

050, 98-08-060, 98-08-070, 98-08-080, 98-08-090, 98-08-100, 98-08-110, 98-08-120, 98-08-130, 98-08-140, 98-08-150, 98-08-170, 98-08-190, 98-08-200, 98-08-210, 98-08-220, 98-08-370, 98-08-380, 98-08-390, 98-08-400, 98-08-410, 98-08-420, 98-08-430, 98-08-440, 98-08-450, 98-08-460, 98-08-470, 98-08-480, 98-08-490, 98-08-500, 98-08-510, 98-08-520, 98-08-530, 98-08-540, 98-08-550, 98-08-560, 98-08-570, 98-08-580, 98-08-590, 98-40-010, 98-40-020, 98-40-030, 98-40-040, 98-40-050, 98-40-060, 98-40-070 and 98-40-080; and amending WAC 98-14-050, 98-14-060, 98-14-070, and 98-14-080.

Statutory Authority for Adoption: RCW 68.05.100.

Adopted under notice filed as WSR 02-14-058 on June 27, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 10, Amended 4, Repealed 50.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 5, 2002

Frank Wilson

Chairman

NEW SECTION

**WAC 98-08-001 Model rules of procedure.** Except as they may be inconsistent with the rules in this chapter, the cemetery board adopts the model rules of procedure as set forth in chapter 10-08 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 98-08-010	Appearance and practice before agency—Who may appear.
WAC 98-08-030	Appearance and practice before agency—Solicitation of business unethical.
WAC 98-08-040	Appearance and practice before agency—Standards of ethical conduct.
WAC 98-08-050	Appearance and practice before agency—Appearance

	by former employee of agency or former member of attorney general's staff.	WAC 98-08-460	Excerpts from documentary evidence.
WAC 98-08-060	Appearance and practice before agency—Former employee as expert witness.	WAC 98-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
WAC 98-08-070	Computation of time.		
WAC 98-08-080	Notice and opportunity for hearing in contested cases.	WAC 98-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
WAC 98-08-090	Service of process—By whom served.		
WAC 98-08-100	Service of process—Upon whom served.	WAC 98-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
WAC 98-08-110	Service of process—Service upon parties.	WAC 98-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 98-08-470 or 98-08-480.
WAC 98-08-120	Service of process—Method of service.		
WAC 98-08-130	When service complete.		
WAC 98-08-140	When service complete—Filing with agency.	WAC 98-08-510	Continuances.
WAC 98-08-150	Subpoenas—Where provided by law—Form.	WAC 98-08-520	Rules of evidence—Admissibility criteria.
WAC 98-08-170	Subpoenas—Service.	WAC 98-08-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
WAC 98-08-190	Subpoenas—Proof of service.		
WAC 98-08-200	Subpoenas—Quashing.	WAC 98-08-540	Petitions for rule making, amendment or repeal.
WAC 98-08-210	Subpoenas—Enforcement.	WAC 98-08-550	Petitions for rule making, amendment or repeal—Requirements.
WAC 98-08-220	Subpoenas—Geographical scope.		
WAC 98-08-370	Official notice—Matters of law.	WAC 98-08-560	Petitions for rule making, amendment or repeal—Agency must consider.
WAC 98-08-380	Official notice—Material facts.	WAC 98-08-570	Petitions for rule making, amendment or repeal—Notice of disposition.
WAC 98-08-390	Presumptions.		
WAC 98-08-400	Stipulations and admissions of record.	WAC 98-08-580	Declaratory rulings.
WAC 98-08-410	Form and content of decisions in contested cases.	WAC 98-08-590	Forms.
WAC 98-08-420	Definition of issues before hearing.		
WAC 98-08-430	Prehearing conference rule—Authorized.		
WAC 98-08-440	Prehearing conference rule—Record of conference action.		
WAC 98-08-450	Submission of documentary evidence in advance.		

**AMENDATORY SECTION** (Amending Order CB 101, filed 10/17/75)

**WAC 98-14-050 Determination of delivery.** Prerangement merchandise ((~~shall~~)) and services will be delivered within the meaning of RCW 68.46.050(1) when:

- (1) Actual delivery of the merchandise is made to the contract beneficiary; or
- (2) Delivery of the merchandise is made to the cemetery authority for the contract beneficiary and the merchandise is permanently affixed to real property or a mausoleum; or

(3) Delivery of the merchandise to the cemetery authority for the contract beneficiary with the storage provided by the cemetery authority, provided that fifty percent of the service charge of the installation and other services to be performed upon the merchandise is maintained in the prearrangement trust fund, and an insurance provision is maintained when stored in a building: Provided, That no insurance is necessary when merchandise is affixed to the grave; or

(4) The cemetery authority has paid its supplier for prearrangement merchandise, and the supplier has caused ~~((such))~~ the merchandise to be manufactured and stored, and has caused title to ~~((such))~~ the merchandise to be transferred to the contract beneficiary, and has agreed to ship ~~((such))~~ the merchandise upon his request or the request of the cemetery authority: Provided, That fifty percent of the service charge of delivery, installation and other costs are maintained in the prearrangement trust fund by the cemetery authority. ~~((Such))~~ The delivery and installation cost must be itemized upon the prearrangement contract, in accordance with WAC 98-14-020. This subsection will apply to the manufacture and storage of merchandise, such as, but not limited to, vaults, liners, urns and marker bases, that are not permanently labeled or engraved with the beneficiaries' name.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

**WAC 98-14-060 Suppliers.** No person, firm or corporation ~~((shall))~~ will be deemed a supplier for purposes of chapter 98-14 WAC, unless it:

(1) Permanently and unalterably identifies all ~~((such))~~ merchandise with the name of the contract beneficiary; and

(2) Submits ~~((to)), upon request of the board ((not less than annually a certified report by a certified public accountant)), a report~~ of all merchandise which has been purchased through a Washington cemetery authority and ~~((which, at the date of such report, was then))~~ has been placed in storage; and

(3) Permits the board or its designee, at any time, to examine stored merchandise which was purchased through a Washington cemetery authority and to examine any document pertaining thereto; and

(4) Submits evidence of a bond insuring the existing and good title of any merchandise due any contract beneficiary purchased through a Washington cemetery authority; and

(5) Submits evidence insuring that all merchandise purchased through a Washington cemetery authority and being stored by ~~((said))~~ the supplier is insured for casualty, theft or other loss ~~((normally assumed by a bailee for hire)).~~

Subsection (1) of this section will not apply to merchandise that is manufactured and stored without being permanently labeled or engraved with the beneficiaries' name. Suppliers must maintain an inventory equal to the amount sold.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

**WAC 98-14-070 Securities for loans.** In any instance where a prearrangement contract containing undelivered merchandise or services is sold, pledged or otherwise encum-

bered as security for a loan by cemetery authority, the cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from ~~((such))~~ the sale or loan.

AMENDATORY SECTION (Amending Order 106, filed 1/5/83)

**WAC 98-14-080 Development plan for unconstructed, undeveloped property.** Any cemetery authority selling undeveloped graves, unconstructed crypts or niches in accordance with chapter 68.46 RCW ~~((shall))~~ must make available to the purchaser at the time the prearrangement contract is signed, a statement of estimated time schedule of the development or construction. Such schedules, or modifications of them, will also be submitted to the cemetery board annually with the financial reports required by RCW 68.46.090 and made available to holders of prearrangement contracts affected by ~~((such))~~ the development or construction in the offices of the cemetery authority.

A cemetery authority must maintain an equivalent inventory of constructed crypts, niches and developed graves, equal to ten percent of the unconstructed crypts, niches and undeveloped graves sold through prearrangement contracts. The equivalent inventory must be located within the cemetery or an adjacent cemetery under common ownership.

Trust fund deposits required for the prearrangement contract sales of undeveloped property, will be in accordance with RCW 68.46.030.

**Chapter 98-15 WAC**

**CREMATORIES**

NEW SECTION

**WAC 98-15-010 Crematory inspections.** (1) Crematories registered under the provisions of RCW 68.05.175 will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections will cover compliance with applicable statutes and rules.

NEW SECTION

**WAC 98-15-020 Endowment care trust fund contribution for additional rights of interment, entombment or inurnment.** A cemetery authority not exempt from this chapter must make a deposit to the endowment care fund, for additional rights of interment, entombment or inurnment, as required in RCW 68.40.010.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 98-40-010 Purpose for procedures.

PERMANENT

WAC 98-40-020	Terminology.
WAC 98-40-030	Removal and identification of human remains.
WAC 98-40-040	Holding human remains for cremation.
WAC 98-40-050	Cremation of human remains.
WAC 98-40-060	Processing of cremated remains.
WAC 98-40-070	Packaging and storage of cremated remains.
WAC 98-40-080	Disposition of cremated remains.

**Chapter 98-80 WAC**

**RULES OF PROCEDURE FOR CREMATION**

NEW SECTION

**WAC 98-80-010 Definitions.** (1) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(2) "**Crematory**" the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.

(3) "**Crematory authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(4) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

(5) "**Cremation**" means the reduction of human remains to bone fragments, in a crematory, by means of incineration.

(6) "**Cremated human remains**" means the end products of cremation.

(7) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(8) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(9) "**Cremation container**" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.
- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.
- Provide a proper covering for the human remains.
- Be resistant to leakage or spillage of body fluids.

(10) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(11) "**Holding facility**" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.
- Preserve the dignity of the human remains.
- Recognize the personal integrity, health and safety of employees and others.
- Be secure from access by anyone other than authorized personnel.

(12) "**Human remains**" means the body of a deceased person.

(13) "**Cadaver**" means the body of a deceased person, or any part thereof, which has been donated to science for medical research purposes.

(14) "**Body parts**" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(15) "**Commingling**" means the mixing of cremated human remains of more than one deceased person.

(16) "**Residue**" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

NEW SECTION

**WAC 98-80-020 Identification of human remains.** A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.
- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains and in the crematory log.

NEW SECTION

**WAC 98-80-030 Holding human remains for cremation.** (1) A crematory must not accept and hold human

PERMANENT

remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

#### NEW SECTION

**WAC 98-80-040 Cremation of human remains.** (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

#### NEW SECTION

**WAC 98-80-050 Processing of cremated human remains.** (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or

building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

#### NEW SECTION

**WAC 98-80-060 Packaging and storage of cremated human remains.** (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

#### NEW SECTION

**WAC 98-80-070 Disposition of cremated human remains.** (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release or date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of two years or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.

• Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

## WSR 02-19-019

### PERMANENT RULES

#### DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed September 9, 2002, 10:51 a.m.]

Date of Adoption: September 5, 2002.

Purpose: To amend existing rules for clarity; bring terminology in line with industry standards; to adopt uniform rules concerning cremation of human remains for consistency between the funeral and cemetery boards; and to bring existing board policy into rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-48-070, 308-48-100, 308-48-185, 308-48-700, 308-48-710, 308-48-720, 308-48-730, 308-48-740, 308-48-750, 308-48-760 and 308-48-770; and amending WAC 308-48-010, 308-48-031, 308-48-040, 308-48-050, 308-48-060, 308-48-085, 308-48-145, 308-48-180, 308-48-200, 308-48-210, 308-48-350, 308-48-520, 308-48-600, 308-49-150, 308-49-164, and 308-49-170.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 02-14-059 on June 27, 2002.

Changes Other than Editing from Proposed to Adopted Version: Delete proposed new rule WAC 308-48-015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 8, Amended 16, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 5, 2002

Scott A. August  
Chairman

## Chapter 308-47 WAC

### RULES OF PROCEDURE FOR CREMATION

#### NEW SECTION

**WAC 308-47-010 Definitions.** (1) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(2) "**Crematory**" the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.

(3) "**Crematory authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(4) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

(5) "**Cremation**" means the reduction of human remains to bone fragments, in a crematory, by means of incineration.

(6) "**Cremated human remains**" means the end products of cremation.

(7) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(8) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(9) "**Cremation container**" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

(10) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(11) "**Holding facility**" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.

- Preserve the dignity of the human remains.

- Recognize the personal integrity, health and safety of employees and others.

- Be secure from access by anyone other than authorized personnel.

(12) "**Human remains**" means the body of a deceased person.

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(13) "**Cadaver**" means the body of a deceased person, or any part thereof, which has been donated to science for medical research purposes.

(14) "**Body parts**" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(15) "**Commingling**" means the mixing of cremated human remains of more than one deceased person.

(16) "**Residue**" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

#### NEW SECTION

**WAC 308-47-020 Identification of human remains.** A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.
- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains and in the crematory log.

#### NEW SECTION

**WAC 308-47-030 Holding human remains for cremation.** (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

#### NEW SECTION

**WAC 308-47-040 Cremation of human remains.** (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains

being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

#### NEW SECTION

**WAC 308-47-050 Processing of cremated human remains.** (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

#### NEW SECTION

**WAC 308-47-060 Packaging and storage of cremated human remains.** (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

**NEW SECTION**

**WAC 308-47-070 Disposition of cremated human remains.** (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release or date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of two years or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

**AMENDATORY SECTION** (Amending Order PM 604, filed 7/11/86)

**WAC 308-48-010 Definitions.** For the purpose of these rules, the following terms ~~((shall))~~ will be construed ~~((in the following manner))~~ as follows:

(1) ~~("Funeral director," "embalmer," and "funeral establishment" shall have the same meaning as provided in RCW 18.39.010.~~

(2) ~~"Board" shall mean the state board of funeral directors and embalmers.~~

(3) ~~"Licensee" ((shall))~~ will mean any person or entity holding a license, registration, endorsement, or permit issued by the director.

~~((4))~~ (2) "In its employ" as used in RCW 18.39.148 ~~((shall))~~ will include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis.

~~((Any prohibition in these rules and regulations stated as against a licensee or apprentice shall be taken and treated as a prohibition against such action by the licensee or apprentice in his own proper person, directly or indirectly, or by agent, servant, employee or associate, or through any person, firm or corporation, and as a prohibition against such action known and permitted by him and operating or tending to operate for his benefit from whatever source.))~~

**AMENDATORY SECTION** (Amending WSR 97-21-060, filed 10/14/97, effective 11/14/97)

**WAC 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards.** A funeral establishment or branch establishment shall:

(1) Have an exclusive area/office at an identified location for conducting the business which is accessible to the public.

(2) Provide private and secure area(s) for holding human remains which will include:

(a) A refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit;

(b) A sink with hot and cold running water;

(c) Covered receptacles for soiled linens, bandages, refuse and other waste materials which meet OSHA, WISHA, department of health and any other applicable regulations;

(d) Adequate chemicals for the disinfection of human remains and the equipment used in handling and caring for human remains;

(e) Chemical storage that meets OSHA, WISHA, department of health and any other applicable regulations.

(3) Provide rest rooms that are available for staff and the public.

(4) In the case where the holding of human remains is not provided at this facility, provide the identification of the facility upon request to the board and the individual or individuals that has/have the right to control the disposition of the human remains where this establishment or branch provides for the holding and/or preparation of the human remains entrusted to its care (this off-site facility must meet the requirements of subsection (2) of this section).

(5) Provide for the privacy of uncasketed human remains in vehicles used for transportation of the remains by screening, curtains, or adequately tinted windows.

(6) Provide that if embalming is performed at the establishment or branch, no embalming of a human remains shall be performed in a funeral establishment or branch establishment except in a room set aside exclusively for embalming of a human remains. Such room shall be maintained and kept in a clean sanitary condition, and every embalming and preparation room shall be constructed, equipped, and maintained as follows:

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(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit (~~(which will completely remove objectionable fumes)~~).

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room: The room's entry door(s) must be labeled "Private" or "Authorized Entry Only(-)" and must be locked at all times.

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse (~~(, bandages, cotton, and other waste materials)~~).

AMENDATORY SECTION (Amending Rule 4, filed 9/17/64)

**WAC 308-48-040 Control of ~~((dead bodies))~~ human remains.** (1) No licensee (~~(shall)~~) will, directly or indirectly, assume control of any (~~(dead body))~~ human remains without having first obtained authority (~~((therefore))~~) from the person(s), their responsible representatives, or persons lawfully entitled (~~((thereto, or their responsible representatives or, in a proper case, a public official lawfully entitled))~~) to such control.

(2) A licensee in charge of (~~(a dead body shall))~~ human remains will be governed by the directions of those lawfully entitled to such control (~~((as aforesaid))~~), as to matters relating to the preparation, handling and final (~~((disposal of such body))~~) disposition of the human remains (including steps in preparation, autopsy, embalming, dressing, viewing, video-taping, photographing; (~~((type of clothing, casket, box or vault; cremation; time, place, type and manner of funeral ceremonies and burial or other customary disposal)~~) insofar as public health and laws will permit.

(3) ~~Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the cremated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, upon submission of evidence to the effect that such person, firm, corporation or association has made unsuccessful efforts to have the person or persons responsible for the remains, provide for disposition of same, special permits for such disposition may be secured from the state department of health)~~ funeral, burial and cremation merchandise, and disposition arrangements.

AMENDATORY SECTION (Amending Rule 5, filed 9/17/64)

**WAC 308-48-050 Confidence.** No licensee (~~(or apprentice shall divulge any confidence, privacy or secrets of the domestic life in any home wherein he may be called upon to serve, and this prohibition shall include))~~ will divulge any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity. (~~((This prohibition shall not prevent the divulging to any person lawfully entitled or properly authorized to receive same.))~~)

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

**WAC 308-48-060 Against concealment of crime.** (1) No licensee (~~(or apprentice shall))~~ will remove (~~((or)),~~) embalm (~~(a dead body)),~~ or perform other preparation of a human remains when he/she has information indicating crime or (~~((intentional))~~) violence in connection with the cause of death, until permission is (~~((first))~~) obtained from a (~~((county))~~) coroner, medical examiner or other qualified official.

(2) Any licensee (~~(or apprentice))~~ having or obtaining, as a result of (~~((his))~~) providing services, any information in relation to a possible crime (~~((shall forthwith))~~) must communicate such information to a (~~((proper law enforcement officer))~~) properly qualified official.

(3) No licensee (~~(or apprentice shall do))~~ will perform any act knowing that it will conceal evidence of crime.

(~~((4) No embalmer or apprentice embalmer shall knowingly use any fluid or compound which is in violation of federal or state law, in the embalming of a dead body.))~~)

AMENDATORY SECTION (Amending Order PM 716, filed 3/28/88)

**WAC 308-48-085 Funeral establishments and crematories—Inspections.** (1) Funeral establishments and crematories licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover (~~((the areas of sanitation and public health as well as conformity))~~) compliance with applicable statutes and rules. Funeral establishments and crematories will be open for inspection during normal business hours. If the establishment or crematory is not open, the ownership must identify someone to the department that can open the establishment or crematory for an unannounced inspection, or provide a method of access to the inspector.

AMENDATORY SECTION (Amending Order PL 468, filed 5/18/84)

**WAC 308-48-145 Approval of embalming schools and accrediting associations.** (1) The board (~~(, in approving courses of instruction in embalming schools pursuant to RCW 18.39.035(2);))~~) adopts the standards of the American Board of Funeral Service Education, Inc. (~~((which are relevant~~

to the accreditation of embalming schools and current on April 23, 1983, and), in approving courses of instruction in embalming schools, pursuant to RCW 18.39.035(2). The board approves all ((and only those)) schools ((which were)) accredited by, and in good standing with, the American Board of Funeral Service Education, Inc. ((pursuant to those standards or as subsequently revised, and approved by the board. Other embalming schools which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of an applicant to ascertain whether or not a school has been approved by the board.))

(2) The board((, in approving)) approves associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045((;)). The board approves of accrediting groups recognized by the Council ((on Postsecondary)) for Higher Education Accreditation ((COPA)). The board adopts the standards of ((COPA relevant to the recognition of accrediting groups as of May 15, 1982 and approves all and only those groups recognized and in good standing with COPA pursuant to those standards or as subsequently revised, and approved by the board)) the Council for Higher Education Accreditation.

The board may approve other accrediting associations which ((apply for the board's approval and which)) meet the board's standards ((to the board's satisfaction may be approved, but)). It is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

((((3) In both (1) and (2), the board reserves the right to withdraw approval of any course of instruction in an embalming school or any association accrediting a school, college or university providing a two-year college course which ceases to meet the approval of the board and/or the American Board of Funeral Service Education, Inc. or COPA.))

AMENDATORY SECTION (Amending Order PL 207, filed 11/5/75)

**WAC 308-48-180 Renewal of licenses, registrations, endorsements and permits.** (1) The annual license or registration renewal date for embalmers ((and)), funeral directors ((is hereby changed to coincide with)) and apprentices is the licensee's birthdate. ((a)) Individuals making application and fulfilling requirements for initial license and examination((, provided they meet all such requirements.)) will be issued a license((, to)) or registration which will expire on their next birth ((anniversary)) date.

((b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.))

(2) ((After the initial conversion to a staggered system, licensees may)) Funeral establishments, branch establishments, prearrangement sales licenses, and crematories must renew their licenses((, at the annual renewal fee rate, for one

year, from birth anniversary date to next birth anniversary date)) annually.

(3) ((Under the staggered license renewal system, the late payment penalty provision will be applied as follows:

(a)) Before the expiration date of the ((individual's)) license, the director ((shall)) will mail a notice ((for)) of renewal ((of license to every person holding a current license)). The licensee must return such notice along with current renewal fees prior to the expiration of ((said)) the license. ((Should the licensee fail to renew his or her)) Failure to renew the license prior to the expiration date((, then the individual is subject to)) will require payment of the penalty fee.

AMENDATORY SECTION (Amending Order PM 697, filed 12/9/87)

**WAC 308-48-200 Report of apprenticeship registration, termination, transfer and credit.** (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral ((director or embalmer pursuant to RCW 18.39.120)) establishment. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of ((termination or)) registration or termination, the affected apprentice should initiate and ensure submission of same. ((Such report must be submitted within thirty days of the termination or registration of the apprentice's employment, setting forth the information required for apprenticeship credit.)) The ((report)) notification shall be certified by signature of the ((supervising employer)) sponsor.

(2) ((A transfer of apprenticeship report shall be submitted by the apprentice or his new employer to the director, department of licensing, within thirty days of his hiring by a new supervising employer. Such report is to be signed by the apprentice and his new supervising employer. No apprenticeship credit shall be allowed for period worked between the time of transfer and the reporting of same unless such report is submitted within the required thirty days of such transfer.)) No credit for apprenticeship ((shall)) will be allowed for any period during which the apprentice is not ((duly) {duty}) registered pursuant to RCW 18.39.120((, except as provided for in WAC 308-48-120)). In the event an apprentice's ((supervising employer)) sponsor dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by ((certification of the apprentice of credit due or by)) certification by another ((licensee)) licensed funeral director or embalmer who has knowledge of the work performed and the credit due((, Provided, That in either such case, documentation or reasonable proof of such credit may be required by the director)) or by documentation or reasonable proof of such credit as determined by the board.

AMENDATORY SECTION (Amending Order PM 652, filed 5/20/87)

**WAC 308-48-210 Establishment licensure.** (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the depart-

ment all locations subject to ~~((inspection and))~~ regulation. ~~((Establishments are encouraged to procure an individual))~~ Any provider of any aspect of the care, shelter, transportation, embalming, other preparation and arrangements for the disposition of human remains must be licensed as a funeral establishment. Establishments must obtain a funeral establishment or branch license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the ~~((general))~~ establishment.

(b) ~~((Branch(es) must be identified by location on the general establishment license.~~

~~((e))~~ Branch(es) must display a ~~((duplicate of the general))~~ current branch license.

~~((d))~~ (c) Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

~~((e))~~ (d) The failure of a branch to meet the standards of an establishment may result in cancellation of the ~~((entire general))~~ establishment license, pursuant to RCW 18.39.148.

AMENDATORY SECTION (Amending Order PM 793, filed 1/19/89)

**WAC 308-48-350 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

~~((Application for licensure or apprenticeship registration. Effective January 1, 1990 persons applying for licensure or apprenticeship registration shall submit evidence to show compliance with the education requirements of subsection (4).~~

~~((3))~~ (3) Renewal of funeral director and/or embalmer licenses or apprenticeship registrations~~((Effective with the renewal period beginning January 1, 1990, ending December 31, 1990)), and all persons making initial application for funeral director and/or embalmer licensure, or initial renewal ((or) of funeral director and/or embalmer apprenticeship registration ((shall) must submit evidence to show compliance with the education requirements of subsection ((4)) (3) of this section.~~

~~((4))~~ (3) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training ~~((shall) must~~ be a minimum of four and one half clock hours and ~~((shall) must~~ include, but is not limited to, the following: Prevention, transmission and treatment of AIDS.

(b) Implementation. ~~((Effective January 1, 1990,))~~ The requirement for initial funeral director and/or embalmer

licensure, the first renewal of a funeral director and/or embalmer apprenticeship registration, ~~((renewal,))~~ or reinstatement of any license or apprenticeship registration on lapsed, inactive, or disciplinary status ~~((shall) will~~ include ~~((completion of AIDS education and training. All persons affected by this section shall show))~~ evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant ~~((shall) must~~:

(i) Certify, on forms provided, that the minimum education and training has been completed ~~((after January 1, 1987));~~

(ii) Keep records for ~~((two))~~ five years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

~~((5))~~ (4) Continuing education. The AIDS education requirement may be counted towards the fulfillment of the continuing education requirement.

AMENDATORY SECTION (Amending Order PL 504, filed 12/19/84)

**WAC 308-48-520 Effective date of continuing education requirement.** ~~((4))~~ The effective date of the continuing education requirement will be two years after ~~((the 1985 renewal date. Therefore, the required number of hours must first be met by the 1987 license renewal date.~~

~~((2) With respect to any individual, the regulation will become effective on the 1987 renewal or two years after initial licensure in this state, whichever is later.~~

~~((3) Acceptable courses taken after January 1, 1985 may be included in the first computation of continuing education hours necessary for renewal))~~ initial licensure as a funeral director and/or embalmer, or initial registration as an apprentice funeral director and/or embalmer.

AMENDATORY SECTION (Amending WSR 91-20-071, filed 9/26/91, effective 10/27/91)

**WAC 308-48-600 Procedure for obtaining board approval of continuing education activity.** (1) An application for approval of continuing education activity must be submitted to the board ~~((no less than ninety days))~~ before the activity is scheduled to commence. The board ~~((shall) will~~ notify the applicant of approval or disapproval ~~((within forty-five days of submission of the application))~~ of the continuing education activity and the number of credit hours approved.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours.

~~((4) The board may grant post approval or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may deter-~~

~~mine that such nonapproved activities satisfy any, all, or none of the requirements. A petition for credit under this post approval subsection must be filed with the board within thirty days after completion of the activity. Such petition shall include documentation as the board may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit.)~~

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-48-070	Fraud and deceit.
WAC 308-48-100	Improper methods for seeking business.
WAC 308-48-185	Funeral establishments and crematories—License expiration.
WAC 308-48-700	Definitions.
WAC 308-48-710	Identification of human remains.
WAC 308-48-720	Holding human remains for cremation.
WAC 308-48-730	Cremation of human remains.
WAC 308-48-740	Processing of cremated remains.
WAC 308-48-750	Packaging and storage of cremated or processed remains.
WAC 308-48-760	Disposition of cremated or processed remains.
WAC 308-48-770	Endorsement required.

AMENDATORY SECTION (Amending WSR 90-17-148, filed 8/22/90, effective 9/22/90)

**WAC 308-49-150 Prearrangement funeral service contract form requirements.** (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment.

Contracts ~~((therefore should))~~ must be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every ~~((contract shall))~~ prearrangement funeral service contract must include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price ~~((paid))~~ fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) ~~((If a contract is to be funded through a prearrangement funeral service trust fund it shall also include the following information:~~

~~((i) That a prearrangement funeral service trust exists and of the amount to be deposited into the trust;~~

~~((ii) Identification of the trust to be used and information as to how the trustees may be contacted;~~

~~((iii) If the contract is revocable or not or if there are provisions to convert to an irrevocable status;~~

~~((iv) That all moneys paid are fully refundable if canceled by the purchaser within thirty days of signing;~~

~~((v) In the case of cancellation by purchaser or beneficiary after thirty days of signing that up to ten percent of the contract may be retained by the seller.)) That all funds placed in trust plus net accruals are subject to refund.~~

~~((vi) That reasonable fees as set forth by statute for the administration of the trust plus taxes paid or withheld shall be deducted from the interest, dividends and increases that the trust may earn.~~

~~((vii) That the board may terminate a contract if the establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. That in such event, or upon demand of the purchaser or beneficiary of the prearrangement funeral service contract the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. That the purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed by the board to enter into prearrangement funeral service contracts which will agree to endorse the contract and to be bound to the contract and to provide for the funeral merchandise or services.~~

~~((e) If a contract is to be funded through insurance, the contract shall also contain language which:~~

~~((i) States the amount of insurance;~~

~~((ii) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided and the policy number;~~

~~((iii) Informs the purchaser that amounts paid for insurance may not be refundable.~~

~~((f) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the trust under the following circumstances and conditions;~~

~~((i) If the funeral establishment files a verified statement with the trust that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or~~

~~((ii) If the funeral establishment files a verified statement with the trust that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms;))~~

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

~~((4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW.))~~

AMENDATORY SECTION (Amending WSR 97-21-064, filed 10/14/97, effective 11/14/97)

**WAC 308-49-164 Prerearrangement funeral service trust agreement requirements.** (1) Each establishment entering into prerearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prerearrangement funeral service trust agreements. ~~((The establishment may join with one or more other Washington state licensed funeral establishments in a "master trust."))~~

(2) Such prerearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

- (a) A minimum of two trustees;
- (b) Duties and responsibilities of the trustees;
- (c) Method of removal of trustees;
- (d) Selection of depository(ies);
- (e) ~~((Procedures to be followed when the establishment deposits prerearrangement funeral service contract moneys;~~

~~(f) Conditions under which moneys may be withdrawn from the trust and procedures to be followed in making withdrawals;~~

~~(g))~~ Details as to investment and administration of the trust;

~~((h))~~ (f) Compensation of trustees and expenses to be incurred;

~~((i))~~ (g) Accounting methods to be used;

~~((j))~~ (h) Provisions for amendment and termination of the trust agreement.

(3) Such prerearrangement funeral service trust agreements are an integral part of the prerearrangement funeral service contract and shall be approved by the board prior to use. ~~Amendments(,) or changes to the trust agreement((, or termination of the trust agreement shall))~~ must receive prior approval from the board before incorporation of amendment or change ~~((, or implementation of termination)).~~

AMENDATORY SECTION (Amending Order PM 737, filed 6/6/88)

**WAC 308-49-170 Annual statement requirements.**

(1) Each ~~((registered))~~ funeral establishment ~~((shall))~~ must file with the board annually, ninety days after the end of its fiscal year, a ~~((true and accurate))~~ statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in

ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prerearrangement funeral service contract trust fund, the following information ~~((shall))~~ must be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prerearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services and/or merchandise;

(i) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form ~~((shall))~~ must include verification from the depository as to the amount of money held in funeral prerearrangement trust as of the reporting date.

(6) The annual statement ~~((shall))~~ must be accompanied by a fee as determined by the director, payable to the state treasurer.

NEW SECTION

**WAC 308-49-210 Examination expense from change of ownership or control.** Examination expenses for a funeral prerearrangement trust fund examination performed in conjunction with a transfer of ownership or control of a funeral establishment will be paid by the selling entity.

**WSR 02-19-035**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed September 10, 2002, 11:15 a.m.]

Date of Adoption: September 10, 2002.

Purpose: To clarify language.

Citation of Existing Rules Affected by this Order:  
Amending WAC 308-08-085.

Statutory Authority for Adoption: RCW 34.05.413(3).

Adopted under notice filed as WSR 02-14-001 on June 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

September 10, 2002

Walter Fahrer

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 01-03-129, filed 1/23/01, effective 2/23/01)

**WAC 308-08-085 Requests for adjudicative proceedings.** (1) All applications requesting that the department of licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department shall be made on the ~~((applicable))~~ form ~~((for such requests))~~ provided by the department or ~~((or))~~ in a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty calendar days of service ~~((, as defined in WAC 10-08-110 (2) and (3),))~~ upon the applicant of a written notice of an opportunity to request a hearing ~~((upon))~~ on the agency action ~~((, or contemplated agency action, or)).~~

(b) Within twenty calendar days ~~((from))~~ of notice to the applicant from any source of ~~((administrative))~~ agency action by the department which the applicant believes has or will adversely affect the applicant.

(c) For purposes of this subsection, the time limitations begin upon actual notice, personal service or deposit in the U.S. mail, whichever occurs first.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsection ~~((s))~~ ~~((a) or (b) above))~~ of this section, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding ~~((and)).~~ The department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who ~~((does, or will, not have standing to request judicial review of the agency actions, or contemplated agency actions, pursuant to))~~ is not aggrieved or adversely affected by the agency action as defined by RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and 34.05.419.

**WSR 02-19-036**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed September 10, 2002, 11:17 a.m.]

Date of Adoption: September 10, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02, and chapter 245 of the 2002 regular legislative session. Implementation of the requirements of SB 6530.

Citation of Existing Rules Affected by this Order: Amending WAC 308-63-090.

Statutory Authority for Adoption: Chapter 46.55 RCW.

Adopted under notice filed as WSR 02-16-057 on August 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 10, 2002

G. A. McDougall

for Fred Stephens

Director

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

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

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

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

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

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

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

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(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

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

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

(2) The wrecker must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker ((will)) must submit a report on the form prescribed by the department documenting ((that)) those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles ((are)) were acquired during ((the)) that month, the monthly report must be sent in stating "none." The report shall ((give)) contain such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), ((and)) (iv), and (v) of this section((; it shall)). The report must be accom-

panied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates((;)); provided((;)) that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and made available for inspection.

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

**WSR 02-19-041**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed September 11, 2002, 8:21 a.m.]

Date of Adoption: September 6, 2002.

Purpose: The Division of Employment and Assistance Programs is amending these rules to correspond with the Division of Child Support (DCS) rules in revised chapter 388-14A WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-422-0005, 388-422-0010, 388-422-0020, and 388-422-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 02-15-147 on July 22, 2002.

Changes Other than Editing from Proposed to Adopted Version:

Rules as Proposed	Changes (additions underlined, deletions struck through) to adopted version:	Explanation of changes
WAC 388-422-0005 What happens to my child, spousal, and medical support when I get public assistance?	Subsection (2), addition "or get" line 1.	Clear language addition.
WAC 388-422-0005	Deletion "can" line 3.	Clear language deletion requested by DCS.
WAC 388-422-0005	Deletion of word "must" "...as required under..." in first sentence.  Addition of "...current support and back support (also called "arrear") under ..." in first sentence. Addition of second sentence "You permanently assign to the state your current support for the months you get assistance."	DCS prefers clearer language expressing the requirement of assignment. The additions and deletions clarify the meaning and effect of assigning support rights to the state.

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Rules as Proposed	Changes (additions underlined, deletions struck through) to adopted version:	Explanation of changes
	Addition of third sentence "Support for months before you begin receiving assistance is temporarily assigned to the state." Deletion of words "There are two types of assignment that you make." Addition of the words "For more information about permanently and temporarily assigned arrears support see: ..."	
WAC 388-422-0005	Subsection (2)(a), deletion, "This is support owed to you but unpaid during any month in which you receive cash benefits. When collected, permanently assigned arrears are retained by the state for reimbursement of benefits paid. ...tells you more about permanently assigned arrears;"	DCS prefers that DEAP refrain from explaining what are "Permanent Arrears." CLS requests that the WAC reference remain.
WAC 388-422-0005	Subsection (2)(b), deletion, "This is support owed to you but unpaid during any month prior to you applying for cash benefits. When collected, temporarily assigned arrears may be either distributed to you or retained by the state, depending on various conditions. ...tells you more about temporarily assigned arrears."	DCS prefers that DEAP refrain from explaining what are "Temporary Arrears." CLS requests that the WAC reference remain.
WAC 388-422-0005	Subsection (3), deletion, "...do not have to assign your rights to support when you apply for or get benefits from the following programs: Pregnancy medical; newborn medical; medical assistance for children only; or family related alien emergency medical (AFM)." Subsection (3), addition "...assign your rights to medical support under WAC 388-505-0540 when you apply for or get benefits from the following: (a) Family medical; or (b) children's medical."	Subsection (3), deletion, DCS a wording change for clearer language and a medical WAC reference. Subsection (3), addition is DCS preferred language intended to clarify for which medical programs assignments are made.
WAC 388-422-0005	Subsection (4), deletion "...accept." Subsection (4), addition "...get."	Clearer language for better client understanding.
WAC 388-422-0005	New subsection (5), "If you have a good reason (WAC 388-422-0020), DCS may not be able to establish or collect child support (WAC 388-14A-2060).	Request by CLS and Washington State Coalition Against Domestic Violence for a reference to good cause in WAC 388-422-0005.
WAC 388-422-0005	Former subsection (5), becomes subsection (6), addition "...(WAC 388-450-0025)."	WAC reference included for public.
WAC 388-422-0005	Subsection (6), addition "...under WAC 388-14A-2040(3)."	DCS prefers WAC reference addition.
WAC 388-422-0005	Subsection (7), addition "...direct..." Subsection (7), struck through "...you will owe this money to DCS." Subsection (7), addition "...DCS may collect this money from you (WAC 388-14A 5505)."	DCS prefers the word "direct" to be added for clarification. DCS prefers language change to clarify that assignment of child support is for TANF reimbursement and DCS may collect retained child support with WAC reference.

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Rules as Proposed	Changes (additions underlined, deletions struck through) to adopted version:	Explanation of changes
WAC 388-422-0010 Do I have to cooperate with the division of child support (DCS)?	<p>Subsection (1), deletion "...under WAC 388-14A-2040."</p> <p>Subsection (1), addition "...to establish or collect child support, unless you have a good reason for not cooperating."</p>	DCS prefers clarifying of a good reason for not cooperating. See above.
WAC 388-422-0010	Subsection (2), addition (new) "DCS defines what cooperating with them to establish or collect child support means in WAC 388-14A-2010."	DCS requested section for clarification of "cooperating."
WAC 388-422-0010	Subsection (3), (was subsection (2)), addition "...if necessary."	DCS requested addition helps clarify meaning.
WAC 388-422-0010	<p>Subsection (5), (was subsection (4)), deletion "...cooperate with DCS without good cause under WAC 388-422-0020."</p> <p>Subsection (5), (was subsection (4)), "...have a good reason for not cooperating with DCS. we:"</p>	DCS prefers language in "Addition" as more clear.  DCS preferred see above.
WAC 388-422-0010	<p>Subsection (6), (was subsection (5)), deletion "...cooperate with DCS without good cause, your medical will stop unless you are pregnant..."</p> <p>Subsection (6), (was subsection (5)), addition "...do not have a good reason for not cooperating with DCS, your medical will stop unless you are pregnant..."</p>	DCS prefers clearer language as changed to language in the "Addition."
WAC 388-422-0010	<p>Subsection (7), (was subsection (6)), deletion "...to cooperate with DCS, see WAC 388-422-0020.)"</p> <p>Subsection (7), (was subsection (6)), addition "...that cooperating with DCS may be dangerous for you or a child in your care, see WAC 388-14A-2045 for a definition of what a good reason to not cooperate with DCS is. We also call this "good cause."</p>	DCS prefers clarifying language as changed "Deletion subsection (7), becomes "Addition subsection (7), and include a change in WAC reference to DCS WAC.
WAC 388-422-0020 What if I am afraid to cooperate with the division of child support (DCS)?	Title change to "What if I am afraid that cooperating with the division of child support (DCS) may be dangerous for me or the child in my care?"	DCS prefers WAC title change to clarify reason for not cooperating with them.
WAC 388-422-0020	<p>Subsection (1), deletion "...ask to...cause." "...cause."</p> <p>Subsection (1), addition "...a...reason" "...reason...."</p> <p>Subsection (1), deletion of (1)(a)(i) and (ii), subsection (1) (a) now reads: "Cooperating with DCS would result in serious physical or emotional harm to you or the child in your care."</p>	DCS prefers language as changed.  DEAP incorporates CLS and Washington State Coalition request wording for this section.

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Rules as Proposed	Changes (additions underlined, deletions struck through) to adopted version:	Explanation of changes
WAC 388-422-0020	Subsection (2), addition of new second sentence that reads as follows: "This information can include official records, sworn statements, or other information that supports your good cause claim."	CLS and Washington State Coalition Against Domestic Violence request the addition of examples of what kinds of information can act as proof of good cause.
WAC 388-422-0020	Subsection (3), deletion "...will..." Subsection (3), addition "...does..."	DCS prefers language changes for clarification.
WAC 388-422-0020	Subsection (5), deletion of "...we review the claim at least every six months..."  Subsection (5), addition of "...we periodically review the claim depending on your circumstances..."	CLS and Washington State Coalition Against Domestic Violence prefer less definite time period language to accommodate those situations in which a good cause review is not conducted at six month intervals.
WAC 388-422-0020	Subsection (6), (new) addition "To see what DCS does when good cause is approved see WAC 388-14A-2060."	DCS asks for addition of new section clarifying DCS action when good cause is approved includes DCS WAC reference.
WAC 388-422-0030 What happens if my current support is more than my TANF or SFA cash benefit?	Subsection (2), addition "You can read..."	Clearer language.
WAC 388-422-0030	Subsection (3), new "You may be able to get continued food assistance benefits."	DCS asks that DEAP add more information about other benefits clients may be able to get.
WAC 388-422-0030	Subsection (4), new "you can read WAC 388-310-0800 to see what kinds of support services you may be able to get."	DCS asks that DEAP add more information about other benefits clients may be able to get.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

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

September 6, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-422-0005 (~~Assignment of~~) What happens to my child, spousal and medical support ((rights)) when I get public assistance?** (1) (~~To receive cash assistance under TANF, SFA, or GA-H, each client must assign to the state of Washington all rights to support for each person for whom the client is applying. This includes the rights to any support which has accrued before assignment is made. If a client fails to assign support rights for each person for whom assistance is requested, then cash assistance will be denied to the entire assistance unit.~~

(2) ~~To receive medical assistance, each client must assign to the state of Washington all rights to medical support for each person for whom the client is applying. This includes the rights to any medical support which has accrued before assignment is made.~~

(3) ~~Assignment is made when a client signs the application or accepts the cash or medical assistance.~~

(4) ~~After assignment is made, a client must send any direct support they receive to the division of child support (DCS))~~ The following definitions apply to this chapter:

(a) "We" means the department of social and health services.

(b) "You" means a person applying for or getting benefits from us.

(c) "Benefits" mean family medical and related alien emergency medical (AEM), TANF or SFA cash assistance.

(d) "Support" means the money paid to meet a support order whether it is called child support, spousal support, alimony, maintenance, or medical support.

(e) "Medical support" means either or both:

(i) The set dollar amount for health care costs in a support order; or

(ii) Health insurance coverage for a dependent child.

(f) "Assistance unit" or "AU" means the group of people who live together and whose income and resources we count to decide your eligibility for benefits and the amount of those benefits.

(2) When you apply for TANF or SFA cash benefits, you assign your rights to current support and back support (also called "arrears") under WAC 388-14A-2036. You permanently assign to the state your current support for the months you get assistance. Support for months before you begin receiving assistance is temporarily assigned to the state. For more information about permanently and temporarily assigned support see:

(a) Permanently assigned arrears, WAC 388-14A-2037.

(b) Temporarily assigned arrears, WAC 388-14A-2038.

(3) You assign your rights to medical support under WAC 388-505-0540 when you apply for or get benefits from the following:

(a) Family medical; or

(b) Children's medical.

(4) You assign your rights to support when you sign the application for benefits, or when you get cash or medical benefits.

(5) If you have a good reason (WAC 388-422-0020) DCS may not be able to establish or collect child support (WAC 388-14A-2060).

(6) If you receive any support payments before you assign your rights to support, we count this as unearned income to your AU (WAC 388-450-0025).

(7) If you receive any direct support payments after you assign your rights to support, you must send the support payments to the division of child support (DCS) under WAC 388-14A-2040(3).

(8) If you keep any support payments you receive after you assign your rights to support, DCS may collect this money from you (WAC 388-14A-5505).

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0010 ((Cooperation)) **Do I have to cooperate with the division of child support((:)) (DCS)?**

(1) When ((applying for or receiving TANF, SFA, GA H, or Medicaid, the following individuals must cooperate with the

DCS in establishing paternity and collecting support as specified in WAC 388-14-201:

(a) All persons for whom benefits are applied for or received; and

(b) The caretaker relative or court appointed guardian of a child for whom benefits are applied for or received.

(2) For TANF and SFA, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, the cash grant paid to the assistance unit will be reduced by twenty-five percent of what they would otherwise have received.

(3) For Medicaid, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, that individual will be denied medical assistance unless they are pregnant.

(4) Cooperation is determined by DCS:)) you get benefits, you must cooperate with DCS as required to establish or collect child support, unless you have a good reason for not cooperating.

(2) DCS defines what cooperating with them to establish or collect child support means in WAC 388-14A-2040.

(3) If you are a two-parent household, you and the other parent must help DCS establish paternity for each child in your AU, if necessary.

(4) DCS determines whether you are cooperating with them. See WAC 388-14A-2041(1) for reasons why DCS might determine that you are not cooperating.

(5) If you get TANF or SFA and do not have a good reason for not cooperating with DCS, we:

(a) Reduce your cash benefits by twenty-five percent; and

(b) Stop your medical benefits unless you are pregnant. The children in your AU will continue to get medical.

(6) If you get family medical and do not have a good reason for not cooperating with DCS, your medical will stop unless you are pregnant. The children in your AU will continue to get medical.

(7) If you are afraid that cooperating with DCS may be dangerous for you or a child in your care, see WAC 388-14A-2045 for a definition of what a good reason to not cooperate with DCS is. We also call this "**good cause.**"

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0020 ((~~Good cause for not cooperating~~)) **What if you are afraid that cooperating with the division of child support((:)) (DCS) may be dangerous for you or the child in your care?**

(1) ((An individual described under WAC 388-422-0010 is not required to cooperate with DCS if the department finds that cooperation is against the best interest of the child for whom child support is sought. A client has the right to claim good cause for refusing to cooperate and the department must determine if the claim is valid.

(2) Cooperation is against the best interest of the child and cash assistance can be continued when:

(a) The individual's cooperation can reasonably be anticipated to result in serious physical or emotional harm to:

(i) The child; or

~~(ii) The caretaker relative, if it reduces the caretaker relative's capacity to adequately care for the child; or~~

~~(b) Establishing paternity or securing support would be harmful to the child who:~~

~~(i) Was conceived as a result of incest or forcible rape; or~~

~~(ii) Is the subject of legal adoption proceedings pending before a superior court; or~~

~~(iii) Is the subject of ongoing discussions between the parent and a public or licensed child placement agency to decide whether the parent will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.~~

~~(3) When cash assistance cannot be continued because a client's claim of good cause does not meet the standard in subsection (2) of this section, medical assistance may be able to be continued. The standard for good cause for medical assistance is broader in that good cause can be based solely on the best interests of the:~~

~~(a) Child as in subsection (2) of this section; or~~

~~(b) Person who is being asked to cooperate.~~

~~(4) A client has twenty days from the date good cause is claimed to provide information and evidence to support the claim, unless it cannot be obtained within such time.~~

~~(5) A client has the right to:~~

~~(a) Be informed of their right to claim good cause for refusing to cooperate;~~

~~(b) Receive a determination of their good cause claim within thirty days of the date the claim is made, as long as the necessary information and evidence was provided to the department within twenty days;~~

~~(c) Receive assistance without delay while their good cause claim is pending a determination, if they have provided supportive evidence and information;~~

~~(d) Receive information on their right to ask for a fair hearing if the department denies the claim of good cause; and~~

~~(6) Approved good cause claims will be reviewed at least every six months to determine if good cause continues to exist)) You can be excused from cooperating with DCS when you have a good reason. A good reason not to cooperate is also called good cause. You have a good reason when you can prove that:~~

~~(a) Cooperating with DCS would result in serious physical or emotional harm to you or the child in your care.~~

~~(b) Establishing paternity or getting support would be harmful to the child who:~~

~~(i) Was conceived as a result of incest or rape; or~~

~~(ii) Is the subject of legal adoption proceedings pending before a superior court; or~~

~~(iii) Is the subject of ongoing discussions between you and a public or licensed child placement agency to decide whether you will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.~~

~~(2) Once you claim good cause, you have twenty days to give us the information that proves you have good cause not to cooperate with DCS. This information can include official records, sworn statements, or other information that supports your good cause claim. If you need to, you may ask for:~~

~~(a) More time to give proof; or~~

~~(b) Help in getting proof.~~

(3) While we review your good cause claim, DCS does not take any action to establish or enforce support on your case.

(4) You have the right to:

(a) Be told of your right to claim good cause for not cooperating with DCS;

(b) Get benefits while we are deciding your good cause claim, as long as you have given the proof needed to make a decision;

(c) Get a decision within thirty days from the date you made your good cause claim, as long as you have given the proof needed to make a decision within twenty days; and

(d) Get information about how to request a fair hearing if we deny your good cause claim.

(5) If we approve your good cause claim, we periodically review the claim depending on your circumstances.

(6) To see what DCS does when good cause is approved see WAC 388-14A-2060.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0030 ((Child)) What happens if my support ((in excess of the)) is more than my TANF ((grant payment)) or SFA cash benefit? ((A TANF recipient is ineligible when current child support collected by the division of child support exceeds the TANF grant payment for two consecutive months)) (1) If DCS collects current support that is more than your TANF or SFA cash benefit for two months in a row, your cash benefit stops at the end of the third month.

(2) You can read WAC 388-418-0025 for information on continued medical benefits.

(3) You may be able to get continued food assistance benefits.

(4) You can read WAC 388-310-0800 to see what kinds of support services you may be able to get.

## WSR 02-19-050

### PERMANENT RULES

### STATE BOARD OF EDUCATION

[Filed September 11, 2002, 11:30 a.m.]

Date of Adoption: August 23, 2002.

Purpose: Update references to chapter 180-75 WAC, which have been changed to chapter 180-86 WAC; adds process for agreed orders of reprimand; adds process for voluntary surrender without a proposed order of revocation; removes proposed order requirement; and allows reporting of suspensions to NASDTEC. This also repeals WAC 180-86-020 and 180-86-055.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-86-020 and 180-86-055; and amending WAC 180-86-011, 180-86-013, 180-86-030, 180-86-065, 180-86-070, 180-86-075, 180-86-100, 180-86-116, 180-86-130, 180-86-145, 180-86-160, 180-86-170, 180-86-180, and 180-86-185.

Statutory Authority for Adoption: RCW 28A.150.290(1).

Adopted under notice filed as WSR 02-14-122 on July 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 11, 2002

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

**WAC 180-86-011 Valid certificate required.** Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles as required by statute or rules of the state board of education.

Any certificate issued pursuant to chapter 180-77 or 180-79A 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 180-79A-140 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 or surrendered.

**AMENDATORY SECTION** (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

**WAC 180-86-013 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, to teach, and to perform supervision of children. 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 a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;

(c) The sexual 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 this subsection shall include equivalent federal and crimes in other states committed against 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;

(h) If this 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 behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No practice within the state of Washington within the previous five school years with an expired, lapsed, sus-

pending, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education.

**AMENDATORY SECTION** (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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 or lack of good moral character or personal fitness.

**AMENDATORY SECTION** (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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~~) more of the following:

(1) That 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 continue or repeat the conduct described in the findings of fact.

(2) 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))~~ (3) 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))~~ (4) 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.

**AMENDATORY SECTION** (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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 (~~(180-75-084)~~) 180-86-013(1).

**AMENDATORY SECTION** (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**WAC 180-86-075 Grounds 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 (~~(180-75-084)~~) 180-86-013(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 (~~(180-75-084)~~) 180-86-013(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.

**AMENDATORY SECTION** (Amending WSR 91-08-056, filed 4/2/91, effective 5/3/91)

**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 or suspended by a licensing agency, has voluntarily surrendered a license or has been arrested, charged, or convicted for any felony offense included within WAC (~~(+80-75-081)~~) 180-86-013(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.

**AMENDATORY SECTION** (Amending WSR 97-05-008, filed 2/7/97, effective 3/10/97)

**WAC 180-86-116 Investigative priorities—Levels of acts or omissions of misconduct.** (1) The superintendent of public instruction or designee shall prioritize the investigation of alleged certificated individual misconduct, lack of fitness or unprofessional conduct in the following descending order:

(a) Level I. Level I actions shall have the highest investigative priority and are those allegations, if proven true, for which permanent mandatory revocation shall be the appropriate disciplinary action. They include the following convictions for which permanent revocation of a certificate is mandatory under RCW 28A.410.090:

(i) Physical neglect of a child under chapter 9A.42 RCW;

(ii) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW);

(iii) Sexual exploitation of a child under chapter 9.68A RCW;

(iv) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(v) Promoting prostitution of a minor under chapter 9A.88 RCW;

(vi) The sale or purchase of a minor child under RCW 9A.64.030; or

(vii) Violation of similar laws of another jurisdiction.

(b) Level II. Level II actions shall have the next investigative priority and are those allegations, if proven true, for which revocation may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Sexual activity with children and/or students;

(ii) Engaging in acts of violence leading to bodily injury;

(iii) Selling and/or manufacturing illegal drugs; or

(iv) Other activity that if convicted would result in a felony conviction.

(c) Level III. Level III actions shall have the next investigative priority and are those allegations, if proven true, for which suspension may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Illegal drug possession and/or use;

(ii) Threats related to persons or property;

(iii) Alcohol abuse;

(iv) Reckless conduct where no bodily injury results;

(v) Engaging in unauthorized corporal punishment;

(vi) Verbal or physical sexual harassment of students;

(vii) Engaging in activity that demonstrates poor professional judgment; or

(viii) Other activity that if convicted would result in a misdemeanor conviction.

(d) Level IV. Level IV actions shall have the next investigative priority and are those allegations, if proven true, for which a reprimand may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Practicing with a lapsed or expired certificate, or a certificate not valid for the position;

(ii) Isolated failure to timely evaluate certificated personnel; or

(iii) Intentionally hiring a person for a certificated role who does not possess a valid certificate.

(2) All cases shall be monitored periodically to determine if their priority level should change as a result of information uncovered during the investigation.

(3) Notwithstanding any provision of this section to the contrary, the office of professional practices reserves the right to reprioritize the investigation of complaints based upon the efficient use of available resources and/or the relative urgency or lack of urgency in resolving various complaints in the public interest, and the right to recommend forms of discipline appropriate to the offenses committed.

**AMENDATORY SECTION** (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**WAC 180-86-130 Issuance of ((proposed)) order for ((lapse,)) reprimand, suspension, or revocation by superintendent of public instruction.** Whenever the superintendent of public instruction ((has decided to)) takes 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)) an order ((for lapse,)) of 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)) an order has been sent to the employee but shall not provide such employer with a copy of the ((proposed)) order.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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~~) is suspended or revoked or that a reprimand order (~~will be~~) has been 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.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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~~) receipt 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.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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~~) an 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

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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)."

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**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~~) 180-86-013(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~~) 180-86-013(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 chapter 180-77 or 180-79A 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.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

**WAC 180-86-185 Notification of denial, surrender, (~~lapsing~~) suspension, 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 suspended, 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~~) suspended, 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~~) suspension, or revocation is in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-86-020 Lapse of certificate order—Definition.
- WAC 180-86-055 Grounds for issuance of lapse of certificate order.

**WSR 02-19-053**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**  
(Basic Health)

[Order 01-08—Filed September 12, 2002, 8:31 a.m.]

Date of Adoption: September 12, 2002.

Purpose: These amendments clarify basic health processes when a premium payment by check cannot be processed and the timeline for notifying enrollees of program changes that will affect their premiums.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-020 and 182-25-080.

Statutory Authority for Adoption: RCW 70.47.050.

Other Authority: RCW 70.47.090.

Adopted under notice filed as WSR 02-15-176 on July 24, 2002.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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

September 12, 2002

Melodie H. Bankers

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 00-23-037, filed 11/9/00, effective 1/1/01)

**WAC 182-25-020 BHP benefits.** (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a nine-month waiting period for preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of reservation or application for coverage under BHP. Similar coverage includes BHP; all DSHS programs administered by the medical assistance administration which have the Medicaid scope of benefits; the DSHS program for the medically indigent; Indian health services; most coverages offered by health carriers; and most self-insured health plans. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary

health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the ~~((amount and))~~ scope of benefits provided under BHP, or ~~((policy))~~ program changes ~~((regarding))~~ that will affect premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. This subsection does not apply to premium changes that are the result of changes in income or family size. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

**AMENDATORY SECTION** (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

**WAC 182-25-080 Premiums and co-payments.** (1) Subscribers or their employer or financial sponsor shall be responsible for paying the full monthly premium to BHP, on behalf of the subscriber and all enrolled dependents, according to the most current premium schedule. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of a subscriber and dependents, if any.

(2) The amount of premium due from or on behalf of a subscriber will be based upon the subscriber's gross family income, the managed health care system selected by the subscriber, rates payable to managed health care systems, and the number and ages of individuals in the subscriber's family.

(3) Once BHP has determined that an applicant and his/her dependents (if any) are eligible for enrollment, the applicant or employer or financial sponsor will be informed of the amount of the first month's premium for the applicant and his/her enrolled dependents. New enrollees will not be eligible to receive covered services on the effective date of enrollment specified by BHP unless the premium has been paid by the due date given. Thereafter, BHP will bill each subscriber or employer or financial sponsor monthly.

(4) Full payment for premiums due must be received by BHP by the date specified on the ~~((bill))~~ premium statement. If BHP does not receive full payment of a premium by the date specified on the ~~((bill))~~ premium statement, BHP shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with BHP or, in the case of group or financial sponsor coverage, to the employer or financial sponsor. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be suspended from coverage for one month. If payment is not received by the due date on the notice of suspension, the subscriber and enrolled family members will be disenrolled effective the date of the initial suspension. If an

enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for non-payment under the provisions of WAC 182-25-090(2). Partial payment of premiums due, payment which for any reason cannot be applied to the correct BHP enrollee's account, or payment by check which is not signed, cannot be processed, or is returned due to nonsufficient funds will be regarded as nonpayment.

(5) Enrollees shall be responsible for paying any required co-payment directly to the provider of a covered service at the time of service or directly to the MHCS. Repeated failure to pay co-payments in full on a timely basis may result in disenrollment, as provided in WAC 182-25-090(2).

### WSR 02-19-054

#### PERMANENT RULES

#### HEALTH CARE AUTHORITY

##### (Basic Health)

[Order 01-07—Filed September 12, 2002, 8:31 a.m.]

Date of Adoption: September 12, 2002.

Purpose: These amendments clarify the requirements and schedule for verifying continued eligibility for subsidized basic health coverage (recertification) and incorporate criteria for imposing penalties.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-040, 182-25-085, and 182-25-090.

Statutory Authority for Adoption: RCW 70.47.050.

Other Authority: RCW 70.47.060(9) and section 212(5), chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-15-180 on July 24, 2002.

Changes Other than Editing from Proposed to Adopted Version: The word "legal" before "guardian" in WAC 182-25-040(1) has been deleted, so that sentence reads: "Applications for enrollment of children under the age of eighteen must be signed by the child's parent or guardian..." This change, which reflects current documentation requirements, was inadvertently omitted in the draft.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

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

September 12, 2002

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-06, filed 11/18/99, effective 12/19/99)

**WAC 182-25-040 Enrollment in the plan.** (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or ((~~legal~~)) guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation ((~~will be required~~)), showing the amount and sources of the applicant's gross family income is required. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. Applicants who were not required to file a federal income tax return may be required to provide verification of nonfiling status. An average of documented income received over a period of several months may be required for purposes of eligibility determination.

(b) Documentation of Washington state ((~~residency shall also be required~~)) residence, displaying the applicant's name and address is required, for example, a copy of a current utility bill or rent receipt. Other documentation may be accepted if the applicant does not have a physical residence, for example, a signed statement from a person or other entity who is providing temporary shelter.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or ((~~managed health care system~~)) MHCS selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information ((~~may~~)) will result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a ((~~managed health care system~~)) MHCS from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are cov-

ered under the same account must receive covered services from the same ~~((managed health care system))~~ MHCS (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a ~~((managed health care system))~~ MHCS has not been made as part of the application for enrollment. ~~((The administrator will establish))~~ Procedures for the selection of ((managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to)) MHCS are set forth in the BHP member handbook. Generally, enrollees may change from one ((managed health care system)) MHCS to another only during open enrollment((, or otherwise upon showing of)) or if they are able to show good cause for the transfer, for example, when enrollees move to an area served by a different MHCS or where they would be billed a higher premium for their current MHCS.

(4) When a ~~((managed health care system))~~ MHCS assists BHP applicants in the enrollment process, it must provide them with the toll-free number for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all ~~((managed health care systems))~~ MHCSs available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7)(a) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

~~((a))~~ (i) At least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

~~((b))~~ (ii) The applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(b) In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption.

~~((On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income to determine if the enrollee has had a change in income that would result in a different subsidy level.))~~ Subscribers must notify BHP of any changes that could affect their eligibility or subsidy or their dependents' eligibility or subsidy:

(a) Within thirty days of the end of the first month of receiving an increased income; or

(b) Within thirty days of a change other than an income change (for example, a change in family size or address).

(11) BHP will verify the continuing eligibility of enrollees through the recertification process at least once every twelve months. Upon request of BHP, enrollees must submit evidence satisfactory to BHP, proving their continued eligi-

bility for enrollment and for the premium subsidy they are receiving.

(a) BHP will verify income through comparison with other state and federal agency records or other third-party sources.

(b) If the enrollee's income on record with other agencies or third-party source differs from the income the enrollee has reported to BHP, or if questions arise concerning the documentation submitted, BHP will require updated documentation from the enrollee to prove continued eligibility for the subsidy they are receiving. At that time, BHP may also require updated documentation of residence to complete the recertification process.

(c) Enrollees who have been enrolled in BHP six months or more and have not provided updated income documentation for at least six months will be required to submit new income documentation if their wage or salary income cannot be compared to an independent source for verification.

(12) In addition to verification of income, enrollees must annually submit documentation satisfactory to BHP of the following:

(a) Washington state residence;

(b) Full-time student status for dependent students age nineteen through twenty-two; and

(c) Medicare ineligibility for enrollees age sixty-five or over.

(13) For good cause such as, but not limited to, when information received indicates a change in income or a source of income the enrollee has not reported, BHP may require ((recertification on a more widespread or more frequent basis)) enrollees to provide verification required in subsections (11) and (12) of this section more frequently, regardless of the length of time since their last recertification.

(14) Enrollees who fail to comply with a recertification request will be ((converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility)) disenrolled, according to the provisions of WAC 182-25-090 (2)(f).

(15) If, as a result of recertification, BHP determines that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

**AMENDATORY SECTION** (Amending Order 99-01, filed 5/26/99, effective 6/26/99)

**WAC 182-25-085 Enrollees' failure to report correct income.** (1) If ~~((the HCA))~~ BHP determines that the enrollee has received a subsidy overpayment due to failure to report income correctly, ~~((the HCA))~~ BHP may:

(a) Bill the enrollee for the amount of subsidy overpaid by the state; or

(b) If the overpayment was due to fraud, intentional misrepresentation of information, or withholding information that the enrollee knew or should have known was material or necessary to accurately determine the premium, impose civil

penalties of up to two hundred percent of the subsidy overpayment.

(2) Any ~~((HCA))~~ BHP determination under subsection (1) of this section is subject to the enrollee appeal provisions in WAC 182-25-105.

(3) When a decision under subsection (1)(a) of this section is final, ~~((the HCA))~~ BHP may establish a payment schedule and, for enrollees who remain enrolled in BHP, will collect the amount owed through future premium statements. Enrollees who disenroll prior to paying the full amount of the subsidy overpayment may continue the payment plan previously approved by BHP or may be billed for the entire amount due. BHP may charge interest for the amount past due, at the rate specified under RCW 43.17.240 and rules promulgated thereunder. The payment schedule will be for a period of no more than six months, unless ~~((the HCA))~~ BHP approves an alternative payment schedule requested by the enrollee. When a payment schedule is established, ~~((the HCA))~~ BHP will send the enrollee advance written notice of the schedule and the total amount due. The total amount due each month will include the regular monthly premium plus charges for subsidy overpayment. If an enrollee does not pay the amount due, including charges for subsidy overpayment, the enrollee and all family members enrolled on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(b).

(4) When a final decision is made under subsection (1)(b) of this section ~~((becomes final, the HCA))~~, BHP will send the enrollee notice that payment of the civil penalty is due in full within thirty days after the decision becomes final, unless ~~((the HCA))~~ BHP approves a different due date at the enrollee's request. If the enrollee does not pay the civil penalty by the due date, the enrollee and all family members on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(c).

(5) Individuals who are disenrolled from BHP may not reenroll until charges for subsidy overpayments or civil penalties imposed under subsection (1) of this section have been paid or ~~((the HCA))~~ BHP has approved a payment schedule and all other requirements for enrollment have been met.

(6) ~~((The HCA))~~ BHP will take all necessary and appropriate administrative and legal actions to collect the unpaid amount of any subsidy overpayment or civil penalty, including recovery from the enrollee's estate.

(7) Enrollees under employer group or financial sponsor group coverage who do not follow the income reporting procedures established by BHP and their employer or financial sponsor may be billed directly by ~~((the HCA))~~ BHP for subsidy overpayments or civil penalties assessed under subsection (1) of this section. Enrollees who do not pay the amount due will be disenrolled under WAC 182-25-090 (2)(b) or (c). Enrollees who are disenrolled for nonpayment of a subsidy overpayment or civil penalties will be excluded from the minimum participation calculation for employer groups under WAC 182-25-050(2).

**AMENDATORY SECTION** (Amending Order 99-06, filed 11/18/99, effective 12/19/99)

**WAC 182-25-090 Disenrollment from BHP.** (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which includes:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium under the provisions of subsection ~~((5))~~ (6) of this section;

(c) Nonpayment of civil penalties assessed under WAC 182-25-085;

(d) Changes in MHCS or program availability when the enrollee's MHCS will no longer be available to him or her and no other MHCS in the area where the enrollee lives is accepting new enrollment in the enrollee's program;

(e) Repeated failure to pay co-payments in full on a timely basis;

(f) Fraud, intentional misrepresentation of information or withholding information that the enrollee knew or should have known was material or necessary to accurately determine their eligibility or premium responsibility, failure to provide requested verification of eligibility or income, or knowingly providing false information;

(g) Abuse or intentional misconduct;

(h) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

(i) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the MHCS.

(3) In addition to being disenrolled, any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be held financially responsible for any covered services fraudulently obtained through BHP.

~~((3))~~ (4) At least ten days prior to the effective date of disenrollment under subsection (2)(a) and (c) through (i) of this section, BHP will send enrollees written notice of disenrollment.

(a) The notice of disenrollment will:

(i) State the reason for the disenrollment;

(ii) State the effective date of the disenrollment;

(iii) Describe the procedures for disenrollment; and

(iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.

(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered coverage under individual accounts. Coverage under individual

accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.

~~((4))~~ (5) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members lose BHP coverage, as long as they ~~((are still))~~ remain eligible for those programs.

~~((5))~~ (6) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for subsidy overpayment, if any. Partial payment or payment by check which cannot be processed or is returned due to non-sufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a ~~((delinquency))~~ final due date and a notice that BHP coverage will lapse unless payment is received by the ~~((delinquency))~~ final due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the ~~((delinquency))~~ final due date, as shown on the delinquency notice. BHP will send written notice of suspension to the subscriber, stating:

(i) The effective date of the suspension;

(ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) The subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) The enrollee's right to appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment ~~((as provided in subsection (3)(a) of this section))~~, stating:

(i) The effective date of the disenrollment; and

(ii) The enrollee's right to appeal under WAC 182-25-105.

~~((6))~~ (7)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended and until all other requirements for enrollment have been satisfied. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized

BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(iv) Enrollees who were disenrolled by BHP because no MHCS was contracted to serve the program in which they were enrolled in the geographic area where they live; these enrollees may reenroll, provided all enrollment requirements are met, if a MHCS begins accepting enrollment for their program in their area or if they become eligible and apply for another BHP program.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection (~~and who has been waiting on a reservation list for subsidized BHP~~) may not reenroll prior to the end of the required twelve-month wait. If ~~(the)~~ an enrollee satisfies the required twelve-month wait (for reenrollment) after applying for subsidized coverage and while (on the reservation list) waiting to be offered coverage, enrollment will not be completed until funding is available to enroll him or her ~~(from the reservation list)~~.

### WSR 02-19-055

#### PERMANENT RULES

### WASHINGTON STATE PATROL

[Filed September 12, 2002, 8:35 a.m.]

Date of Adoption: September 12, 2002.

Purpose: The Department of Transportation (WSDOT) has deployed new signage for use in the mountain passes. The signage will have significant changes in the verbiage used to communicate to motorists, particularly motor carriers. In order for the signs to have a basis for enforcement the rules need to be amended to reference the new verbiage. Also, there is a need to include additional areas where carrying chains are required, specifically SR 542, Mt. Baker Highway and I-82 between Ellensburg and Selah.

Citation of Existing Rules Affected by this Order: Amending WAC 204-24-030 Standards for studded tires and 204-24-050 Use of tire chains or other traction devices.

Statutory Authority for Adoption: RCW 46.37.420, 46.12.330, 46.37.005.

Adopted under notice filed as WSR 02-15-072 on July 15, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 4, 2002

Ronal W. Serpas  
Chief

AMENDATORY SECTION (Amending WSR 00-15-009, filed 7/10/00, effective 8/10/00)

**WAC 204-24-030 Standards for studded tires.** Studded tires shall meet the following specifications:

(1) Studs shall be metal, tipped with tungsten carbide.

(2) Metal studs shall be inserted only in a new tire or a newly-recapped tire which has molded in the tread the "pin-holes" into which metal studs are to be inserted. Studs shall not be inserted in any new tire or newly-recapped tire after it has been driven on a vehicle.

(3) Metal studs may be installed only by the tire manufacturer, or by a tire dealer or tire jobber who shall install the metal studs in conformance with the manufacturer's specifications.

(4) When a tire is sold or offered for sale as a studded tire or when studs are installed in a new tire or a newly-recapped tire, there shall be a minimum of seventy metal studs evenly spaced around the tread of the tire.

(5) A tire shall contain a minimum of fifty-six metal studs at all times in order to qualify as a "studded tire" or as an approved traction device (~~where traffic control signs marked "approved traction tires required" are posted~~).

(6) Metal studs shall not be installed in any tire of a vehicle which has a gross vehicle weight of ten thousand pounds or over.

(7) School buses and fire department equipment tires are exempt from subsection (6) of this section.

AMENDATORY SECTION (Amending WSR 00-03-081, filed 1/19/00, effective 2/19/00)

**WAC 204-24-050 Use of tire chains or other traction devices.** (1) Vehicles under 10,000 pounds gross vehicle weight.

~~((a))~~ When traffic control signs (~~marked "approved traction tires required"~~) are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires ~~((at least one of))~~ the traction device ~~((s meeting))~~ specified by the sign, which must also meet the requirements of WAC 204-24-040.

~~((b))~~ ~~When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22-WAC.~~

~~((c))~~ Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight rating (GVWR).

When traffic control signs marked (~~"approved traction tires required" or~~) "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) Vehicles or vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers; one tire on the last axle of the last trailer or semi-trailer, shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(b) Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of each of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles consisting of a truck tractor with dual drive axles and a tandem axled semi-trailer; all tires on one drive axle may be chained or one tire on each side of each of the drive axles may be chained. Chains must be applied to a minimum of four tires on the drive axles. On the tandem axle semi-trailer, the chained tire may be on either of the last two axles.

(d) Vehicle combinations with five axles, consisting of a truck and trailer, or truck tractor and semi-trailer with a single drive axle, or truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(e) Vehicle combinations with six or more axles, including but not limited to truck and trailer or truck tractor and semi-trailer or truck tractor semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles where traffic control signs marked "chains required" are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For

vehicle combinations including trailers or semi-trailers, one tire on the last axle shall be chained. For vehicles with tandem axle trailers or semi-trailers, the chained tire may be on either of the last two axles.

(f) All vehicles over 10,000 pounds gross vehicle weight rating (GVWR) shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

(g) Approved chains for vehicles over 10,000 pounds gross vehicle weight rating (GVWR) shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

(h) On the following routes all vehicles and combinations of vehicles over 10,000 gross vehicle weight rating (GVWR) pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the Columbia River (MP 0.00) and Toppenish (MP 59.00).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342); and SR-20 between Newhalem (MP 120) and Winthrop (MP 192).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

(x) SR-14 - between Gibbons Creek (MP 18.00) and (MP 108.40) intersection of Cliffs Road.

(xi) SR-542 - Mt. Baker highway between (MP 22.91) and (MP 57.26).

(xii) I-82 - between Ellensburg Exit 3 (MP 3.00) and Selah Exit 26 (MP 26.00).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction (~~tire~~) device control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

**WSR 02-19-058**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 707—Filed September 12, 2002, 9:04 a.m.]

Date of Adoption: September 3, 2002.

Purpose: To amend the rule to allow board member participation at board meetings by telephone or other electronic means.

Citation of Existing Rules Affected by this Order: Amending WAC 332-10-041 Meetings of the board of natural resources.

Statutory Authority for Adoption: RCW 43.30.150 (5), (6), (9), and 42.30.030.

Adopted under notice filed as WSR 02-11-056 on May 10, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 3, 2002

Doug Sutherland

Commissioner of

Public Lands

AMENDATORY SECTION (Amending Order 606, filed 10/2/92)

**WAC 332-10-041 Meetings of board of natural resources.** (1) Regular meetings of the board of Natural Resources shall be held on the first Tuesday of every month except August. If a regular meeting falls on a holiday, such regular meeting shall be held on the next business day. A schedule of meetings will be published in the Washington Register in January of each year. Changes to the schedule will be published in the state register pursuant to RCW 42.30.075. Special meetings may be held pursuant to RCW 42.30.080. Any person may obtain information about locations and meeting times by contacting the Department of Natural Resources, P.O. Box 47001, Olympia, Washington 98504-7001. The public is invited to attend and comment at all meetings.

(2) Members of the Board of Natural Resources may participate by telephone in any regular or special meeting so long as a speaker phone is available at the public meeting location. To assure that all discussions comply with RCW

42.30.030, if more than one Board member is participating by telephone, then each such Board member shall use a separate telephone line or a separate telephone. If other electronic means of attending meetings from remote locations are available, Board members may employ these means so long as Board discussion can be heard by those attending the public meeting consistent with the Open Public Meetings Act RCW 42.30. Board members participating by telephone or other electronic means may vote on any matter and shall be considered as part of the quorum.

**WSR 02-19-063**

**PERMANENT RULES**

**PERSONNEL RESOURCES BOARD**

[Filed September 12, 2002, 3:29 p.m., effective November 1, 2002]

Date of Adoption: September 12, 2002.

Purpose: This rule pertains to standby compensation and requirements. The modification to the rule is to clarify the questionable and inaccurate language.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-080.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-16-035 on July 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: November 1, 2002.

September 12, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 91-20-027 (Order 381), filed 9/23/91, effective 10/24/01 [10/24/91])

**WAC 356-15-080 Standby compensation. (1) Requirements:**

(a) An employee is in standby status (~~when not being paid for time actually worked~~) while waiting to be engaged to work by the employer and both of the following conditions exist:

(i) The employee is required to be present at a specified location or is immediately available to be contacted. The location may be the employee's home or other specific loca-

tion, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (~~when not being paid for time worked~~) while waiting to be engaged to work when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **Payment:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Standby pay for exceptions work period employees may be compensated with exchange time. (~~Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.~~)

(3) **Rate:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

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

## WSR 02-19-064

### PERMANENT RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 12, 2002, 3:31 p.m., effective November 1, 2002]

Date of Adoption: September 12, 2002.

Purpose: These rules pertain to the duration of eligible lists and layoff for higher education state employees. These modifications are intended to clarify how layoff rights and options are determined for employees who have held status in classes that have been revised or abolished by classification review or study.

Citation of Existing Rules Affected by this Order: Amending WAC 251-18-190 and 251-10-030.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-16-034 on July 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: November 1, 2002.

September 12, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 93-19-078, filed 9/14/93, effective 10/1/93)

**WAC 251-18-190 Eligible lists—Duration.** (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list or statewide layoff list;

(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list or intersystem employee list;

(c) After six months on an open competitive or noncompetitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists;

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation. If an institution-wide layoff list or statewide layoff list is cancelled because of a class revision or abolishment, eligibles shall be placed on the institution-wide layoff list or the statewide layoff list for the new or revised class which describes the work they were performing at the time they held permanent status in the old class. The duration of eligibility on the new list is unchanged.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

**WAC 251-10-030 Layoff.** (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work and/or for good faith reorganization for efficiency purposes.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee shall receive at least 20 calendar days written notice of layoff, including no less than three working days in which to select placement on layoff list(s) and/or an option in lieu of layoff as provided in subsections (4) and (5) of this section. Such written notice shall be furnished directly to the employee during his/her scheduled working hours or mailed by certified letter to the employee's last known address because the employee is not available for personal service. If the notification is furnished directly to the employee, the day it is furnished shall not be counted as a day of notice. If the notification is mailed, the day of mailing shall not be counted as a day of notice, and the notice shall be considered to be received the day after it is postmarked. If the notification is mailed, the employee shall be given no less than five working days in which to select placement on the layoff list(s) and/or an option in lieu of layoff.

(4) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (4)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

When determining layoff options, if a class in which an employee has previously held permanent status has been revised or abolished, the personnel officer shall determine the existing classification to offer as a layoff option provided it is at the same or lower salary range maximum as the current class. This determination shall be based upon the duties the

employee was performing at the time they held permanent status in the class.

(5) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (4) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(6) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(7) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(8) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for statewide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the personnel appeals board per WAC 251-12-080.

(9) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

**WSR 02-19-069**  
**PERMANENT RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed September 13, 2002, 3:17 p.m.]

Date of Adoption: September 12, 2002.

Purpose: A vehicle parking permit program, which includes daily, multiple day and an annual permit required for vehicle parking was adopted through emergency rule making in June 2002. The commission has evaluated the implementation of the vehicle parking permit program and intends to adopt the vehicle parking permit program as permanent amendments to chapter 352-32 WAC. It is anticipated that the vehicle parking permit program will generate additional revenue sufficient to supplement existing funds, and thereby avoid closure of parks to the public.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-010 and 352-32-250.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Other Authority: RCW 79A.05.065.

Adopted under notice filed as WSR 02-16-081 on August 6, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

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

September 13, 2002

Jim French

Chief Policy Research  
and Program Development

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-010 Definitions.** Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus,

or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-250 Standard fees charged.** Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director or designee may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(14) Water trail site permits -

(a) For unlimited use within the calendar year, the annual fee will be set by the director or designee after consultation with the water trail advisory committee;

(b) For one day/night use within the calendar year, the fee will be set by the director after consultation with the water trail advisory committee;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(15) In addition to the regular fee, a per night surcharge shall be imposed for failure to pay the self-registration overnight facility fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

## WSR 02-19-078

### PERMANENT RULES

### DEPARTMENT OF ECOLOGY

[Order 02-02—Filed September 16, 2002, 12:20 p.m.]

Date of Adoption: September 16, 2002.

Purpose: This amendment to chapter 173-401 WAC is primarily to incorporate changes to the insignificant emissions units provisions of the existing rule. We amended the definition of "major source" to match a federal change. We added the definitions of "continuous compliance" and "inter-

mittent compliance," in order to clarify expectations on compliance certification forms.

Citation of Existing Rules Affected by this Order: Amending chapter 173-401 WAC.

Statutory Authority for Adoption: RCW 70.94.161(2).

Adopted under notice filed as WSR 02-10-031 on April 24, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

September 16, 2002

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 93-30, filed 5/17/94, effective 6/17/94)

**WAC 173-401-200 Definitions.** The definitions of terms contained in chapter 173-400 WAC are incorporated by reference, unless otherwise defined here. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Affected source" means a source that includes one or more affected units.

(2) "Affected states" are the states or federally-recognized Tribal Nations:

(a) Whose air quality may be affected when a chapter 401 permit, permit modification, or permit renewal is being proposed; or

(b) That are within fifty miles of the permitted source.

(3) "Affected unit" means a fossil-fuel fired combustion device or a source that opts-in under 40 CFR part 74, that is subject to any emission reduction requirement or limitation under the Acid Rain Program.

(4) "Applicable requirement" means all of the following as they apply to emissions units in a chapter 401 source (including requirements that have been promulgated or approved by EPA, ecology or a local authority through rule making at the time of permit issuance but have future-effective compliance dates):

(a) The following provisions of the Federal Clean Air Act (FCAA):

(i) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by

EPA through rule making under Title I of the FCAA (Air Pollution Prevention and Control) that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR 52;

(ii) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under Title I, including parts C (Prevention of Significant Deterioration) or D (Plan Requirements for Nonattainment Areas), of the FCAA;

(iii) Any standard or other requirement under section 111 (New Source Performance Standards) of the FCAA, including section 111(d);

(iv) Any standard or other requirement under section 112 (Hazardous Air Pollutants) of the FCAA, including any requirement concerning accident prevention under section 112 (r)(7) of the FCAA;

(v) Any standard or other requirement of the acid rain program under Title IV of the FCAA (Acid Deposition Control) or the regulations promulgated thereunder;

(vi) Any requirements established pursuant to section 504(b) or section 114 (a)(3) of the FCAA;

(vii) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;

(viii) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;

(ix) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

(x) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

(xi) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator has determined that such requirements need not be contained in a Title V permit; and

(xii) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to WAC 173-401-635.

(b) Chapter 70.94 RCW and rules adopted thereunder. This includes requirements in regulatory orders issued by the permitting authority.

(c) In permits issued by local air pollution control authorities, the requirements of any order or regulation adopted by the authority.

(d) Chapter 70.98 RCW and rules adopted thereunder.

(e) Chapter 80.50 RCW and rules adopted thereunder.

(5) "Chapter 401 permit" or "permit" means any permit or group of permits covering a chapter 401 source that is issued, renewed, amended, or revised pursuant to this chapter.

(6) "Chapter 401 source" means any source subject to the permitting requirements of this chapter.

(7) "Continuous compliance" means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations, except for unavoidable excess emissions or other operating conditions during which compliance is not required. Monitoring data includes information from instrumental (e.g., CEMS, COMS,

or parameter monitors) and noninstrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.

~~((8))~~ (8) "Delegated authority" means an air pollution control authority that has been delegated the permit program pursuant to RCW 70.94.161 (2)(b).

~~((9))~~ (9) "Designated representative" shall have the meaning given to it in section 402(26) of the FCAA and the regulations promulgated thereunder and in effect on April 7, 1993.

~~((10))~~ (10) "Draft permit" means the version of a permit for which the permitting authority offers public participation or affected state review.

~~((11))~~ (11) "Emissions allowable under the permit" means an enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

~~((12))~~ (12) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

~~((13))~~ (13) The "EPA" or the "administrator" means the administrator of the U.S. Environmental Protection Agency or her/his designee.

~~((14))~~ (14) "Federal Clean Air Act" or "FCAA" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392. December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((15))~~ (15) "Final permit" means the version of a chapter 401 permit issued by the permitting authority that has completed all review procedures required by this chapter and 40 CFR §§ 70.7 and 70.8.

~~((16))~~ (16) "General permit" means a permit which covers multiple similar sources or emissions units in lieu of individual permits being issued to each source.

~~((17))~~ (17) "Insignificant activity" or "insignificant emissions unit" means any activity or emissions unit located at a chapter 401 source which qualifies as insignificant under the criteria listed in WAC 173-401-530. These units and activities are exempt from permit program requirements except as provided in WAC 173-401-530.

~~((18))~~ (18) "Intermittent compliance" means any form of compliance other than continuous compliance. A certification of intermittent compliance under WAC 173-401-630(5) shall be filed where the monitoring data or other information available to the permittee shows either there are periods of noncompliance, or periods of time during which the monitoring required by the permit was not performed or recorded.

(19) "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the pur-

poses of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, or twenty-five tpy or more of any combination of such hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this section, unless the source belongs to one of the following categories of stationary source:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

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

(xxvii) All other stationary source categories, which as of August 7, 1980, were being regulated by a standard promulgated under section 111 or 112 of the FCAA~~(, but only with respect to those air pollutants that have been regulated for that category)~~);

(c) A major stationary source as defined in part D of Title I of the FCAA, including:

(i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

~~((18))~~ (20) "Permit modification" means a revision to a chapter 401 permit that meets the requirements of WAC 173-401-725.

~~((19))~~ (21) "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program (whether such costs are incurred by the permitting authority or other state or local agencies that do not issue permits directly, but that support permit issuance or administration).

~~((20))~~ (22) "Permit revision" means any permit modification or administrative permit amendment.

~~((21))~~ (23) "Permitting authority" means the department of ecology, local air authority, or other agency authorized under RCW 70.94.161 (3)(b) and approved by EPA to carry out a permit program under this chapter.

~~((22))~~ (24) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the FCAA, or the term "capacity

factor" as used in Title IV of the FCAA or the regulations promulgated thereunder.

~~((23))~~ (25) "Proposed permit" means the version of a permit that the permitting authority proposes to issue and forwards to the administrator for review in compliance with 40 CFR 70.8.

~~((24))~~ (26) "Regulated air pollutant" means the following:

(a) Nitrogen oxides or any volatile organic compounds;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or

(e) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the FCAA, including sections 112 (g), (j), and (r), including the following:

(i) Any pollutant subject to requirements under section 112(j) of the FCAA. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to section 112(e) of the FCAA; and

(ii) Any pollutant for which the requirements of section 112 (g)(2) of the FCAA have been met, but only with respect to the individual source subject to section 112 (g)(2) requirement; and

(f) Any air pollutant for which numerical emission standards, operational requirements, work practices, or monitoring requirements applicable to the source have been adopted under RCW 70.94.331, 70.94.380, and 70.94.395.

~~((25))~~ (27) "Regulated pollutant (for fee calculation)," which is used only for purposes of WAC 173-401-900, means any "regulated air pollutant" except the following:

(a) Carbon monoxide;

(b) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or

(c) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the FCAA.

(d) Any regulated air pollutant emitted from an insignificant activity or emissions unit as determined under WAC 173-401-530.

~~((26))~~ (28) "Renewal" means the process by which a permit is reissued at the end of its term.

~~((27))~~ (29) "Responsible official" means one of the following:

(a) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding forty-three million in 1992 dollars; or

(ii) The delegation of authority to such representative is approved in advance by the permitting authority;

(b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA); or

(d) For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder and in effect on April 7, 1993 are concerned; and

(ii) The designated representative for any other purposes under 40 CFR part 70.

~~((28))~~ (30) "Section 502 (b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

~~((29))~~ (31) "Small business stationary source" means a stationary source that:

(a) Is owned or operated by a person that employs one hundred or fewer individuals;

(b) Is a small business concern as defined in the Federal Small Business Act;

(c) Is not a major source;

(d) Does not emit fifty tons or more per year of any regulated pollutant; and

(e) Emits less than seventy-five tons per year of all regulated pollutants.

~~((30))~~ (32) "Solid waste incineration unit" (for purposes of this chapter) means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925). The term "solid waste incineration unit" does not include:

(a) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(b) Qualifying small power production facilities, as defined in section (3)(17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)) or qualifying cogeneration facilities as defined in section (3)(18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam

or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes; or

(c) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the administrator by rule.

~~((31))~~ (33) "State" means any nonfederal permitting authority, including any local agency, interstate association, or statewide program.

~~((32))~~ (34) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant. For purposes of this chapter, air contaminants include any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA.

~~((33))~~ (35) "Title I modification" or "modification under any provision of Title I of the FCAA" means any modification under Sections 111 (Standards of Performance for New Stationary Sources) or 112 (Hazardous Air Pollutants) of the FCAA and any physical change or change in the method of operations that is subject to the preconstruction review regulations promulgated under Parts C (Prevention of Significant Deterioration) and D (Plan Requirements for Nonattainment Areas) of Title I of the FCAA.

AMENDATORY SECTION (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

**WAC 173-401-300 Applicability.** (1) Chapter 401 sources. The provisions of this chapter apply in all areas of the state of Washington to the following sources:

(a) Any source required by the FCAA to have an operating permit. These include the following sources:

(i) Any major source as defined in WAC 173-401-200~~((18))~~.

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 (Standards of Performance for New Stationary Sources) of the FCAA. A small municipal waste combustion unit constructed on or before August 30, 1999, and regulated under WAC 173-400-050(5) becomes subject to this chapter on July 1, 2002.

(iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) (Prevention of Accidental Releases) of the FCAA.

(iv) Any solid waste incineration units required to obtain permits under section 129 of the FCAA.

A commercial and industrial solid waste incineration unit constructed on or before November 30, 1999, and regulated under WAC 173-400-050(4) becomes subject to this chapter on July 1, 2002.

(v) Any "affected source" regulated under Title IV (Acid Deposition Control) of the FCAA.

(vi) Any source in a source category designated by the EPA pursuant to 40 CFR Part 70, as amended through April 7, 1993.

(b) Any source that the permitting authority determines may cause or contribute to air pollution in such quantity as to

create a threat to the public health or welfare under RCW 70.94.161(4) using the procedures in subsection (5) of this section.

(c) Any other source which chooses to apply for a permit.

(d) Deferral. A source subject to the secondary aluminum production requirements in 40 CFR Part 63, Subpart RRR (in effect on July 1, 2000) that is not a major source and is not located at a major source as defined under 40 CFR 63.2 and is not otherwise required to obtain a chapter 401 permit is deferred from chapter 173-401 WAC until December 4, 2004. This category includes sweat furnaces, aluminum scrap shredders, thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 2 furnaces (processing clean charge only and no reactive fluxing), dross-only furnaces, and rotary dross coolers.

(e) A municipal solid waste landfill constructed, reconstructed or modified before May 30, 1991, and regulated under WAC 173-400-070(9) becomes subject to this chapter on September 20, 2001.

Note: Under 40 CFR 62.14352(e) (in effect on July 1, 2000), an affected landfill must have submitted its chapter 401 application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), an affected source may not operate if it has not submitted a timely and complete application.

## (2) Source category exemptions.

(a) All sources listed in subsection (1)(a) of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA, are exempted from the obligation to obtain a chapter 401 permit until such time that:

(i) Ecology completes a rulemaking to determine whether nonmajor sources should be required to obtain permits. During this rulemaking, ecology will consider the compliance information contained in individual permit applications when evaluating the regulatory effectiveness and administrative feasibility of issuing operating permits to nonmajor sources relative to other regulatory options. This rulemaking must be completed no later than three years after the effective date of the permit program; or

(ii) The administrator completes a rulemaking to determine how the program should be structured for nonmajor sources and determines that such sources must obtain operating permits and ecology completes a rule making to adopt ((EPS's)) EPA's revised applicability criteria.

(b) Subsection (2)(a) of this section shall not apply to nonmajor sources subject to a standard or other requirement established under either section 111 or section 112 of the FCAA after July 21, 1992, if, during those rulemakings, the administrator determines that such sources must obtain a permit at an earlier date and, subsequently, ecology completes a rule making to adopt EPS's applicability criteria.

(c) Any source listed in (a) of this subsection exempt from the requirement to obtain a permit under this section may opt to apply for a permit under this chapter.

(d) The following source categories are exempt from the obligation to obtain permit:

(i) All sources and source categories that would be required to obtain a permit solely because they are subject to

40 CFR part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(3) Emissions units and chapter 401 sources.

The permitting authority shall include in the permit all applicable requirements for all relevant emissions units in the source.

(4) Fugitive emissions. Fugitive emissions from a chapter 401 source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(5) Process for determining threat to public health or welfare. The following criteria shall be used to identify sources that are covered pursuant to subsection (1)(b) of this section:

(a) The source may cause or to contribute air pollution in such quantity as to create a violation of any ambient air quality standard as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods; or

(b) The source may cause or contribute to air pollution in such quantity as to create a significant ambient level of any class A or class B toxic air pollutant contained in chapter 173-460 WAC as demonstrated by a dispersion modeling analysis done in accordance with EPA's dispersion modeling guidelines, monitoring, or other appropriate methods.

(c) Small business stationary sources otherwise covered under (a) and (b) of this subsection are exempt except when all of the following requirements are satisfied:

(i) The source is in an area that currently exceeds or has been projected by ecology to exceed within five years any federal or state air quality standard. Prior to determining that any area threatens to exceed a standard, ecology shall hold a public hearing or hearings within the threatened area.

(ii) Ecology provides justification that requiring a source to have a permit is necessary to meet or to prevent exceeding a federal or state air quality standard.

(6) Permitting authorities shall develop and maintain a list of names of chapter 401 sources within their jurisdictions. This list shall be made available to the public. A chapter 401 source inadvertently omitted from this list is not exempted from the requirement to obtain a permit under this chapter.

(7) Federally enforceable limits. Any source which is defined as a chapter 401 source solely because its potential to emit exceeds the annual tonnage thresholds defined in WAC 173-401-200(((+8))) shall be exempt from the requirement to obtain an operating permit when federally enforceable conditions which limit that source's potential to emit to levels below the relevant tonnage thresholds have been established for that source.

(a) In applying for an exemption under this subsection, the owner or operator of the source shall demonstrate to the permitting authority that the source's potential to emit, taking into account any federally enforceable restrictions assumed by the source, does not exceed the tonnage thresholds defined

in WAC 173-401-200((18)). Such demonstrations shall be in accordance with WAC 173-401-520 and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to support the source's emission calculations.

(b) Permitting authorities may use the following approaches to establish federally enforceable limitations:

(i) Regulatory orders. The permitting authority may establish source-specific conditions in a regulatory order issued pursuant to WAC 173-400-090.

(ii) Notice of construction approvals. The permitting authority may establish source-specific conditions in a notice of construction approval issued pursuant to state or local regulations contained in an EPA-approved state implementation plan; or

(iii) General permits. The permitting authority may establish source-category requirements which limit a source's potential to emit through a general permit issued pursuant to RCW 70.94.161(11). Following EPA approval of the general permit, limitations on potential to emit become federally enforceable against a particular source after that source applies for, and receives coverage under the general permit.

(c) A source receiving a federally enforceable limit on its potential to emit shall annually certify that its potential to emit is less than that which would require the source to obtain an operating permit. Such certifications shall contain the information specified in (a) of this subsection.

(d) Notice of issuance of any order or permit which limits a source's potential to emit shall be published in the permit register pursuant to WAC 173-401-805 (2)(e).

**AMENDATORY SECTION** (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

**WAC 173-401-500 Permit applications.** (1) Source identification. Within ninety days after the date that a permitting authority submits for EPA approval a permit program or partial permit program, the permitting authority shall notify each potential chapter 401 source within its jurisdiction that the source may be required to obtain a permit. Failure of the permitting authority to notify a source shall not relieve that source from the obligation to file a timely and complete application.

(2) Application distribution. No later than thirty days after EPA grants final or interim, full or partial, approval to the state program, the responsible permitting authority shall send an application to each potential chapter 401 source within its jurisdiction, and a notice stating a deadline by which an application must be filed. ~~((Unless otherwise specified in the permit, the permitting authority will send a permit renewal application to each source no less than twenty months from the date of expiration of the source's permit.))~~ Failure of the permitting authority to distribute permit or renewal applications to an individual source shall not relieve that source from the obligation to file a timely and complete application. Renewal applications shall be sent to the source as specified in WAC 173-401-710.

(3) Duty to apply. For each chapter 401 source, the owner or operator shall submit a timely and complete permit application in accordance with this section. Whenever practi-

cable, the applicant shall utilize methods provided by the permitting authority for electronic transmission of the completed application.

(a) Existing chapter 401 sources. Chapter 401 sources in existence on the date of EPA approval of the state permit program shall submit permit applications no later than one hundred eighty days after EPA approval of the state permitting program.

(b) Existing sources becoming chapter 401 sources due to future regulations. An existing source may become subject to the operating permit program as a result of regulations promulgated after EPA approval of the state permit program. For those sources, a complete application must be submitted within twelve months from the time that the source becomes subject to the permit program.

(c) New or modified sources. New or modified chapter 401 sources which commence operation after EPA approval of the state operating program shall file a complete application to obtain the chapter 401 permit or permit revision within twelve months after commencing operation. Where an existing chapter 401 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. The applicant may elect to integrate procedures for new source review and operating permit issuance as described in subsection (10) of this section.

(d) Permit renewal. For purposes of permit renewal, a timely application is one that is submitted at the time specified in WAC 173-401-710.

(e) Applications for initial phase II acid rain permits shall be submitted to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

(4) Complete application. To be deemed complete, an application must provide all information required pursuant to WAC 173-401-510, except that applications for permit revision need supply such information only if it is related to the proposed change. Information submitted under WAC 173-401-510 must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official shall certify the submitted information consistent with WAC 173-401-520. Unless the permitting authority determines in writing that an application is not complete within sixty days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in WAC 173-401-700(6). Any notification of incompleteness shall specify the information needed to make the application complete and prescribe a reasonable time frame for response from the applicant. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of the supplemental information, the application shall be deemed complete. If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in WAC 173-401-705(2), shall be in effect from the date the application is determined or deemed

to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the permitting authority.

(5) Confidential information. In the case where a source has submitted information to the permitting authority under a claim of confidentiality, the permitting authority may also require the source to submit a copy of such information directly to the administrator.

(6) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(7) Completeness criteria. An application is complete when it contains the following information:

(a) ~~((A completed version of the standard application form or forms))~~ All of the data described in WAC 173-401-510(2), including the required information for each emission unit (other than insignificant emission units) at the facility, along with any necessary supporting data and calculations. The use of a standard application is not required if all of the data elements required in WAC 173-401-510(2) are provided;

(b) A compliance plan that meets the criteria of WAC 173-401-630; and

(c) Certification by a responsible official of the chapter 401 source of the truth, accuracy, and completeness of the application, as provided in WAC 173-401-520.

(8) EPA notification. The permitting authority shall provide EPA with a copy of all complete permit applications and compliance plans for chapter 401 sources unless EPA waives or modifies this requirement.

(9) Public notice. Ecology shall publish a notice of all applications received under this section in the permit register as required under WAC 173-401-805.

(10) Operating permits for new sources. At the time of filing a notice of construction application under RCW 70.94.152 for the construction of a new source or modification of an existing source, the owner or operator may elect in writing to integrate new source review and operating permit issuance. Procedures for integration of these two processes are as follows:

(a) Modification of existing source. The owner or operator of an existing permitted source applying to modify the source within the meaning of RCW 70.94.030(14) may select integrated review by so indicating on its notice of construction application. The permitting authority shall process the notice of construction application in accordance with the procedures set forth in WAC 173-401-700. The permitting authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods and EPA review periods. A proposed order of approval for the modification shall be provided to EPA for review as provided in WAC 173-401-810, along with a proposed administrative permit amendment to the source's operating permit. The administrative permit amendment shall incorporate into

the operating permit the requirements contained in the order of approval. The order of approval shall include compliance requirements for the new or modified emissions units that meet the requirements of WAC 173-401-600 through 173-401-650. The permitting authority shall issue the final permit amendment and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

(b) Construction of new source. Any person who proposes to construct a new source, within the meaning of RCW 70.94.030(16), may select integrated review by concurrently filing with the permitting authority a notice of construction application and an operating permit application. The permitting authority shall process both applications in accordance with the procedures set forth in WAC 173-401-700. The permitting authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods, and EPA review periods. A proposed order of approval for the new source shall be provided to EPA for review as provided in WAC 173-401-810, along with the proposed operating permit. The permitting authority shall issue the final operating permit and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

AMENDATORY SECTION (Amending Order 93-30, filed 5/17/94, effective 6/17/94)

**WAC 173-401-530 Insignificant emission units.** (1)

General. This section contains criteria for identifying insignificant emission units or activities for purposes of the operating permit program. Designation of an emission unit or activity as insignificant for purposes of this chapter does not exempt the unit or activity from any applicable requirement. An emission unit or activity is insignificant based on one or more of the following approaches:

(a) Actual emissions of all regulated air pollutants from a unit or activity are less than the emission thresholds established in subsection (4) of this section. Such emission units and activities must be listed in the permit application;

(b) The emission unit or activity is listed in WAC 173-401-532 as categorically exempt. Such emission units or activities do not have to be listed in the permit application;

(c) The emission unit or activity is listed in WAC 173-401-533 and is considered insignificant if its size or production rate based on maximum rated capacity is below the specified level. These emission units or activities must be listed in the permit application.

(d) The emission unit or activity generates only fugitive emissions (as defined in WAC 173-400-030(31)), which are subject to no applicable requirement other than generally applicable requirements of the state implementation plan as defined in subsection (2) of this section. These units or activities must be listed on the permit application.

(2) Applicable requirements.

(a) Notwithstanding any other provision of this chapter, no emissions unit or activity subject to a federally enforceable applicable requirement (other than generally applicable requirements of the state implementation plan) shall qualify as an insignificant emissions unit or activity. For purposes of

this section, generally applicable requirements of the state implementation plan are those federally enforceable requirements that apply universally to all emission units or activities without reference to specific types of emission units or activities.

(b) The application shall list and the permit shall contain all generally applicable requirements that apply to insignificant emission units or activities in the source.

(c) ~~(The permit shall not require testing, monitoring, reporting or recordkeeping for insignificant emission units or activities except where generally applicable requirements of the state implementation plan specifically impose these requirements. These requirements identified in the state implementation plan shall be deemed to satisfy the requirements of WAC 173-401-615 and 173-401-630(1).~~

~~(d) For insignificant emission units or activities, the source will not need to certify compliance under WAC 173-401-630(5).) Testing, monitoring, recordkeeping and reporting are not required for insignificant emissions units and activities unless determined by the permitting authority to be necessary to assure compliance or unless it is otherwise required by a generally applicable requirement of the state implementation plan. This section does not affect the authority of ecology and local air authorities to establish case-by-case monitoring requirements as set forth in WAC 173-400-105 or other provisions of law.~~

~~(d) Where a permit does not require testing, monitoring, recordkeeping and reporting for insignificant emissions units or activities, the permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where a permit requires testing, monitoring, recordkeeping and reporting for insignificant emission units or activities, the permittee may certify continuous compliance when the testing, monitoring, recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period.~~

(3) Permit shield. The permit shield described in WAC 173-401-640 shall not apply to any insignificant emissions unit or activity designated under this section.

(4) Insignificant emission thresholds. An emission unit or activity shall be considered insignificant if it qualifies under subsection (1)(b), (c) or (d) of this section, or if its actual emissions, based on methods approved by the permitting authority, are below the practical quantification limit (PQL), or are less than or equal to all of the following threshold levels:

- (a) 5 tons per year of carbon monoxide;
- (b) 2 tons per year of nitrogen oxides;
- (c) 2 tons per year of sulfur oxides;
- (d) 2 tons per year of volatile organic compounds (VOC);
- (e) 0.75 tons per year of PM<sub>10</sub> (as defined in chapter 173-400-030(~~(53)~~));
- (f) 0.005 tons per year of lead;
- (g) 0.15 tons per year of fluorides;
- (h) 0.35 tons per year of sulfuric acid mist;
- (i) 0.5 tons per year of hydrogen sulfide;

(j) 0.5 tons per year of total reduced sulfur (including hydrogen sulfide);

(k) 0.00000175 tons per year of municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans);

(m) 0.75 tons per year of municipal waste combustor metals (measured as PM);

(n) 2.0 tons per year of municipal waste combustor acid gases (measured as SO<sub>2</sub> and hydrogen chloride);

(o) 2.0 tons per year of ozone depleting substances in aggregate (the sum of Class I and/or Class II substances as defined in Title VI and 40 CFR Part 82);

(p) Thresholds levels for hazardous air pollutants as defined in WAC 173-401-531;

(q) 0.5 tons per year for any regulated air pollutant not listed above or in WAC 173-401-531.

(5) Documentation.

(a) Upon request from the permitting authority the applicant must provide sufficient documentation to enable the permitting authority to determine that the emission unit or activity has been appropriately listed as insignificant.

(b) Upon request from the permitting authority, at any time during the term of the permit, an applicant who lists an activity or emissions unit as insignificant under subsection (1)(a) of this section shall demonstrate to the permitting authority that the actual emissions of the unit or activity are below the emission thresholds listed in subsection (4) of this section.

(6) Permit revision.

If an emission unit or activity that qualifies as insignificant solely on the basis of subsection (1)(a) of this section exceeds one of the emissions thresholds specified in subsection (4) of this section prior to issuance of a permit, the applicant shall promptly amend its permit application to include the relevant activity or emissions unit in the permit, as provided in WAC 173-401-500(6). Once the permit is issued, an activity or emissions unit that qualifies as insignificant solely on the basis of subsection (1)(a) of this section shall not exceed the emissions thresholds specified in subsection (4) of this section, until the permit is modified pursuant to WAC 173-401-725 (Permit modifications).

(7) Local air authority discretion. Local air authorities may establish by rule other criteria for defining insignificant emissions units or activities. At a minimum, such criteria must be at least as stringent as the requirements in subsections (2) and (3) of this section. Insignificant emission units or activities defined by local air authority rule may not exceed threshold levels established under subsection (4) of this section.

**AMENDATORY SECTION** (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

**WAC 173-401-615 Monitoring and related record-keeping and reporting requirements.** (1) Monitoring. Each permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements,

including any procedures and methods promulgated pursuant to sections 504(b) or 114 (a)(3) of the FCAA;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection (3) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) Recordkeeping. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions existing at the time of sampling or measurement;

(b) A record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(c) Retention of records of all required monitoring data and support information for a period of five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) Reporting. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) Submittal of reports of any required monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with WAC 173-401-520.

(b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define "prompt" in each individual permit in relation to the degree and type of deviation likely to occur and the applicable requirement. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible, but in no case later than twelve hours after the deviation is discovered. The source shall maintain a contemporaneous record of all deviations. Other deviations shall be reported no later than thirty days

after the end of the month during which the deviation is discovered ((or as part of routine emission monitoring reports)).

(4) Compliance assurance monitoring. 40 CFR Part 64, in effect on July 1, 2000, is adopted by reference.

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

**WAC 173-401-710 Permit renewal, revocation and expiration.** (1) Renewal application. The source shall submit a complete permit renewal application to the permitting authority no later than the date established in the permit. This date shall be no less than six months prior to the expiration of the permit. The permitting authority may ~~((specify a longer time period in writing to the permitted source at least one year before the new application due date))~~ require that a permit renewal application must be submitted earlier. The permitting agency must mail this written notice to the source at least one year before the new application deadline to ensure that the terms of the permit will not lapse before the permit is renewed. In no event shall the application due date be earlier than eighteen months prior to the expiration of the permit. The permitting authority shall send a permit application to each source at least six months before a complete application is due.

(2) Permit issuance. Permits being renewed are subject to the same procedural requirements, including those for public participation, affected state and EPA review, that apply to initial permit issuance.

(3) Expired permits. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with subsection (1) of this section and WAC 173-401-500. All terms and conditions of the permit shall remain in effect after the permit itself expires if a timely and complete permit application has been submitted.

(4) Revocation of permits. The permitting authority may revoke a permit only upon the request of the permittee or for cause. The permitting authority shall provide at least thirty days written notice to the holder of a current operating permit prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford the permittee/applicant an opportunity to meet with the permitting authority prior to the authority's final decision. A revocation issued under this section may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the permittee satisfies the specified conditions before the effective date. Nothing in this subsection shall limit the permitting authority's authority to issue emergency orders.

AMENDATORY SECTION (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

**WAC 173-401-722 Changes not requiring permit revisions.** (1) General.

(a) A chapter 401 source is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:

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- (i) The proposed changes are not Title I modifications;
- (ii) The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
- (iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and

(iv) The facility provides the administrator and the permitting authority with written notification at least seven days prior to making the proposed changes except that written notification of a change made in response to an emergency shall be provided as soon as possible after the event.

(b) Permit attachments. The source and permitting authority shall attach each notice to their copy of the relevant permit.

(2) Section 502 (b)(10) changes. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to make section 502 (b)(10) changes (as defined in WAC 173-401-200((28))) without a permit revision.

(a) For each such change, the written notification required under subsection (1)(a)(iv) of this section shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(b) The permit shield authorized under WAC 173-401-640 shall not apply to any change made pursuant to this paragraph.

(3) SIP authorized emissions trading. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to trade increases and decreases in emissions in the permitted facility, where the Washington state implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

(a) Under this subsection (3), the written notification required under subsection (1)(a)(iv) of this section shall include such information as may be required by the provision in the Washington state implementation plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the Washington state implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the applicable implementation plan and that provide for the emissions trade.

(b) The permit shield described in WAC 173-401-640 shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(4) Emission caps. Upon the request of the permit applicant, the permitting authority shall issue permits that contain terms and conditions, including all terms required under WAC 173-401-600 through 173-401-630 to determine compliance, allowing for the trading of emissions increases and

decreases in the chapter 401 source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The emissions trading provisions shall not be applied to any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(a) Under this paragraph, the written notification required under subsection (1)(a)(iv) of this section shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in WAC 173-401-640 shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152.

## WSR 02-19-084

### PERMANENT RULES

### DEPARTMENT OF HEALTH

[Filed September 16, 2002, 3:44 p.m.]

Date of Adoption: August 28, 2002.

Purpose: The amendments of WAC 246-562-080 will allow physicians with training in geriatric medicine to apply for primary care waivers, and will allow for physicians in their last six months of training to be eligible for application. The amendments to WAC 246-562-160 clean up outdated implementation language.

Citation of Existing Rules Affected by this Order: Amending WAC 246-562-080 and 246-562-160.

Statutory Authority for Adoption: Chapter 70.185 RCW.

Adopted under notice filed as WSR 02-15-161 on July 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 16, 2002  
M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-080 Criteria for the physician.** (1) The physician must not have a J-1 visa waiver pending for any other employment offer.

(2) Physicians must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Physicians are considered eligible to apply for a waiver when:

(a) They have successfully completed their residency or fellowship program; or

(b) They are in the last six months of a residency or fellowship program, and the physician provides a letter from their program that:

(i) Identifies the date the physician will complete the residency or fellowship program; and

(ii) Confirms the physician is in good standing with the program.

(4) Physicians applying as primary care physicians must:

(a) Provide direct patient care; and

(b) Be trained in:

(i) Family practice; or

(ii) General internal medicine; or

(iii) Pediatrics; or

(iv) Geriatric medicine; or

(v) Obstetrics and gynecology; or

~~((6))~~ (vi) Psychiatry and its subspecialties; and

(c) Except for geriatric medicine and psychiatrists, not have any additional specialty training. Continuing medical education (CME) will not be considered specialty training for the purposes of this rule.

~~((4))~~ (5) Physicians applying as specialists must:

(a) Provide direct patient care;

(b) Be trained in a subspecialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory**, which is hereby incorporated by reference of:

(i) Internal medicine, except for geriatric medicine; or

(ii) Family practice, except for geriatric medicine; or a specialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory**, which is hereby incorporated by reference of

(iii) General surgery; or

(iv) Radiology-diagnostic(;-and

~~(v) Be an active candidate for board certification on or before the start date of employment).~~

~~((e))~~ (6) Copies of the 1999-2000 **Graduate Medical Education Directory** are available from the American Medical Association or can be viewed at the Washington State Department of Health, Office of Community and Rural Health, 2725 Harrison NW, Olympia WA 98504.

~~((5))~~ (7) Physicians must have an active Washington state medical license, unless unusual circumstances delay licensing. If the application for a Washington state medical license has been received by the Washington state medical quality assurance commission four or more weeks prior to submission of the visa waiver application, the applicant may substitute a copy of the license application and request an exception.

~~((6))~~ (8) Physicians must be an active candidate for board certification on or before the start date of employment.

(9) Physicians must have at least one recommendation from their residency program if applying as a primary care physician or from their fellowship program if applying as a specialist that:

(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income people in the United States; and

(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities; and

(c) Documents level of specialty training, if any; and

(d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and

(e) Includes name, title, relationship to physician, address and telephone number of signatory.

~~((7))~~ (10) The physician must comply with all provisions of the employment contract.

~~((8))~~ (11) Physician must:

(a) Accept Medicaid assignment; and

(b) Post and implement a sliding fee discount schedule; and

(c) Serve the low-income population; and

(d) Serve the uninsured population; and

(e) Serve the shortage designation population; or

(f) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.

**AMENDATORY SECTION** (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

**WAC 246-562-160 Implementation.** (1) Notwithstanding any other provision of this chapter, this rule governs the allocation of departmental J-1 visa waiver sponsorships of specialists and primary care physicians during the federal fiscal year which ~~((ends September 30, 2000))~~ begins October 1, 2002.

~~(2) ((Ten working days after the effective date of this rule, the department will determine:~~

~~(a) The number of J-1 visa waiver sponsorships already approved during the federal fiscal year which ends September 30, 2000;~~

~~(b) The number of pending primary care applications which the department has determined to be complete.~~

~~The department will subtract the sum of these two numbers from twenty which is the total number of J-1 visa waiver sponsorships the federal government has allocated to the state of Washington for the federal fiscal year ending September 30, 2000. The department will multiply the difference between these two numbers by .25. In the event the product~~

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of this operation is a whole number, the department will allocate that number of J-1 visa waiver sponsorships to specialists for the federal fiscal year ending September 30, 2000. In the event the product of this operation is not a whole number, the department will determine the larger of the two whole numbers between which the product falls, and will allocate that number of J-1 visa waiver sponsorships to specialists for the federal fiscal year ending September 30, 2000. All other J-1 visa waiver sponsorships available during the federal fiscal year ending September 30, 2000, will be allocated to primary care physicians.

~~(3))~~ The department will not ~~((accept))~~ process J-1 visa waiver sponsorship applications ~~((from specialists))~~ until ~~((ten days after))~~ the effective date of the amendments ~~((of which this rule is a part))~~ to WAC 246-562-080, but may advise ~~((specialists))~~ applicants with respect to any proposed application.

~~((4))~~ The department will prioritize among specialists applying for J-1 visa waiver sponsorships for the federal fiscal year ending September 30, 2000, using criteria generally applicable to the selection of specialists under this chapter.

(3) Applications received by the office of community and rural health between October 1, 2002, and the effective date of the amendments to WAC 246-562-080 will be date and time stamped, and will be processed on the effective date of the rule in the order received.

**WSR 02-19-093**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)  
 [Filed September 17, 2002, 12:24 p.m.]

Date of Adoption: September 9, 2002.

Purpose: Currently, the introductory paragraphs to WAC 460-21B-060 and 460-22B-090 both refer to RCW 21.20.110(7). This statute was revised in 1998 to the effect that RCW 21.20.110(7) is now RCW 21.20.110 (1)(g). This rule proposal would correct WAC 460-21B-060 and 460-22B-090 so that they refer to RCW 21.20.110 (1)(g). WAC 460-24A-145 (5)(a) contains a typographical error. In the first sentence, "or" should read "of." This proposal would correct this typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 460-21B-060, 460-22B-090, and 460-24A-145.

Statutory Authority for Adoption: RCW 21.20.450.

Other Authority: RCW 21.20.110 (1)(g).

Adopted under notice filed as WSR 02-14-057 on June 27, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW. The director hereby makes such a finding with respect to this proposal.

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

September 13, 2002

Helen P. Howell

Director

AMENDATORY SECTION (Amending WSR 99-12-043, filed 5/26/99, effective 7/9/99)

**WAC 460-21B-060 Dishonest or unethical business practices—Broker-dealers.** The phrase "dishonest or unethical practices" as used in RCW 21.20.110~~((7))~~ (1)(g) as applied to broker-dealers is hereby defined to include any of the following:

- (1) Engaging in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;
- (2) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
- (3) Recommending to a customer to purchase, sell or exchange any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;
- (4) Executing a transaction on behalf of a customer without authorization to do so;
- (5) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;
- (6) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;
- (7) Failing to segregate customers' free securities or securities held in safekeeping;

(8) Hypothecating a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by rules of the securities and exchange commission;

(9) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(10) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(11) Charging unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

(12) Offering to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;

(13) Representing that a security is being offered to a customer "at the market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he/she is acting or with whom he/she is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;

(14) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customer;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(15) Guaranteeing a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(16) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

(17) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(18) Failing to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

(19) Failing to make bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member or from a member participating in the distribution as an underwriter or selling group member;

(20) Failure or refusal to furnish a customer, upon reasonable request, information to which he is entitled, or to respond to a formal written request or complaint;

(21) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(22) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(23) For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account which with respect to all OTC non-NASDAQ equity securities in the account, contains a value for each such security based on the closing market bid on a date certain: Provided, That this subsection shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued;

(24) Failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(25) Any acts or practices enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or

manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

**AMENDATORY SECTION** (Amending WSR 01-16-125, filed 7/31/01, effective 10/24/01)

**WAC 460-24A-145 Investment adviser brochure rule.** (1) General requirements. Unless otherwise provided in this rule, an investment adviser, registered or required to be registered pursuant to RCW 21.20.040 shall, in accordance with the provisions of this section, offer and deliver to each advisory client and prospective advisory client written disclosure materials containing at least the information then so required by Part II of Form ADV and such other information as the director may require. If a federal covered adviser may utilize a copy of Part II of its Form ADV to provide the disclosures required pursuant to 17 CFR 275.204-3, then an investment adviser may use a copy of Part II of its ADV to provide the disclosures required by this section.

(2) Delivery.

(a) An investment adviser, except as provided in (b) of this subsection, shall deliver the materials required by this section to an advisory client or prospective advisory client (i) not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or (ii) at the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five business days after entering into the contract.

(b) Delivery of the materials required by (a) of this subsection need not be made in connection with entering into a contract for impersonal advisory services.

(3) Offer to deliver.

(a) An investment adviser, except as provided in (b) of this subsection, annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the materials required by this section.

(b) The delivery or offer required by (a) of this subsection need not be made to advisory clients receiving advisory services solely pursuant to a contract for impersonal advisory services requiring a payment of less than \$200.00.

(c) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in (a) of this subsection shall also be made at the time of entering into an advisory contract.

(d) Any materials requested in writing by an advisory client pursuant to an offer required by this subsection must be mailed or delivered within seven days of the receipt of the request.

(4) Delivery to limited partners. If the investment adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then, for purposes of this section, the investment adviser must treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners, as a client. For purposes of this section, a limited liability partnership or limited liability limited partnership is a "limited partnership."

(5) Wrap fee program brochures.

(a) If the investment adviser is a sponsor ((of)) of a wrap fee program, then the materials required to be delivered, by subsection (2) of this section, to a client or prospective client of the wrap fee program, must contain all information required by Form ADV. Any additional information must be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(b) The investment adviser does not have to offer or deliver wrap fee information if another sponsor of the wrap fee program offers or delivers to the client or prospective client of the wrap fee program wrap fee program information containing all the information the investment adviser's wrap fee program brochure must contain.

(6) Delivery of updates and amendments. When the disclosure materials required to be delivered pursuant to subsection (2) of this section become materially inaccurate, the investment adviser must amend and promptly deliver to its clients amendments to such disclosure materials. The instructions to Part 2 of Form ADV contain updating and delivery instructions that the investment adviser must follow. An amendment will be considered to be delivered promptly if the amendment is delivered within thirty days of the event that requires the filing of the amendment.

(7) Omission of inapplicable information. If an investment adviser renders substantially different types of investment advisory services to different advisory clients, the investment adviser may provide them with different disclosure materials, provided that each client receives all applicable information about services and fees. The disclosure delivered to a client may omit any information required by Part II of Form ADV if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(8) Other disclosure obligations. Nothing in this section shall relieve any investment adviser from any obligation to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule under chapter 21.20 RCW, the rules and regulations thereunder, or any other federal or state law.

(9) Definitions. For the purposes of this rule:

(a) "Contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or (iii) any combination of the foregoing services.

(b) "Entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(c) "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting, or providing advice to clients regarding the selection of other investment advisers in the program.

(d) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon

transactions in a client's account, is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of client transactions.

**AMENDATORY SECTION** (Amending WSR 99-12-043, filed 5/26/99, effective 7/9/99)

**WAC 460-22B-090 Dishonest and unethical business practices-salespersons.** The phrase "dishonest or unethical practices" as used in RCW 21.20.110(~~((7))~~) (1)(g) as applied to salespersons, is hereby defined to include any of the following:

(1) Engaging in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

(2) Effecting securities transactions not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transactions are authorized in writing by the broker-dealer prior to execution of the transaction;

(3) Establishing or maintaining an account containing fictitious information in order to execute transactions which would otherwise be prohibited;

(4) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

(5) Dividing or otherwise splitting the agent's commissions, profits or other compensation from the purchase or sale of securities with any person not also registered for the same broker-dealer, or for a broker-dealer under direct or indirect common control;

(6) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(7) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(8) Executing a transaction on behalf of a customer without authorization to do so;

(9) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(10) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(11) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(12) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of

the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(13) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(14) Guaranteeing a customer against loss in any securities account for such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(15) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation presents a bona fide bid for, or offer of, such security;

(16) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions of any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(17) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(18) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(19) Failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(20) Any act or practice enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

PERMANENT

**WSR 02-19-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-219—Filed September 4, 2002, 3:49 p.m.]

Date of Adoption: September 4, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100L; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Closures are consistent with these elements: This regulation closes the beam trawl shrimp fishery in Catch Areas 21A and 22A and reopens 20B. Shrimp quotas are projected to be completed in the areas closed by this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 4, 2002

J. P. Koening

Director

by Larry Peck

**NEW SECTION**

**WAC 220-52-05100M Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, and 6 are open to harvest of all shrimp species until further notice, excluding all shrimp districts except as provided below:

(i) Effective immediately it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-E, 23A-W, 24A, 24D, and 24C north of line from Lowell Point to East Point.

(ii) Effective immediately it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23D, 25A, 25D, 26D and Crustacean Management Regions 1B, 1C, and 2.

(iii) Effective immediately it is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(a) There is a 10-pot per vessel limit when fishing in this portion of Catch Area 25A.

(b) For purposes of shrimp harvest allocation and catch reporting, landings from this area must be hailed as coming from the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, and 23A-S described in ((1)(e)(f)) or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be consid-

ered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Crustacean Management Region 2 is divided into two subareas: 2E; those waters of Marine Fish-Shellfish Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A-E; 2W; those waters of Marine Fish-Shellfish Catch and Reporting Areas 25B, 25D, and 26A-W.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open immediately until further notice.

(b) Crustacean Management Regions 1B and 3 - Open until further notice, except as provided below:

(i) Marine Fish-Shellfish Catch and Reporting Areas 21A, 22A, and 23AW - closed immediately until further notice.

(ii) Marine Fish-Shellfish Catch and Reporting Area 20B - open until 6:00 p.m. September 7, 2002.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100L Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-215)

## WSR 02-19-003

### EMERGENCY RULES

### DEPARTMENT OF FISH AND WILDLIFE

[Order 02-220—Filed September 4, 2002, 3:51 p.m., effective September 6, 2002, 12:01 a.m.]

Date of Adoption: September 4, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000P; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This emergency regulation is necessary to maintain allocation objectives in Marine Areas 8-1, 8-2 and 9. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 2002, 12:01 a.m.

September 4, 2002

J. P. Koening

Director

by Larry Peck

NEW SECTION

**WAC 220-56-33000Q Crab—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-330, it is lawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective 12:01 a.m. September 6, 2002, it is unlawful to fish for crab in all waters of Marine Areas 8-1, 8-2 and Marine Area 9, excepting the waters south of a line that extends from Foulweather Bluff to Olele Point..

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 6, 2002:

WAC 220-56-33000P Crab—Areas and seasons. (02-207)

**WSR 02-19-005  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-221—Filed September 5, 2002, 8:10 a.m., effective September 6, 2002, 12:01 a.m.]

Date of Adoption: September 4, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900K; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The recent closure of McAllister Creek Hatchery eliminates the department's ability to take chinook eggs at this facility. The intent of this rule is to maximize chinook harvest opportunity in the absence of the McAllister Creek Hatchery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 2002, 12:01 a.m. September 4, 2002

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 232-28-61900K Exceptions to statewide rules—McAllister Creek (Thurston Co).** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. September 6 through November 30, 2002, in those waters of McAllister Creek from the mouth to Olympia-Steilacoom Road Bridge, special daily limit of six salmon, no more than 4 adults. Minimum size 12 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 1, 2002:

WAC 232-28-61900K Exceptions to statewide rules—McAllister Creek (Thurston Co.)

**WSR 02-19-006  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-222—Filed September 5, 2002, 8:12 a.m., effective September 6, 2002, 12:01 a.m.]

Date of Adoption: September 4, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000I; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation reopens Area 1 to harvest coho salmon remaining on the overall quota. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 6, 2002, 12:01 a.m. September 4, 2002

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 232-28-62000J Coastal salmon seasons.** Notwithstanding the provisions of WAC 232-28-620, it is unlawful to fish for or possess salmon taken for personal use from Area 1 west of the Buoy 10 line, Area 2, Area 2-2 west of the Buoy 13 line, and Areas 3 and 4, except:

(1) Area 1 - Open 12:01 a.m. September 6 through September 15, 2002. Daily limit two salmon except release chinook and wild coho.

(2) Areas 2 and 2-2 west of the Buoy 13 line - Closed.

(3) Area 3 - Open immediately through September 8, 2002. Daily limit 2 salmon except release chinook and wild coho.

(4) Area 4 - Open immediately through September 8, 2002. Daily limit 2 salmon except release chinook, chum and wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 6, 2002:

WAC 232-28-62000I Coastal salmon seasons. (02-217)

**WSR 02-19-026  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed September 9, 2002, 3:47 p.m., effective October 1, 2002]

Date of Adoption: September 4, 2002.

Purpose: Amend WAC 388-424-0020 Alien status and requirements for the federal food stamp program, the federal Farm Security and Rural Investment Act of 2002 requires the department to provide federal food stamp benefits to certain immigrants who receive disability cash or medical benefits. This law requires an implementation date of October 1, 2002,

for this provision. The Division of Employment and Assistance Programs is amending this rule to implement this federal requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0020.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: House Resolution 2646 - Farm Security and Rural Investment Act of 2002, Title IV, Section 4401, Food and Nutrition Service Administrative Notice 02-33.

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

Reasons for this Finding: Federal statute requires that the department implement these new provisions by October 1, 2002, in order for the state to remain in compliance and eligible to receive federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 2002.

September 4, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-01-058, filed 12/11/98, effective 1/11/99)

**WAC 388-424-0020 How does my alien status ((and)) impact my eligibility ((requirements)) for the federal food stamp program((?))?** (1) ~~((For federal food stamps, an alien))~~ If you are not a U.S. citizen, you must meet ((one of)) the following conditions ((in column 1 and one of the conditions in column 2:)) and be otherwise eligible in order to receive federal food stamp benefits:

EMERGENCY

**Column 1**

Refugee  
 Asylee  
 Deportation withheld  
 Cuban or Haitian entrant  
 Aliens lawfully admitted for permanent residence  
 (immigrants)  
 Parolee for at least one year  
 Conditional Entrant  
 Battered spouse, battered child, or parent or child of a  
 battered person as defined in WAC 388-424-0005

**Column 2**

~~((The following noncitizens))~~ You are ((only)) eligible for seven years ((after admitted or)) from the date you entered the U.S. or from the date you were granted INS status:

Refugee/Amerasian/Asylee

Deportation withheld/Cuban or Haitian entrant

~~((The above noncitizens may be eligible even if they become immigrants within))~~ If you entered the U.S. under an INS status listed above, you are still eligible for federal food stamps eve if you change your INS status to immigrant during the seven-year period.((?))

~~((There is no time limit for the following noncitizens))~~ You may be eligible for federal benefits without a time limit if you meet any of the following conditions:

1. You are a permanent resident ((aliens with)) alien and you have worked or can get credit for forty Social Security Administration (SSA) work quarters.
2. You are a honorably discharged ((veterans)) veteran, you are in active duty military (other than training), or you are the spouse, ((and)) or unmarried dependent ((children)) child of someone who meets this requirement.
3. ~~((Lawfully))~~ You are blind or disabled and receive cash or medical benefits based on supplemental Security Income (SSI) disability or blindness criteria.
4. You were legally living in U.S. on August 22, 1996 and:
  - a. ~~((Now))~~ You are currently under age eighteen, or
  - b. ~~((Disabled or blind, or~~
  - e. ~~Sixty five or older on))~~ You were born on or before August 22, ((1996)) 1931.

(2) In addition to the above noncitizens, ~~((the following, legally residing in the U.S., are))~~ you may be eligible for federal food ((stamps.)) stamp benefits if you legally live in the U.S. and are a member of one of the following groups:

(a) Hmong or Highland Laotian tribe members ((and)) including the tribal member's spouse and dependent children when tribe ((rendered assistance to)) assisted the U.S. during the Vietnam era((-)) beginning August 5, 1964 and ending May 7, 1975;

(b) Canadian born American Indians who are fifty percent American Indian blood((-)); and

(c) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(3) If you are a lawful permanent ((residents)) resident, you can receive credit for SSA work quarters by:

(a) Earning enough money to qualify for work quarters; ((or))

(b) Getting credit for quarters earned by a parent or step-parent while ((the alien is)) you are under eighteen; or

(c) Getting credit for quarters earned by a spouse ((during their marriage if the alien remains)) while you are married ((to the spouse or the spouse is)) if you are still married to them or they are deceased.

(4) ~~((Lawful permanent residents))~~ You cannot receive credit for a SSA work quarter after January 1, 1997 if ((receiving)) you received TANF, nonemergency Medicaid, or food stamp benefits during ((that)) the quarter.

(5) If you apply for TANF, nonemergency Medicaid, or food stamp benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.

(6) You can get federal food stamp benefits for up to six months while we wait for verification of your eligibility if you or the department:

(a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or

(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federal food stamp benefits. If you requested this proof, you must provide proof that the agency has accepted this request.

**WSR 02-19-037  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-225—Filed September 10, 2002, 3:06 p.m.]

Date of Adoption: September 9, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-315.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is necessary to be consistent with management intent and the language in sport fishing pamphlet and allow crawfish fishers to set and pull crawfish pots at night. This rule is interim until the permanent rule takes effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 9, 2002

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-56-31500C Crawfish—Lawful acts.** Notwithstanding the provisions of WAC 220-56-315, effective immediately until further notice it is lawful to set or pull crawfish pots from a vessel in all state freshwaters from one hour after official sunset to one hour before official sunrise.

**WSR 02-19-038  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-226—Filed September 10, 2002, 4:20 p.m.]

Date of Adoption: September 10, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-36-02300C; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to change days of fishing to improve opportunity to fishers who participate and to minimize gear conflict with anticipated tribal fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 10, 2002

J. P. Koenings

Director

**NEW SECTION**

**WAC 220-36-02300D Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, effective immediately until further notice, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except as provided in this section:

(1) Open Areas: Those waters of Area 2A which include Grays Harbor and the Chehalis River estuary upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

Those waters of Area 2D which include Grays Harbor lying north and east of a straight line projected true south from the 28th Street boat launch to Renney Island then southerly and easterly to "Range Marker G" located on the south shore of Grays Harbor. Then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Open Fishing periods:

12:00 noon October 7 through 12:00 noon October 8, 2002

(b) Gear:

EMERGENCY

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6-inch maximum mesh, no more than 55 meshes deep.

(c) Species allowed for retention:

Coho and chum salmon and legal sized white and green sturgeon. All Chinook must be released according to the guidelines below (see Miscellaneous Regulations).

(d) Miscellaneous Regulations:

(i) Fishers must notify WDFW no later than 10:00 a.m. October 4, 2002 of their intent to participate in either of these openings. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email ([harborfishtickets@dfw.wa.gov](mailto:harborfishtickets@dfw.wa.gov)).

(ii) Fishers must be willing to take WDFW observers when participating in these openings.

(iii) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(iv) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(v) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(vi) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(vii) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(viii) Fishers must maintain a written log, and immediately following each retrieval of the net, record the number of coho, chum and sturgeon by species and the number of chinook (even if none) encountered. Fishers must report their total catch for the day by species and the total number of chi-

nook encountered prior to 10:00 am the following day each daily opening by calling WDFW at 1-866-791-1280.

(2) Open Area: Area 2B

(a) Open Fishing Periods:

October 24 from 7:00 a.m. through 6:30 p.m.

October 25 from 7:00 a.m. through 6:30 p.m.

October 29 from 6:30 a.m. through 5:30 p.m.

October 30 from 6:30 a.m. through 5:30 p.m.

(b) Gear Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6 1/2-inch maximum mesh.

(c) Species allowed for retention

Salmon and legal sized green and white sturgeon.

(d) Miscellaneous Regulations

Quick Reporting is required for wholesale dealers and fishers selling their catch under a valid retail endorsement, WAC 220-69-240.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02300C

Grays Harbor salmon—Fall fishery. (02-180)

#### WSR 02-19-039 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-227—Filed September 10, 2002, 4:22 p.m.]

Date of Adoption: September 10, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-40100D; and amending WAC 220-47-401.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: These rules implement reef net fishery plans as approved by the National Marine Fisheries Service on September 5, 2002. These plans allow collection of data to determine the stock composition of chum taken in Area 7 and 7A reef nets during this time period. This information is essential for evaluating fishing regulations on ESA listed summer chum in this area. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 10, 2002

J. P. Koenings

Director

### NEW SECTION

**WAC 220-47-40100D Reef net open periods.** Notwithstanding the provisions of WAC 220-47-401, effective September 16, 2002 through September 30, 2002, it is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget sound except Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A are open from 7:00 a.m. to 7:00 p.m. daily. It is unlawful to retain chinook or wild coho. All other saltwater and freshwater areas are closed.

**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 12:01 a.m. October 1, 2002:

WAC 220-47-40100D Reef net open periods.

**WSR 02-19-040  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-228—Filed September 10, 2002, 4:24 p.m., effective October 1, 2002, 12:01 a.m.]

Date of Adoption: September 10, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-22-400, 220-52-040, 220-52-046, 220-52-047, and 220-69-240.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by court order. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 1, 2002, 12:01 a.m.

September 10, 2002

J. P. Koenings

Director

### NEW SECTION

**WAC 220-22-40000D Marine fish-shellfish management and catch reporting areas, Puget Sound** Notwithstanding the provisions of WAC 220-22-400, effective 12:01 a.m. October 1, 2002 until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(1) Area 26A-W shall include those waters of Puget Sound south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(2) Area 26A-E shall include those waters of Puget Sound south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

### NEW SECTION

**WAC 220-52-04000H Commercial crab fishery—Exceptions to permanent rules for pot limits.** Notwithstanding the provisions of WAC 220-52-040, effective 12:01 a.m. October 1, 2002 until further notice it is unlawful to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in Puget Sound waters. The remaining 25 buoy tags per license must be onboard the des-

ignated vessel and available for inspection. Exceptions are as provided herein:

(1) It will be lawful to fish for crabs for commercial purposes with 100 pots per license, per buoy tag number in Marine Fish Shellfish Catch Areas 29, 23A, 23B, 23C, 23D, and 25A, effective 11:59 p.m. October 15, 2002, until further notice.

#### NEW SECTION

**WAC 220-52-04600H Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046, it will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(1) Effective 12:01 a.m. October 1, 2002 until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(2) Effective 12:01 a.m. October 16, 2002 through March 31, 2003, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(3) Effective 12:01 a.m. October 16, 2002 through March 14, 2003, those waters of 26A north and east of a line from the south end of the Double Bluff State Park seawall (47° 58.782"N, 122° 30.84"W) projected 110° true to the boulder on shore (47° 57.690"N, 122° 26.742"W).

(4) Effective 12:01 a.m. October 1, 2002 until further notice, that portion of Marine Fish/Shellfish Catch Area 21B in Samish Bay south of a line from Fish Point and Point Williams deeper than 60 feet.

(5) Effective 12:01 a.m. October 1, 2002 until further notice, all waters of Marine Fish/Shellfish Catch Area 25D.

#### NEW SECTION

**WAC 220-52-04700J Puget Sound commercial crab pot deployment.** Notwithstanding the provisions of WAC 220-52-047:

(1) Dungeness crab pots may be deployed between 8:00 a.m. October 1, 2002 and 7:59 a.m. October 3, 2002 in Puget Sound waters from a vessel not designated on a persons Puget Sound crab license provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and provided prior notice has been given as indicated below.

(2) The license holder must leave a telephone message at the La Conner office, (360) 466-4345, extension 245, with the following information:

a) Name and license number of license owner.

b) Name of designated primary operator if different from license owner.

c) Name of alternate operator if used to deploy pots from a non-designated vessel.

d) Buoy brand number and number of pots to be deployed from a non-designated vessel.

e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.

#### NEW SECTION

**WAC 220-69-24000E Duties of commercial purchasers and receivers—Puget Sound crab** Notwithstanding the provisions of WAC 220-69-240, effective 12:01 a.m. October 1, 2002 until further notice, every person originally receiving or purchasing crab harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26A shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-22-40000D

#### WSR 02-19-043

#### EMERGENCY RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 11, 2002, 8:24 a.m., effective October 1, 2002]

Date of Adoption: September 6, 2002.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-450-0185 General information about earned income disregard and income deductions for food assistance programs.

HR 2646, the Farm Security and Rural Investment Act of 2002, requires the department to replace the flat food assistance standard deduction of \$134 with a deduction that is the larger amount of 8.31% of the federal poverty rate for the client's assistance unit or \$134 whichever is greater. This is capped at the standard for six members. This law requires an implementation date of October 1, 2002, for this provision. This rule amendment will implement the federal requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: HR 2646 Farm Security and Rural Investment Act of 2002 (Public Law 107-171), Title IV, Section 4103, FNS Administrative Notice 02-33.

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

Reasons for this Finding: Federal statute requires the department to adopt rules implementing the new federal requirements by October 1, 2002. Adoption of these rules assure that the state will remain [in] compliance with federal regulations and assure the continued receipt of federal funds while the department complete the full rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 2002.

September 6, 2002

Bonita H. Jacques

for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

**WAC 388-450-0185** ~~((General information about earned))~~ Does the department count all of my income ((disregard and income deductions)) to determine my eligibility and benefits for food assistance ((programs))? ~~We subtract the following amounts ((are deducted from a household's income to compute)) from your assistance unit's (AU's) countable income before we determine your food assistance ((program benefits)) benefit amount:~~

(1) ~~((One hundred thirty four dollars per household per month-))~~ A standard deduction((+)) based on the number of people in your AU under WAC 388-408-0035:

<u>Eligible and ineligible AU members</u>	<u>Standard deduction</u>
<u>1</u>	<u>\$134</u>
<u>2</u>	<u>\$134</u>
<u>3</u>	<u>\$134</u>
<u>4</u>	<u>\$134</u>
<u>5</u>	<u>\$147</u>
<u>6 or more</u>	<u>\$168</u>

(2) Twenty percent of ~~((the household's))~~ your AU's gross earned income (earned income ((disregard)) deduction);

(3) ~~((The amount of the household's incurred or))~~ Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for ~~((an assistance unit))~~ AU member to ((seek, accept or continue employment; or)):

(i) Keep work, look for work, or accept work;

(ii) Attend training or education to prepare for employment; or

(iii) Meet employment and training requirements under chapter 388-444 WAC.

~~((The care must be needed for an assistance unit member to attend training or education in preparation for to employment;~~

~~((e) The expense must be payable to someone outside of the food assistance household; and~~

~~((d) The deduction cannot exceed))~~ We subtract allowable dependent care expenses that are payable to someone outside or your AU:

(i) Up to two hundred dollars for each dependent under age two ((years of age)); ((or)) and

(ii) Up to one hundred seventy-five dollars for each dependent age two or older.

~~((Nonreimbursable monthly))~~ Medical expenses over thirty-five dollars ((incurred or expected to be incurred)) a month owed or anticipated by an elderly or disabled household member as ((specified)) described under WAC 388-450-0200.

(5) Legally obligated current or back child support paid ((for a person who is not a member of the household)) to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as ((provided)) described in WAC 388-450-0190.

**WSR 02-19-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 11, 2002, 8:27 a.m., effective October 1, 2002]

Date of Adoption: September 6, 2002.

Purpose: The Division of Employment and Assistance Programs is implementing changes to the food assistance maximum shelter deduction and the food assistance standard utility allowance

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0190 and 388-450-0195.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.9.

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

Reasons for this Finding: The United States Department of Agriculture, Food and Nutrition Service (FNS) requires states to update maximum shelter deduction and the standard utility allowance on an annual basis. These changes must be implemented on October 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: October 1, 2002.

September 6, 2002  
Bonita H. Jacques  
for Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

**WAC 388-450-0190 How does the department figure my shelter cost income deduction for food assistance?** The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or any amount you pay ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost:

- (a) Ongoing rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;

~~((d))~~ (e) Utility allowance your AU is eligible for under WAC 388-450-0195;

~~((e))~~ (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

~~((f))~~ (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for food assistance purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) ~~(Up to a maximum of three hundred dollars if no one in your AU is elderly or disabled and you were found eligible for benefits prior to March 1, 2001; or~~

~~(b))~~ Up to a maximum of three hundred ~~((fifty-four))~~ sixty-seven dollars if no one in your AU is elderly or disabled and you were found eligible for benefits or were recertified for benefits either on or after March 1, 2001; or

~~((e))~~ (b) The entire amount if someone in your AU is elderly or disabled, even if the amount is over three hundred ~~((fifty-four))~~ sixty-seven dollars.

**AMENDATORY SECTION** (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

**WAC 388-450-0195 Utility allowances for food assistance programs.** (1) For food assistance programs, "utilities" include the following:

- (a) Heating and cooking fuel;
- (b) Cooling and electricity;
- (c) Water and sewerage;
- (d) Garbage and trash collection; and
- (e) Basic telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your food assistance benefits.

~~((3))~~ (a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	<del>\$(249))</del> <u>275</u>
2	<del>\$(256))</del> <u>283</u>
3	<del>\$(264))</del> <u>291</u>
4	<del>\$(271))</del> <u>300</u>
5	<del>\$(279))</del> <u>308</u>
6 or more	<del>\$(287))</del> <u>316</u>

~~((4))~~ (b) If your AU does not qualify For the SUA and you have utility costs other than telephone costs, you get a limited utility allowance (LUA) of ~~((one))~~ two hundred ~~((ninety-eight))~~ fifteen dollars.

~~((5))~~ (c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ~~((thirty-three))~~ thirty-five dollars.

**WSR 02-19-051  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-230—Filed September 11, 2002, 4:38 p.m., effective September 15, 2002, 12:01 a.m.]

Date of Adoption: September 11, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amend WAC 220-48-015.

Statutory Authority for Adoption: RCW 77.12.047.

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

EMERGENCY

Reasons for this Finding: The catch quota for Pacific cod in Areas 20A, 20B, 21A, 22A and 22B has not been taken. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 15, 2002, 12:01 a.m.  
September 11, 2002

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-48-01500Q Beam trawl and bottom trawl—Seasons.** Notwithstanding the provisions of WAC 220-48-015, effective 12:01 a.m. September 15, 2002 until further notice it is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A west of the Point Whitehorn-Sandy Point line, 20B, 21A, 22A, and 22B in waters deeper than 40 fathoms.

**WSR 02-19-071**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-229—Filed September 13, 2002, 4:43 p.m., effective September 13, 2002, 11:59 p.m.]

Date of Adoption: September 12, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-88C-040.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to match action taken by the National Marine Fisheries Service to conserve the pilchard resource. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 13, 2002, 11:59 p.m.  
September 12, 2002

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 220-88C-04000B Coastal pilchard fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-88C-040, effective 11:59 p.m. September 13, 2002 until further notice, it is unlawful to fish for or possess pilchard, anchovy, squid or mackerel taken while fishing under a trial commercial fishery permit for pilchard.

**WSR 02-19-072**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 02-234—Filed September 13, 2002, 4:43 p.m.]

Date of Adoption: September 13, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing 220-88C-04000A and 220-88C-04000B; and amending 220-88C-040.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to match action taken by the National Marine Fisheries Service to conserve the pilchard resource. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 13, 2002

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-88C-04000C Coastal pilchard fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-88C-040:

(1) Effective 11:59 p.m. September 13, 2002 until further notice, it is unlawful to land or possess pilchard in excess of 45% of the total combined landed weight of pilchard and mackerel for those fishers holding trial commercial fishery permit for pilchard.

(2) Effective immediately until further notice, it is unlawful to deliver pilchard or mackerel taken under a trial commercial fishery permit to other than shore-side location.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-88C-04000A Coastal pilchard fishery—Seasons and lawful catch. (02-127)

WAC 220-88C-04000B Coastal pilchard fishery—Seasons and areas. (02-229)

**WSR 02-19-073  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-233—Filed September 13, 2002, 4:43 p.m.]

Date of Adoption: September 13, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000R and 220-33-01000S; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available for the mainstem Columbia River. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. This season is consistent with the 2002 fall management agreement and actions of the Columbia River compact on August 15, 2002, and September 12, 2002, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 13, 2002

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-33-01000S Columbia River season below Bonneville.** Notwithstanding the provisions of WAC 220-33-005, WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A, 1B, and 1C upstream to the Longview Bridge

a) SEASON: 7:00 a.m. - 7:00 p.m. September 16, 2002

7:00 a.m. - 7:00 p.m. September 19, 2002

b) GEAR: Unslackened floater Gillnets with 6 inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) SANCTUARIES: Grays River, Elochomin-A and Abernathy Creek sanctuaries are in effect.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: Blind Slough/Knappa Slough Select Area

EMERGENCY

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100' radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours through September 27 are 7:00 p.m. to 7:00 a.m. daily and beginning September 27, the open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 16 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

3) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours through September 27 are 7:00 p.m. to 7:00 a.m. daily and beginning September 27, the open hours are 6:00 p.m. to 8:00 p.m. daily. Only the Tongue Point area is open through September 13 and Tongue Point and South Channel areas are open after September 13.

b) GEAR: In the Tongue Point area the mesh size is restricted to Gillnets 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

4) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours through September 27 are 7:00 p.m. to 7:00 a.m. daily and beginning September 27, the open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

5) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours through September 27 are 7:00 p.m. to 7:00 a.m. daily and beginning September 27, the open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000R Columbia River seasons below Bonneville. (02-200)

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. September 27, 2002:

WAC 220-33-01000S Columbia River season below Bonneville.

**WSR 02-19-074**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 02-232—Filed September 13, 2002, 4:44 p.m., effective September 16, 2002, 6:00 a.m.]

Date of Adoption: September 13, 2002.

Purpose: Amend commercial fishing regulations.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100V and 220-32-05100W; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Sets fourth week of tribal commercial fishing. Allows commercial sale from platform and hook and line fishery. Allows sale of fish caught in the Klickitat River to be sold when the Klickitat River is open and the Columbia River is open to commercial sale. Harvestable numbers of salmon are available. Impacts on ESA-listed stocks are expected to be within the guidelines of the 2002 fall management agreement and the biological opinion. The biological opinion covering fall fisheries has been signed. Consistent with compact action of September 12, 2002. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 16, 2002, 6:00 a.m.  
September 13, 2002

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-32-05100W Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. September 16 to 6:00 p.m. September 20, 2002

- a) Open Areas: SMCRA 1F, 1G, 1H
- b) Gear: Gillnet 8-inch minimum mesh restriction
- c) Allowable sale includes: salmon, steelhead, walleye, and shad
- d) Sanctuaries: All standard sanctuaries except the small 150 foot sanctuary around Spring Creek Hatchery.
- 2) Open Periods: 6:00 a.m. September 16 to 6:00 p.m. September 20, 2002
  - a) Open Areas: SMCRA 1F, 1G, 1H, and the Klickitat River
  - b) Gear: Hoop nets, dip bag nets, or hook and line.
  - c) Allowable sale includes: salmon, steelhead, walleye, and shad.
  - d) Fish taken in the Klickitat River may be sold when the Klickitat River is open pursuant to lawfully enacted tribal rules. Klickitat River seasons are Tuesdays through Saturdays, weekly, through September 20.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 14, 2002:

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam. (02-216)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 20, 2002:

WAC 220-32-05100W Columbia River salmon seasons above Bonneville Dam.

**WSR 02-19-075  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 02-231—Filed September 13, 2002, 4:44 p.m., effective September 16, 2002, 12:01 a.m.]

Date of Adoption: September 13, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: These rules are part of the agreed to North of Falcon annual fall salmon management plans.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

EMERGENCY

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 16, 2002, 12:01 a.m.

September 13, 2002

J. P. Koenings

Director

**NEW SECTION**

**WAC 232-28-61900L Exceptions to statewide rules—Cispus, Cowlitz, Hoh, and Lewis (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir).** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) **Cispus River (Lewis County)** Effective immediately through September 30, 2002, special daily limit of six salmon no more than one may be an adult in those waters of the Cispus River from posted markers at Lewis County PUD kayak launch upstream to the North Fork.

(2) **Cowlitz River (Cowlitz/Lewis County)**

(a) Effective immediately until further notice, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained in those waters of the Cowlitz River from the boundary markers at the mouth upstream to 400 feet or posted markers below the barrier dam. Wild steelhead and steelhead with missing right ventral fins must be released.

(b) Effective immediately through September 30, 2002, special daily limit of six salmon no more than one may be an adult in those waters of the Cowlitz River from the upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of the Muddy and Ohanapcosh rivers.

(3) **Lake Scanewa (Cowlitz Falls Reservoir) (Lewis County)** Effective immediately through September 30, 2002, special daily limit of six salmon no more than one may be an adult in those waters of Lake Scanewa from Cowlitz Falls Dam upstream to the posted Lewis County PUD sign on Peters Road on the Cowlitz Arm and the posted markers at the Lewis County PUD kayak launch on the Cispus Arm.

(4) **Hoh River (Jefferson County)** Willoughby Creek to Morgan's Crossing Boat Launch: Effective immediately through October 15, and from December 1 until further notice, selective gear rules in effect.

(5) **Hoh River (Jefferson County)** Morgan's Crossing Boat Launch to Olympic National Park Boundary below mouth of South Fork Hoh River: Effective immediately until further notice, selective gear rules in effect.

(6) **Hoh River, South Fork (Jefferson County)** Effective immediately until further notice, selective gear rules are in effect.

(7) **Lewis River (Clark County)** From boundary markers at mouth upstream to mouth of east fork: Effective immediately until further notice, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained.

(8) **North Fork Lewis River (Clark County)** From forks to Colvin Creek: Effective immediately until further notice, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained.

(9) **North Fork Lewis River (Clark County)** From Colvin Creek to overhead power lines below Merwin Dam: Effective immediately through September 30, 2002, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 2002:

WAC 232-28-61900D Exceptions to statewide rules—Baker, Cispus, Cowlitz, Green, Hoh, Klickitat, Lewis (including North Fork), Nooksack, Puyallup, Skagit, Skykomish and Toutle (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir). (02-195)

**WSR 02-19-079**

**EMERGENCY RULES**

**DEPARTMENT OF ECOLOGY**

[Order 02-13—Filed September 16, 2002, 12:23 p.m., effective September 18, 2002]

Date of Adoption: September 16, 2002.

Purpose: Law enforcement agencies within the state of Washington confiscate drugs, including controlled substances, during the course of their work. The controlled substances are kept as evidence until the case is adjudicated. When no longer needed as evidence, law enforcement agencies follow their own policies for the destruction of the controlled substances. These policies include incineration, witnessed by a law enforcement officer. There is only one waste-to-energy facility in Washington that is able to take these wastes; however its permit prohibits the burning of dangerous waste. Some controlled substances [are] designate [designated] as dangerous wastes in the state of Washington. This conditional exclusion will make it possible for these wastes to be disposed of at the waste-to-energy facility.

Controlled substances collected by law enforcement agencies within the state of Washington must be handled according to law enforcement policy to assure consistency in handling procedures. Deviations from the policy can put the

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law enforcement agency at risk for liability, loss of accreditation of their evidence rooms, and may impact case development. Law enforcement agencies have limited budgets for evidence disposal and varying disposal needs. The absence of the option for incinerating controlled substances is an impediment to a necessary element of police work.

This conditional exclusion from the dangerous waste regulations applies only to wastes that are regulated as state-only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations. Ecology does not have the authority to exempt from regulation any drug that is a regulated waste under federal law. The drugs that are regulated as state-only dangerous waste are regulated primarily due to their toxicity. Incineration is an appropriate method of disposal for these low volume, low toxicity wastes.

Citation of Existing Rules Affected by this Order: Amending WAC 173-303-071.

Statutory Authority for Adoption: Chapter 70.105 RCW.

Other Authority: Chapter 43.21A RCW.

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

Reasons for this Finding: Law enforcement agencies have no in-state options for disposal of confiscated controlled substances that are state-only dangerous wastes. Due to a sudden loss of the last in-state disposal option and an ever increasing backlog in evidence rooms, law enforcement agencies need a safe, acceptable, immediately available option to dispose of these substances. Conditional exclusion from chapter 173-303 WAC will allow for disposal outside of the requirements of dangerous waste regulation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 18, 2002.

September 16, 2002

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

**WAC 173-303-071 Excluded categories of waste.** (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes

that are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste will not be deemed to be treating, storing, disposing of, or otherwise managing dangerous wastes for the purposes of regulation under this chapter, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain dangerous waste; and

(ii) Such facility does not accept dangerous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that dangerous wastes are not received at or burned in such facility;

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only), or which fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use.

(ii) Wood treated with other preservatives provided such treated wood is, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with WAC 173-304-460, minimum functional standards for solid waste handling, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through WAC 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a

local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Reserve;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, 173-303-960, those sections specified in subsection (3) of this section, and 40 CFR Part 266;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are stored and disposed in a manner equivalent to the requirements of 40 CFR Part 761 Subpart D for PCB concentrations of 50 ppm or greater.

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;

(m) Reserve;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(vii) and (viii). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of nonacute dangerous waste other than contaminated media, 1 kg of acutely hazardous waste, 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously generated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute dangerous waste, 1 kg of acute hazardous waste, and 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation:

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and

also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(V) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in (w)(i) and (ii) of this subsection, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or ground water or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Part 265, Subpart W which is incorporated by reference at WAC 173-303-400 (3)(a), regardless of whether the plant generates a total of less than 220 pounds/month of dangerous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator submits to the department a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the department for reinstatement. The department may reinstate the

exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

(F) Additional reports.

(I) Upon determination by the department that the storage of wood preserving wastewaters and spent wood preserving solutions in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store wood preserving wastewaters and spent wood preserving solutions. This authority applies to tanks and secondary containment systems used to store wood preserving wastewaters and spent wood preserving solutions in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of wood preserving wastewaters and spent wood preserving solutions or the generation of hazardous by-products. Such observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(II) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(III) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (w)(iii)(F)(I) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the wood preserving wastewaters and spent wood preserving solutions until such repairs or improvements are completed and approved by the department.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium. The waste generator must be able to demonstrate that:

(i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclu-

sively) and the process does not generate hexavalent chromium; and

(iii) The waste is typically and frequently managed in nonoxidizing environments.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
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Generic exclusion levels for K061 and K062 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
(2)Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

Generic exclusion levels for F006 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8

EMERGENCY

Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

(cc)(i) Oil-bearing hazardous secondary materials (that is, sludges, by-products; or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911 - including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (that is, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph: Provided, That the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in (cc)(ii) of this subsection, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (that is, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph, where such materials as generated would have otherwise met a listing under WAC 173-303-081 and 173-303-

082, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in (cc)(i) of this subsection. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in WAC 173-303-081 and 173-303-082; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in WAC 173-303-040.

(dd) Dangerous waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are dangerous only because they exhibit the Toxicity Characteristic (TC) specified in WAC 173-303-090(8) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(ee) Biological treatment sludge from the treatment of one of the following wastes listed in WAC 173-303-9904 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K157) unless it exhibits one or more of the characteristics or criteria of dangerous waste.

(ff) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(gg) Shredded circuit boards being recycled: Provided, That they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(hh) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in WAC 173-303-090(5) and/or toxicity for benzene (WAC 173-303-090(8), waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process.

An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where

operations may also include SIC codes 2821, 2822, and 2865; and is physically colocated with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (that is, sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(ii) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in WAC 173-303-016(5).

(jj) Catalyst inert support media separated from one of the following wastes listed in WAC 173-303-9904 Specific Sources - Spent hydrotreating catalyst (EPA Hazardous Waste No. K171), and Spent hydrorefining catalyst (EPA Hazardous Waste No. K172). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria.

(kk) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed: Provided, That:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (February 8, 1999);

(ii) The solid wastes described in (kk)(i) of this subsection were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate does not exhibit any characteristic or criteria of dangerous waste nor is derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: If the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (for example, shutdown of wastewater treatment system): Provided, That the impoundment has a double liner, and: Provided further, That the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.

(ll) Dredged material. Dredged material as defined in 40 CFR 232.2 that is subject to:

(i) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of a U.S. Army Corps of Engineers civil works project, the administrative equivalent of the permits referred to in (ll)(i) and (ii) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2 and 337.3.

(mm) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(nn) Controlled substances that are state-only dangerous wastes. Controlled substances as defined and regulated by chapter 69.50 RCW, including Schedule I through V drugs, that are held in the custody of law enforcement agencies within the state of Washington, and managed for destruction: Provided, That they are disposed of by incineration in a controlled combustion unit permitted to handle solid waste or disposed by other methods approved by ecology.

## WSR 02-19-111

### EMERGENCY RULES

### DEPARTMENT OF FISH AND WILDLIFE

[Order 02-236—Filed September 18, 2002, 10:57 a.m.]

Date of Adoption: September 17, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-05100M; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Closures are consistent with these elements: This regulation closes the nonspot shrimp pot fishery in Crustacean Management Region 1. Shrimp quotas are projected to be completed in the areas closed by this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 17, 2002

J. P. Koenings

Director

by Larry Peck

## NEW SECTION

**WAC 220-52-05100N Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 2, 3, and 6 are open to harvest of all shrimp species until further notice, excluding all shrimp districts except as provided below:

(i) Effective immediately it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23A-E, 23A-W, 24A, 24D, and 24C north of line from Lowell Point to East Point.

(ii) Effective immediately it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23D, 25A, 25D, 26D and Crustacean Management Region 2.

(iii) Effective immediately it is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(a) There is a 10-pot per vessel limit when fishing in this portion of Catch Area 25A.

(b) For purposes of shrimp harvest allocation and catch reporting, landings from this area must be hailed as coming from the Discovery Bay Shrimp District portion of Marine Fish Shellfish Catch and Reporting Area 25A.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Region 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, and 23A-S described in ((1)(e)(f)) or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Manage-

ment and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Crustacean Management Region 2 is divided into two subareas: 2E; those waters of Marine Fish-Shellfish Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A-E; 2W; those waters of Marine Fish-Shellfish Catch and Reporting Areas 25B, 25D, and 26A-W.

(2) Shrimp beam trawl gear:

(a) Marine Fish-Shellfish Catch and Reporting Area 20A - open immediately until further notice.

(b) Crustacean Management Region 3 - Open until further notice, except as provided below:

(i) Marine Fish-Shellfish Catch and Reporting Area 23A-W - closed immediately until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(e) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that por-

tion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100M	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-219)
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**EMERGENCY**

OFFICE OF THE CODE REVISER  
 Quarterly Rule-Making Report  
 Covering Registers 02-13 through 02-18

Type of Activity	New	Amended	Repealed
<b>ACCOUNTANCY, BOARD OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Rules Proposed for Permanent Adoption	1	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>AGRICULTURE, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	11	3
Number of Rules Adopted as Emergency Rules	1	2	1
Number of Rules Proposed for Permanent Adoption	11	2	5
Number of Sections Adopted at Request of a Nongovernmental Entity	7	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	7	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	2	1
Number of Sections Adopted on the Agency's own Initiative	3	9	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	14	13	4
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BELLEVUE COMMUNITY COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	9	5
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	9	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	9	5
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	3	6	5
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BUILDING CODE COUNCIL</b>			

MISC.

Type of Activity	New	Amended	Repealed
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**CENTRAL WASHINGTON UNIVERSITY**

Type of Activity	New	Amended	Repealed
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	13	0
Number of Rules Proposed for Permanent Adoption	0	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	11	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR**

Type of Activity	New	Amended	Repealed
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**COUNTY ROAD ADMINISTRATION BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	6	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**CRIMINAL JUSTICE TRAINING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	16	0	0
Number of Rules Withdrawn	0	2	0

**DEAF, WASHINGTON STATE SCHOOL FOR THE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	6	1	0

**ECOLOGY, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	3	0
Number of Rules Proposed for Permanent Adoption	49	19	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	2	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	2	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EDUCATION, STATE BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	21	56	77
Number of Rules Adopted as Emergency Rules	6	11	42
Number of Rules Proposed for Permanent Adoption	21	69	109
Number of Rules Withdrawn	2	5	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	25	44	116
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	26	65	119
Number of Sections Adopted using Negotiated Rule Making	25	43	116
Number of Sections Adopted using Other Alternative Rule Making	2	24	3
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EDUCATOR STANDARDS BOARD, PROFESSIONAL**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0

**EMPLOYMENT SECURITY DEPARTMENT**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	0	0
Number of Rules Proposed for Permanent Adoption	1	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	4	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL MANAGEMENT, OFFICE OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FISH AND WILDLIFE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
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MISC.

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	29	3
Number of Rules Adopted as Emergency Rules	85	0	69
Number of Rules Proposed for Permanent Adoption	7	27	1
Number of Rules Withdrawn	6	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	89	30	71
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FOREST PRACTICES BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GAMBLING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	7	1
Number of Rules Proposed for Permanent Adoption	2	12	1
Number of Rules Withdrawn	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	6	0
Number of Sections Adopted on the Agency's own Initiative	2	6	1
Number of Sections Adopted using Negotiated Rule Making	2	7	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH CARE AUTHORITY**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	1	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	4	0
Number of Sections Adopted on the Agency's own Initiative	2	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	83	19	119
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	15	36	50
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	24	8	49
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	67	52
Number of Sections Adopted on the Agency's own Initiative	24	16	53
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	24	9	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HIGHER EDUCATION COORDINATING BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	5	0
Number of Rules Proposed for Permanent Adoption	0	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**INSURANCE COMMISSIONER, OFFICE OF THE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	45	10	0

**LABOR AND INDUSTRIES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	73	41	30
Number of Rules Adopted as Emergency Rules	2	6	0
Number of Rules Proposed for Permanent Adoption	113	65	55
Number of Rules Withdrawn	16	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	60	47	25

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	40	29	12
Number of Sections Adopted in Order to Comply with Federal Statute	12	0	5
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	18	0
Number of Sections Adopted on the Agency's own Initiative	57	31	25
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	72	47	30
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LICENSING, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	13	2
Number of Rules Adopted as Emergency Rules	1	3	0
Number of Rules Proposed for Permanent Adoption	32	89	73
Number of Rules Withdrawn	4	25	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	11	14	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	11	3	2
Number of Sections Adopted using Negotiated Rule Making	0	10	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LIQUOR CONTROL BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Withdrawn	1	12	3

**LOTTERY, WASHINGTON STATE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	20	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**MARINE EMPLOYEES' COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	14	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**NATURAL RESOURCES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	1	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PARKS AND RECREATION COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PERSONNEL, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	36	33
Number of Rules Adopted as Emergency Rules	17	1	1
Number of Rules Proposed for Permanent Adoption	17	5	1
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	36	8	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	28	30
Number of Sections Adopted on the Agency's own Initiative	36	9	2
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	36	8	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PILOTAGE COMMISSIONERS, BOARD OF**

Type of Activity	New	Amended	Repealed
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MISC.

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PUBLIC DISCLOSURE COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	13	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	9	0
Number of Sections Adopted on the Agency's own Initiative	12	9	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**PUBLIC INSTRUCTION, SUPERINTENDENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	17	0
Number of Rules Proposed for Permanent Adoption	2	28	1
Number of Rules Withdrawn	0	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	0	0
Number of Sections Adopted on the Agency's own Initiative	2	0	0
Number of Sections Adopted using Negotiated Rule Making	0	5	0
Number of Sections Adopted using Other Alternative Rule Making	5	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**RETIREMENT SYSTEMS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	42	39
Number of Rules Proposed for Permanent Adoption	9	46	39
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	9	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	7	41	39
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**REVENUE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	14	2
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	2	34	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	5	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	5	0
Number of Sections Adopted on the Agency's own Initiative	2	14	2
Number of Sections Adopted using Negotiated Rule Making	1	5	0
Number of Sections Adopted using Other Alternative Rule Making	1	10	2
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SECRETARY OF STATE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	2	1
Number of Rules Adopted as Emergency Rules	4	3	0
Number of Rules Proposed for Permanent Adoption	9	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	4	0
Number of Sections Adopted on the Agency's own Initiative	0	1	1
Number of Sections Adopted using Negotiated Rule Making	8	4	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	208	201	42
Number of Rules Adopted as Emergency Rules	65	73	0
Number of Rules Proposed for Permanent Adoption	61	104	13
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	141	164	37
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	3	38	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	3	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	129	67	6
Number of Sections Adopted on the Agency's own Initiative	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	273	268	43
Number of Sections Adopted using Pilot Rule Making	0	0	0

**TAX APPEALS, BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**TOBACCO SETTLEMENT AUTHORITY**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	16	0	0

**TRANSPORTATION, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	5	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**UNIVERSITY OF WASHINGTON**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	24	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	24	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	24	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	24	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**UTILITIES AND TRANSPORTATION COMMISSION**

Type of Activity	New	Amended	Repealed
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MISC.

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	36	18	5
Number of Rules Proposed for Permanent Adoption	0	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	35	1	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	36	18	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WASHINGTON STATE PATROL**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	11	0
Number of Rules Proposed for Permanent Adoption	23	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	11	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WASHINGTON STATE UNIVERSITY**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	25	39	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	25	42	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	2	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	25	42	7
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	25	42	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WESTERN WASHINGTON UNIVERSITY**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	38	0	29

**TOTALS FOR THE QUARTER:**

Number of Permanent Rules Adopted	594	621	383
Number of Rules Adopted as Emergency Rules	195	124	113
Number of Rules Proposed for Permanent Adoption	499	608	382
Number of Rules Withdrawn	29	66	18
Number of Sections Adopted at Request of a Nongovernmental Entity	8	8	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	397	413	259
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	52	70	12
Number of Sections Adopted in Order to Comply with Federal Statute	14	4	5
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	198	223	89
Number of Sections Adopted on the Agency's own Initiative	366	349	336
Number of Sections Adopted using Negotiated Rule Making	38	85	117
Number of Sections Adopted using Other Alternative Rule Making	481	450	101
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 02-19-008**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE**  
**HISTORICAL SOCIETY**  
 [Memorandum—September 3, 2002]

Board of Trustees  
 Meeting Schedule

**PREVIOUSLY ADOPTED MEETINGS**

March 7, 2003 (Friday)	Seattle
June 7, 2003 (Saturday)	Tacoma (annual meeting)
September 18, 2003 (Thursday)	Skamokawa
June 12, 2004 (Saturday)	Tacoma (annual meeting)
March 19, 2004 (Friday)	Olympia

Comments on the SEIS and the proposed modifications to the permits may be sent to Jessica Andreoletti.

**Workshops and Hearings Scheduled:** Workshops will be held the first hour of the time allotted so that ecology staff can provide an overview of the proposed EIS documents. Hearings will immediately follow the workshops and ecology will receive written public comments during the hearings.

November 5 10:30 a.m.	Diquat Environmental Impact Workshop/Hearing Ecology Northwest Regional Office 3190 160th Avenue S.E. (425) 649-7000	Bellevue
November 6 12:30 p.m.	Diquat Environmental Impact Workshop/Hearing Spokane Shadle Library 2111 West Wellesley	Spokane

**WSR 02-19-010**  
**DEPARTMENT OF ECOLOGY**  
 [Filed September 5, 2002, 3:03 p.m.]

**Department of Ecology**

Public Notice for Draft State Environmental Policy Act Review of a Supplemental Environmental Impact Statement Regarding the use of Diquat Dibromide for Aquatic Pest Control

**Workshops and Hearings Scheduled**

Diquat Dibromide, an aquatic herbicide, is being evaluated for use under two aquatic pest control general permits: Aquatic Noxious Weed Control National Pollutant Elimination System Waste General Permit No. WAG-993000 and Aquatic Nuisance Plant and Algae Control National Pollutant Discharge Elimination System Waste Discharge General Permit No. WAG-994000.

Copies of the supplemental environmental impact statement (SEIS) are available after September 19, 2002, online at <http://www.ecy.wa.gov/programs/wq/pesticides/index.html> or by contacting Jessica Andreoletti, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6180, e-mail [jean461@ecy.wa.gov](mailto:jean461@ecy.wa.gov), fax (360) 407-6426.

**WSR 02-19-012**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF CORRECTIONS**  
 (Correctional Industries Board)  
 [Memorandum—September 6, 2002]

**Meeting Cancellation Notice**

The September 21, 2002, meeting of the Correctional Industries board of directors has been cancelled.  
 Contact Sheila Pearson, (360) 753-5861.

**WSR 02-19-017**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (Capitol Campus Design Advisory Committee)  
 [Memorandum—September 5, 2002]

**Cancellation - Capitol Campus Design Advisory Committee**

MISC.

The following **Capitol Campus Design Advisory Committee** meeting is canceled.

- ◆ **Date:** Thursday, September 19th
- ◆ **Time:** 10:00 a.m.
- ◆ **Location:** General Administration Building, Room 207

If you have any questions, please contact Kim Buccarelli at (360) 902-0955.

Thursday	April 10, 2003	3:00 p.m.
Thursday	May 8, 2003	3:00 p.m.
Thursday	June 12, 2003	3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

**WSR 02-19-021**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed September 9, 2002, 3:40 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-72 MAA.  
 Subject: Important claims processing information.  
 Effective Date: September 1, 2002.

Document Description: The purpose of this memorandum is to update information previously sent to providers under Numbered Memorandum 00-01 MAA; sent February 1, 2000, regarding the Medical Assistance Administration's (MAA) claims capture and imaging system (CCIS).

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 5, 2002

E. A. Myers, Manager

Rules and Publications Section

**WSR 02-19-027**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—September 3, 2002]

In compliance with RCW 42.30.075, the following is South Puget Sound Community College—District 24's board of trustees regular meeting schedule for 2002-03:

Wednesday	August 28, 2002	3:00 p.m.
Wednesday	September 25, 2002	3:00 p.m.
Wednesday	November 6, 2002	3:00 p.m.
Thursday	December 12, 2002	3:00 p.m.
Thursday	January 9, 2003	3:00 p.m.
Thursday	February 13, 2003	3:00 p.m.
Thursday	March 13, 2003	3:00 p.m.

**WSR 02-19-028**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**  
 [Memorandum—September 3, 2002]

The board of trustees of Shoreline Community College will hold a special meeting on Monday, September 9, and Tuesday, September 10, 2002, to conduct their annual retreat. The meetings will be held from 8:00 a.m. to 5:00 p.m. both days in the board room of the Conference Center at Harbor Square, 120 West Dayton, Edmonds, WA 98020. The board of trustees, president Holly Moore, board secretary Michele Foley and the Shoreline Community College vice-presidents will be in attendance.

Please call (206) 546-4552 or e-mail Michele Foley at [mfoley@ctc.edu](mailto:mfoley@ctc.edu) if you have further information.

**WSR 02-19-029**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—September 9, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, September 19, 2002, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

**WSR 02-19-030**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [September 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENT TO ARLJ 4 ) NO. 25700-A-748

The Court recommends the adoption of proposed amendment to ARLJ 4, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

MISC.

DATED at Olympia, Washington this 5th day of September 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

DATED at Olympia, Washington this 5th day of September 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

ADMINISTRATIVE RULES FOR COURTS OF LIMITED JURISDICTION  
RULE 4

CANONS OF JUDICIAL ETHICS CODE OF JUDICIAL CONDUCT

(1) The ~~Canons of Judicial Ethics~~ Code of Judicial Conduct (CJC) as adopted by the Supreme Court of Washington shall apply to the judge of each court subject to these rules, whether or not such judge has been admitted to the Bar. It shall be the obligation of each such judge to conduct his or her court and his or her professional and personal relationships in accordance with the same standards as are required of judges of courts of record, except that ~~Canon 34 CJC Canon 5(F)~~, prohibiting judges from practicing law, shall not apply to attorney-~~justices~~ judges of courts of limited jurisdiction who have been specifically authorized by statute to practice law.

(2) The taking of photographs in the courtroom or radio or television broadcasting or transmitting of judicial proceedings from the courtroom during the progress of judicial proceedings shall be governed by ~~the Canons of Judicial Ethics~~ GR 16.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-19-031  
RULES OF COURT  
STATE SUPREME COURT  
[September 5, 2002]

IN THE MATTER OF THE ADOPTION OF NEW APR 15(g) ) ORDER NO. 25700-A-749

The Washington State Bar Association having recommended the adoption of New APR 15(g), and the Court having determined that the new rule will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the new rule will be published expeditiously and become effective upon publication.

SUGGESTED AMENDMENT  
ADMISSION TO PRACTICE RULES (APR)  
APR 15. LAWYERS' FUND FOR CLIENT PROTECTION

- (a) **Purpose.** [No change.]
- (b) **Establishment.** [No change.]
- (c) **Funding.** [No change.]
- (d) **Enforcement.** [No change.]
- (e) **Restitution.** [No change.]
- (f) **Administration.** [No change.]
- (g) **Subpoenas.** A lawyer member of the Committee, or counsel for the Washington State Bar Association assigned to the Committee, shall have the power to issue subpoenas to compel the attendance of the lawyer being investigated or of a witness, or the production of books, or documents, or other evidence, at the taking of a deposition. A subpoena issued pursuant to this rule shall indicate on its face that the subpoena is issued in connection with an investigation under this rule. Subpoenas shall be served in the same manner as in civil cases in the superior court.

(h) **Reports.** [No change.]

**Reviser's note:** The brackets and enclosed material in the text above occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the provisions of RCW 34.08.040.

WSR 02-19-032  
RULES OF COURT  
STATE SUPREME COURT  
[September 5, 2002]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO GR 15, NEW GR 28, CR 47, CrR 6.8, CRLJ 38, CrRLJ 6.8, CR 43, CRLJ 43, CR 51, CrR 6.15, CRLJ 51 AND CrRLJ 6.15 ) ORDER NO. 25700-A-750

The Washington State Jury Commission having recommended the adoption of the proposed amendments to GR 15, NEW GR 28, CR 47, CrR 6.8, CRLJ 38, CrRLJ 6.8, CR 43, CRLJ 43, CR 51, CrR 6.15, CRLJ 51 and CrRLJ 6.15, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

MISC.

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of September 2002.

	Alexander, C. J.
Smith, J.	Ireland, J.
Johnson, J.	
Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-20 issue of the Register.

**WSR 02-19-033**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [September 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF NEW ARLJ 13 ) NO. 25700-A-751

The District and Municipal Court Judges' Association having recommended the adoption of New ARLJ 13, and the Court having determined that the new rule will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the new rule will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of September 2002.

	Alexander, C. J.
Smith, J.	Ireland, J.
Johnson, J.	
Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.

NEW ARLJ 13

LIMITED JURISDICTION COURTS ARE REQUIRED TO RECORD ALL PROCEEDINGS ELECTRONICALLY

a) **Generally.** All limited jurisdiction courts shall make an electronic record of all proceedings and retain the record for at least as long as the record retention schedule dictates.

b) **Nonelectronic Record in Emergency.** In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the court's expense, and in the event of an appeal, any necessary transcription of the nonelectronic record must be made at the court's expense.

**WSR 02-19-034**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[September 5, 2002]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENTS TO NEW SET ) NO. 25700-A-752  
 OF ENFORCEMENT OF LAWYER CON- )  
 DUCT RULES (ELC), GR 1, APR 3, APR )  
 8, APR 9, APR 11 (REGULATION 101), )  
 APR 12.1, APR 14, APR 16, APR 17, APR )  
 18, NEW APR 20, NEW APR 21, NEW )  
 APR 21.1, NEW APR 21.2, NEW APR )  
 21.3, NEW APR 21.4, NEW APR 21.5. )  
 NEW APR 21.6, RPC 1.2, RPC 1.14, RPC )  
 5.5, RPC 8.1, RPC 8.4 AND RPC 8.5 )

The Washington State Bar Association having recommended the adoption of the proposed amendments and new rules to the New Set of Enforcement of Lawyer Conduct Rules (ELC), GR 1, APR 3, APR 8, APR 9, APR 11 (Regulation 101), APR 12.1, APR 14, APR 16, APR 17, APR 18, New APR 20, New APR 21, New APR 21.1, New APR 21.2, New APR 21.3, New APR 21.4, New APR 21.5, New APR 21.6, RPC 1.2, RPC 1.14, RPC 5.5, RPC 8.1, RPC 8.4 and RPC 8.5, and the Court having determined that the proposed amendments and new rules will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rules as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments and new rules will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of September 2002.

	Alexander, C. J.
Smith, J.	Ireland, J.

MISC.

Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-21 issue of the Register.

**WSR 02-19-046  
POLICY STATEMENT  
UNIVERSITY OF WASHINGTON**

[Filed September 11, 2002, 9:42 a.m.]

Following is a list of policy statements recently revised by the University of Washington:

UW Executive Order No. 5, "The Executive Vice President," August 21, 2002.

UW Executive Order No. 11, "The Vice President for University Relations," August 21, 2002.

UW Executive Order No. 41, "Gifts and Loans to University Museums: Burke Museum, Henry Gallery, and the Plestcheeff Institute," August 21, 2002.

UW Executive Order No. 62, "The Vice President for Development and Alumni Relations," August 21, 2002.

To receive a copy of any policy statement, contact Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, or by e-mail at adminpro@u.washington.edu, or by fax at (206) 616-6294.

Rebecca Goodwin Deardorff, Director  
Administrative Procedures Office

**WSR 02-19-059  
ATTORNEY GENERAL'S OFFICE**

[Filed September 12, 2002, 11:07 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 9, 2002. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney Gen-

eral, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**02-09-02 Request by Mike Kreidler,  
State Insurance Commissioner**

1). Does WSHIP (Washington State Health Insurance Pool) possess the authority to incorporate (or reorganize) as a nonprofit corporation under RCW 24.06?

2). If WSHIP possesses the authority to incorporate under RCW 24.06, may it also avail itself of the limitations on liability of directors, officers and employees under RCW 4.24.264 and 24.06.035?

3). If it does not possess the authority to incorporate, may the Insurance Commissioner approve a plan of operation under RCW 48.41.040(4) that limits the liability of WSHIP's directors, officers, and employees in accord with those established by RCW 4.24.264 and 24.06.035?

**WSR 02-19-065  
NOTICE OF PUBLIC MEETINGS  
WALLA WALLA  
COMMUNITY COLLEGE**  
[Memorandum—September 11, 2002]

The Walla Walla Community College board of trustees will hold a special meeting on Monday, September 16, 2002, at 10 a.m. in the board room.

If you have any questions on this information, please give Irma Leonetti a call at (509) 527-4274 or e-mail at irma.leonetti@wwcc.edu.

**WSR 02-19-066  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—September 11, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, September 17, 2002, at 2:00 p.m.**, in Room 303, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

MISC.

**WSR 02-19-067**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Memorandum—September 11, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, September 17, 2002, at 12:30 p.m.**, in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 02-19-068**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Memorandum—September 13, 2002]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 4**  
**SKAGIT VALLEY COLLEGE**

2405 East College Way  
 Mount Vernon, WA 98273  
 Thursday, September 12, 2002  
 6:00 p.m.

Mount Vernon Campus - Cascade Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Thursday, September 12, 2002, at 6:00 p.m.** This meeting is being held as a work session with the Skagit Valley College Foundation Executive Board. Action may be taken, if necessary, as a result of items discussed.

**WSR 02-19-070**  
**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**

[Memorandum—September 13, 2002]

Per RCW 42.30.080, the Forest Practices Board will hold a special meeting on October 9, 10, 2002, at the DNR Olympic Region Office, 411 Tillicum Lane, Forks, WA. October 9 will be a field tour to review and discuss operational implementation of the forest practices rules.

Notice is also provided to all individuals and groups on the board's mailing list. Contact the Forest Practices Board's rules coordinator about being added to this list.

For more information, check the board's website at [www.wa.gov/dnr](http://www.wa.gov/dnr) or contact the rules coordinator at Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail [forest.practicesboard@wadnr.gov](mailto:forest.practicesboard@wadnr.gov).

**WSR 02-19-085**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 16, 2002, 4:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-56 MAA.  
 Subject: Vendor rate increase for dental-related services.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) implemented an average 1.5% vendor rate increase for fee-for-service programs, as authorized by the 2002 Supplemental Appropriations Act. MAA applied the full amount allocated for vendor rate increases for the children's and adults' dental programs to specific procedures only.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

September 9, 2002

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 02-19-086**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 16, 2002, 4:32 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-011.

Subject: Conference board requests and the criminal justice project.

Effective Date: September 9, 2002.

Document Description: This memo explains to DCS staff new procedures for handling conference board requests that come in for cases that are associated with the criminal justice project.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail [sschille@dshs.wa.gov](mailto:sschille@dshs.wa.gov).

September 9, 2002

Stephanie E. Schiller

**WSR 02-19-090****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF AGRICULTURE**

(Red Raspberry Commission)  
[Memorandum—September 11, 2002]

The board of the Washington Red Raspberry Commission, at their September 10th board meeting, voted to change the date of the upcoming meeting from November 13th to October 30th. The October 30th meeting will be held in Lynden from 10-3 p.m. Contact the Red Raspberry Commission for a detailed agenda and directions to the meeting.

**WSR 02-19-091****NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—September 17, 2002]

The board of trustees of Bellingham Technical College will meet on Tuesday, September 17, 2002, 3:30 p.m., in the College Services Building Board Room on the Bellingham Technical College campus, in a special session to discuss pending legal matters. Call 738-3105 ext. 334 for information.

**WSR 02-19-102****INTERPRETIVE AND POLICY STATEMENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed September 18, 2002, 9:38 a.m.]

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the Department of Labor and Industries for July 2002.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

**Specialty Compliance Services Division**

**WSATC 02-01-01**, Apprenticeship policy relating to the Apprenticeship Council's discretion to adjudicate matters (objections to apprenticeship standards or proposed amendments to apprenticeship standards) or refer them to the Office of Administrative Hearings. This policy was repealed on June 1, 2002, and replaced by WAC 296-05-007, 296-05-300, 296-05-316 and 296-05-402, apprenticeship rules that was enacted June 1, 2002.

Contact Josh Swanson, Mailstop 44400, phone (360) 902-6411.

**02-012 Move-on Building and Structures**, 02-01 is intended to set clear guidelines and to clearly outline the wiring and inspection process for buildings or structures moved into or within the state of Washington. This policy was issued April 25, 2002.

Contact Angie Wharton, Mailstop 4460, phone (360) 902-5259.

**WISHA Services Division**

**WISHA Regional Directive (WRD) 3.25 "Accompanied Visits in Consultation,"** which provides guidance to WISHA consultation supervisors on the frequency and content of accompanied visits. The policy was repealed on June 28, 2002. The subject is covered in the new Consultation Manual, Chapter 1, C.5.b.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

**WISHA Regional Directive (WRD) 10.05 "Ergonomics Activity During Initial Phase-in,"** provides guidance to WISHA enforcement and consultation staff whenever they must address issues involving work-related musculoskeletal disorder (WMSD) hazards and potential ergonomics solutions. It replaces the original WRD 10.05, issued July 7, 2000, and it will remain in effect until replaced. The policy was amended July 5, 2002.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

Carmen Moore  
Legislative and  
Governmental Affairs Office

**WSR 02-19-103****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

(Advisory Board for Plumbers)  
[Memorandum—September 12, 2002]

In accordance with chapter 42.30 RCW, Open Public Meetings Act, the quarterly meetings for the Advisory Board of Plumbers have been scheduled for 2003. The meetings are to begin at 9:30 a.m. on the third Tuesday of January, April, July and October at the following location: Department of Labor and Industries, Rehabilitation Resource Center, 12806 Gateway Drive, Seattle, WA (Tukwila).

The dates are as follows: January 21, 2003, April 15, 2003, July 15, 2003, and October 21, 2003.

**WSR 02-19-104****RULES COORDINATOR  
POLLUTION LIABILITY  
INSURANCE AGENCY**

[Filed September 18, 2002, 10:12 a.m.]

Effective September 1, 2002, Russell Olsen will serve as the rules coordinator for the Pollution Liability Insurance Agency. Mr. Olsen will hold the responsibility and authority that comes with this position. Please direct any matters regarding code revision to Mr. Olsen.

Roger Dovel  
Director

**WSR 02-19-105**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—September 12, 2002]

The board of trustees of Peninsula College has approved their annual calendar for 2003. Meeting dates and times are:

January 14	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
February 11	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
March	no meeting		
April 8	2:00 p.m.	Port Townsend Site 181 Quincy Street	Port Townsend
May 13	2:00 p.m.	Forks Branch Site 71 Forks Avenue	Forks
June 10	2:00 p.m.	Board Room Peninsula College	Port Angeles
July	no meeting		
August	no meeting		
September 9	2:00 p.m.	Sequim Boys and Girls Club, 400 West Fir	Sequim
October 14	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
November 11	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
December	no meeting		

**WSR 02-19-108**  
**DEPARTMENT OF ECOLOGY**  
 [Filed September 18, 2002, 10:28 a.m.]

**Your Comments are Requested on the First Draft of the  
 Stormwater Manual for Eastern Washington**

**Background:** The Department of Ecology (ecology) has been working with eastern Washington communities and other stakeholders to develop improved stormwater management tools for eastern Washington. As a result of a chartering meeting held in June 2001 in Moses Lake, a steering committee has been formed to work with ecology and a consultant team has been selected and placed under contract. The steering committee and ecology are managing a project that will result in completion of a stormwater management manual and a model municipal stormwater program for eastern Washington. This project will include an analysis of the cost of implementing the measures in the manual and in the model program.

The objectives of the project are to:

- Develop an eastern Washington stormwater technical manual that will serve as a commonly accepted standard for the management of stormwater for eastern Washington. The completed stormwater technical manual will address and integrate stormwater management needs under federal and state laws and

will provide for local flexibility in meeting specific local needs.

- Develop a model municipal stormwater program for eastern Washington, with strong local participation and direction. This model program will describe a regionally and environmentally appropriate stormwater program that satisfies federal and state regulatory requirements, and that can be implemented by local government. The model program will be constructed to assure that local governments can address unique or specific issues within the context of the model program.

The steering committee and ecology will be conducting public workshops on the stormwater manual and the model program during October. There will be two identical sessions at each location. Each session will begin with a staff presentation, followed by an opportunity to ask questions and provide comments.

Location	Date and Time
<b>Spokane</b> Spokane Regional Health District Auditorium 1101 West College Avenue	Monday October 14, 2002 4:00 to 6:00 p.m. and 6:30 to 8:30 p.m.
<b>Wenatchee</b> Wenatchee Valley Senior Center Card Room 1312 Maple Street	Tuesday October 15, 2002 4:00 to 6:00 p.m. and 6:30 to 8:30 p.m.
<b>Yakima</b> Selah Civic Center Main Hall 261 South First	Wednesday October 16, 2002 4:00 to 6:00 p.m. and 6:30 to 8:30 p.m.
<b>Tri-Cities</b> Benton County PUD Building Auditorium 2721 West 10th Avenue Kennewick	Thursday October 17, 2002 4:00 to 6:00 p.m. and 6:30 to 8:30 p.m.

Written comments can also be provided during the official comment period, which ends November 30, 2002. Comments received will be considered by ecology and the steering committee as the draft documents are revised. For additional project information, visit the project website at [www.ecy.wa.gov/programs/wq/stormwater/](http://www.ecy.wa.gov/programs/wq/stormwater/) and follow the link to Eastern Washington Stormwater News.

**How to Get Printed Copies of the Stormwater Manual and Model Program:** If you have a credit card, you can order printed copies of the stormwater manual and model program at the following Internet address: <https://wws2.wa.gov/prt/printwa/wsprt/default.asp>.

You can also use this website to get price information and then send a check or money order payable to "Department of Printing" at the following address: Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

Make sure you include your name, mailing address, phone number, and the name of the publication. Allow about two weeks for delivery. If you have questions about ordering the stormwater manual and model program please call the Department of Printing at (360) 570-5555.

**How to Find the Stormwater Manual and Model Program on the Internet:** The Stormwater Management Man-

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ual for Eastern Washington and the Model Municipal Stormwater Program for Eastern Washington are also available on ecology's stormwater homepage. The Internet address is <http://www.ecy.wa.gov/programs/wq/stormwater/>.

### WSR 02-19-109

#### DEPARTMENT OF ECOLOGY

[Filed September 18, 2002, 10:28 a.m.]

#### Ecology to Develop Stormwater General Permit for 1-5 Acre Construction Sites

The Washington State Department of Ecology (ecology) is planning to develop NPDES and state waste discharge general permit coverage for stormwater discharges associated with 1-5 acre small construction activities. It has not yet been determined if this coverage will be provided by a separate general permit, or if it will be included in the reissued general permit for stormwater discharges associated with construction activities for sites larger than 5 acres. The development of 1-5 acre general permit coverage is required by EPA's Phase II rule that requires all operators of small construction activity to obtain an NPDES permit before discharging stormwater runoff to a municipal separate storm sewer system or waters of the United States. Small construction activity is defined as land disturbance that affects 1-5 acres of land. Land disturbance refers to activities that expose soil, such as clearing, grading and excavating.

Ecology intends to develop permit coverage for 1-5 acre sites with input from the Construction Stormwater Advisory Committee that was formed to assist in the reissuance of the Phase I Construction Stormwater General Permit for sites larger than 5 acres. The advisory committee includes representatives from the construction industry, environmental organizations, cities, counties and other government agencies.

Ecology intends to complete and release for public comment a draft 1-5 Acre Small Construction Stormwater General Permit or Construction Stormwater General Permit for Sites Larger than 1 Acre by February 28, 2003. The release of the draft permit will initiate the beginning of the public comment period, during which time written comments on the permit will be accepted. Several public workshops and hearings will take place around the state during April 2003. Ecology plans to issue the final general permit and fact sheet in June 2003.

In accordance with WAC 173-226-130(1), ecology is hereby requesting comments on whether a general permit is appropriate for the proposed category of dischargers or whether individual permits are necessary. Ecology is also seeking information on small construction stormwater dischargers from any interested or potentially affected party including: (1) Documented information on the characteristics of the discharge including effluent quantity, quality, and any receiving water impacts; information may be from an individual facility or be representative of the category as a whole, and (2) any other relevant information. Written comments, information or requests to be added to the 1-5 Acre

Small Construction General Permit mailing list to receive information and notices related to the development of the general permit should be directed to Department of Ecology, Attn: Jeff Killelea, P.O. Box 47600, Olympia, WA 98504-7600.

Additional information on the development of permit coverage for 1-5 acre construction sites will be posted on an ecology web page, as it becomes available: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>.

Questions or comments on the proposed general permit coverage for 1-5 acre construction sites should be directed to Jeff Killelea at (360) 407-6127, by e-mail at [jkil461@ecy.wa.gov](mailto:jkil461@ecy.wa.gov), or may be mailed to Department of Ecology, Attn: Jeff Killelea, P.O. Box 47600, Olympia, WA 98504-7600.

### WSR 02-19-110

#### DEPARTMENT OF ECOLOGY

[Filed September 18, 2002, 10:28 a.m.]

#### Notice of Permit Modification Correcting Typographical Error

##### Industrial Stormwater General Permit

The industrial stormwater general permit issued August 21, 2002, had an error in Special Condition S7. - Compliance with Standards. The first sentence in S7.B incorrectly referred to "Special Condition S3.G," which does not exist in the permit. It was changed to refer to the intended permit condition, Special Condition S3.E.

"Ecology will apply a mixing zone where one is authorized and consistent with Special Condition S3.E."

Ecology announced issuing the permit in the State Register, WSR 02-16-094. Most industrial facilities that discharge stormwater to a surface waterbody are included for coverage under the industrial stormwater general permit. The purpose of the permit is to protect waters of the state through the regulation of industrial stormwater discharges. The permit became effective September 20, 2002.

If you have any questions about this permit modification please contact Keith Johnson by e-mail at [kjoh461@ecy.wa.gov](mailto:kjoh461@ecy.wa.gov) or by phone at (360) 407-6442. You can also find additional information at the Washington State Department of Ecology web page: <http://www.ecy.wa.gov/programs/wq/stormwater/>.

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**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-154-030	REP-P	02-04-109	16-157-210	NEW	02-10-090
4-25-520	AMD	02-04-064	16-154-040	REP-P	02-04-109	16-157-220	NEW-P	02-04-109
4-25-530	AMD-P	02-13-022	16-154-050	REP-P	02-04-109	16-157-220	NEW	02-10-090
4-25-530	AMD-S	02-17-050	16-154-053	REP-P	02-04-109	16-157-230	NEW-P	02-04-109
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4-25-610	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4-25-610	PREP	02-11-007	16-154-080	REP-P	02-04-109	16-157-240	NEW	02-10-090
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4-25-630	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4-25-631	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-255	NEW	02-10-090
4-25-640	AMD-W	02-04-062	16-154-180	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4-25-640	PREP	02-04-063	16-156-003	REP-P	02-04-109	16-157-260	NEW	02-10-090
4-25-640	AMD-P	02-17-049	16-156-004	REP-P	02-04-109	16-157-270	NEW-P	02-04-109
4-25-660	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-157-270	NEW	02-10-090
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4-25-746	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-158-020	REP-P	02-04-109
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4-25-930	NEW	02-17-051	16-157-120	NEW	02-10-090	16-158-150	REP-P	02-04-109
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16-108	PREP	02-18-015	16-157-200	NEW	02-10-090	16-162-010	REP-P	02-04-109
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16-162-036	REP-P	02-04-109	16-228-2040	REP-P	02-14-092	16-303-230	PREP	02-03-127
16-162-037	REP-P	02-04-109	16-228-2040	REP-C	02-18-023	16-303-230	AMD-P	02-09-060
16-162-040	REP-P	02-04-109	16-228-2045	NEW-P	02-14-092	16-303-230	AMD	02-12-061
16-162-045	REP-P	02-04-109	16-228-2045	NEW-S	02-19-107	16-303-250	PREP	02-03-127
16-162-050	REP-P	02-04-109	16-228-2050	NEW-P	02-14-092	16-303-250	PREP	02-05-083
16-162-070	REP-P	02-04-109	16-228-2050	NEW-C	02-18-023	16-303-250	AMD-P	02-09-060
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16-164-020	REP-P	02-04-109	16-301-025	PREP	02-05-083	16-303-300	AMD-P	02-09-060
16-164-035	REP-P	02-04-109	16-301-025	AMD-P	02-09-059	16-303-300	AMD	02-12-061
16-164-037	REP-P	02-04-109	16-301-025	AMD	02-12-060	16-303-310	PREP	02-03-127
16-164-040	REP-P	02-04-109	16-301-045	PREP	02-05-083	16-303-310	AMD-P	02-09-060
16-164-050	REP-P	02-04-109	16-301-045	AMD-P	02-09-059	16-303-310	AMD	02-12-061
16-164-055	REP-P	02-04-109	16-301-045	AMD	02-12-060	16-303-317	PREP	02-03-127
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16-164-070	REP-P	02-04-109	16-301-050	AMD-P	02-09-059	16-303-317	AMD	02-12-061
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16-164-110	REP-P	02-04-109	16-302-125	PREP	02-05-083	16-303-330	AMD-P	02-09-060
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16-228-12352	NEW-E	02-06-048	16-302-260	AMD	02-12-060	16-324-398	AMD	02-12-010
16-228-12352	NEW-P	02-07-080	16-302-330	PREP	02-05-083	16-324-401	AMD-P	02-08-087
16-228-12352	NEW-C	02-11-070	16-302-330	AMD-P	02-09-059	16-324-401	AMD	02-12-010
16-228-12352	NEW	02-12-017	16-302-330	AMD	02-12-060	16-324-431	AMD-P	02-08-087
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16-228-1237	NEW-P	02-07-080	16-302-385	AMD-P	02-09-059	16-324-720	AMD-P	02-08-087
16-228-1237	NEW-C	02-11-070	16-302-385	AMD	02-12-060	16-324-720	AMD	02-12-010
16-228-1237	NEW	02-12-017	16-302-390	PREP	02-05-083	16-324-730	AMD-P	02-08-087
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16-228-12371	NEW-P	02-07-080	16-302-390	AMD	02-12-060	16-324-740	AMD-P	02-08-087
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16-228-12371	NEW	02-12-017	16-302-410	AMD-P	02-09-059	16-324-750	AMD-P	02-08-087
16-228-1238	NEW-P	02-07-080	16-302-410	AMD	02-12-060	16-324-750	AMD	02-12-010
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16-228-1238	NEW-W	02-12-028	16-302-435	AMD-P	02-09-059	16-325-015	AMD	02-09-030
16-228-1460	PREP	02-18-111	16-302-435	AMD	02-12-060	16-400	PREP	02-14-128
16-228-2000	REP-P	02-14-092	16-302-440	PREP	02-05-083	16-400-008	NEW-E	02-14-127
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16-228-2030	REP-C	02-18-023	16-303-200	AMD	02-12-061	16-403-190	AMD-P	02-07-118
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16-458-075	AMD-P	02-17-101	16-489-030	NEW-P	02-10-123	16-674-055	NEW-P	02-12-128
16-458-080	REP-E	02-14-127	16-489-030	NEW	02-13-125	16-674-055	NEW	02-15-141
16-458-080	REP-P	02-17-101	16-489-040	NEW-P	02-10-123	16-674-065	REP-P	02-12-128
16-458-085	AMD-E	02-14-127	16-489-040	NEW	02-13-125	16-674-065	REP	02-15-141
16-458-085	AMD-P	02-17-101	16-489-050	NEW-P	02-10-123	16-674-080	REP-P	02-12-128
16-459	PREP	02-16-089	16-489-050	NEW	02-13-125	16-674-080	REP	02-15-141
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36-12-465	AMD-P	02-16-060	36-14-400	AMD-W	02-17-059	98-08-050	REP	02-19-018
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98-08-190	REP	02-19-018	98-15-010	NEW	02-19-018	118-65-030	AMD	02-12-053
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98-08-210	REP	02-19-018	98-40-010	REP	02-19-018	118-65-050	AMD	02-12-053
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98-08-370	REP	02-19-018	98-40-030	REP	02-19-018	118-65-070	AMD	02-12-053
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98-08-380	REP	02-19-018	98-40-040	REP	02-19-018	118-65-081	AMD	02-12-053
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98-08-460	REP-P	02-14-058	98-80-040	NEW-P	02-14-058	132G-104-010	AMD-P	02-06-127
98-08-460	REP	02-19-018	98-80-040	NEW	02-19-018	132G-104-010	AMD	02-11-090
98-08-470	REP-P	02-14-058	98-80-050	NEW-P	02-14-058	132G-104-020	AMD-P	02-06-127
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98-08-480	REP	02-19-018	98-80-060	NEW	02-19-018	132G-104-030	REP	02-11-090
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98-14-050	AMD	02-19-018	106-116-856	AMD	02-18-077	132H-122-020	AMD	02-14-008
98-14-060	AMD-P	02-14-058	106-116-859	AMD-P	02-15-116	132H-133-040	AMD-X	02-18-112
98-14-060	AMD	02-19-018	106-116-859	AMD	02-18-077	132H-133-050	AMD-X	02-18-112
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132H-140-030	AMD-P	02-09-071	132N-150-050	NEW	02-04-068	132Z-116-005	NEW-P	02-03-089
132H-140-030	AMD	02-14-007	132N-150-060	NEW	02-04-068	132Z-116-005	NEW-E	02-04-061
132H-140-040	AMD-P	02-09-071	132N-150-070	NEW	02-04-068	132Z-116-005	NEW	02-11-048
132H-140-040	AMD	02-14-007	132N-150-080	NEW	02-04-068	132Z-116-005	NEW-E	02-12-056
132H-140-050	AMD-P	02-09-071	132N-150-090	NEW	02-04-068	132Z-116-010	NEW-P	02-03-089
132H-140-050	AMD	02-14-007	132N-150-100	NEW	02-04-068	132Z-116-010	NEW-E	02-04-061
132H-140-060	REP-P	02-09-071	132N-150-110	NEW	02-04-068	132Z-116-010	NEW	02-11-048
132H-140-060	REP	02-14-007	132N-150-120	NEW	02-04-068	132Z-116-010	NEW-E	02-12-056
132H-140-065	NEW-P	02-09-071	132N-150-130	NEW	02-04-068	132Z-116-020	NEW-P	02-03-089
132H-140-065	NEW	02-14-007	132N-150-140	NEW	02-04-068	132Z-116-020	NEW-E	02-04-061
132H-140-070	AMD-P	02-09-071	132N-150-150	NEW	02-04-068	132Z-116-020	NEW	02-11-048
132H-140-070	AMD	02-14-007	132N-150-160	NEW	02-04-068	132Z-116-020	NEW-E	02-12-056
132H-140-080	REP-P	02-09-071	132N-150-170	NEW	02-04-068	132Z-116-030	NEW-P	02-03-089
132H-140-080	REP	02-14-007	132N-150-180	NEW	02-04-068	132Z-116-030	NEW-E	02-04-061
132H-140-085	NEW-P	02-09-071	132N-150-190	NEW	02-04-068	132Z-116-030	NEW	02-11-048
132H-140-085	NEW	02-14-007	132N-150-200	NEW	02-04-068	132Z-116-030	NEW-E	02-12-056
132H-140-090	REP-P	02-09-071	132N-150-210	NEW	02-04-068	132Z-116-040	NEW-P	02-03-089
132H-140-090	REP	02-14-007	132N-150-220	NEW	02-04-068	132Z-116-040	NEW-E	02-04-061
132H-140-100	REP-P	02-09-071	132N-150-230	NEW	02-04-068	132Z-116-040	NEW	02-11-048
132H-140-100	REP	02-14-007	132N-150-240	NEW	02-04-068	132Z-116-040	NEW-E	02-12-056
132H-140-110	AMD-P	02-09-071	132N-150-250	NEW	02-04-068	132Z-116-050	NEW-P	02-03-089
132H-140-110	AMD	02-14-007	132N-150-260	NEW	02-04-068	132Z-116-050	NEW-E	02-04-061
132H-140-120	NEW-P	02-09-071	132N-150-270	NEW	02-04-068	132Z-116-050	NEW	02-11-048
132H-140-120	NEW	02-14-007	132N-150-280	NEW	02-04-068	132Z-116-050	NEW-E	02-12-056
132H-140-900	REP-P	02-09-071	132U- 52	PREP	02-06-104	132Z-116-060	NEW-P	02-03-089
132H-140-900	REP	02-14-007	132U- 52-010	AMD-P	02-19-057	132Z-116-060	NEW-E	02-04-061
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132H-152-135	AMD-P	02-08-082	132U-120-010	AMD-P	02-19-056	132Z-116-060	NEW-E	02-12-056
132H-152-135	AMD	02-14-006	132U-120-015	NEW-P	02-19-056	132Z-116-070	NEW-P	02-03-089
132H-160-190	AMD-P	02-09-038	132U-120-020	AMD-P	02-19-056	132Z-116-070	NEW-E	02-04-061
132H-160-190	AMD	02-14-008	132U-120-030	AMD-P	02-19-056	132Z-116-070	NEW	02-11-048
132H-410-010	NEW-P	02-03-107	132U-120-040	AMD-P	02-19-056	132Z-116-070	NEW-E	02-12-056
132H-410-010	NEW	02-10-070	132U-120-050	AMD-P	02-19-056	132Z-116-080	NEW-P	02-03-089
132H-410-020	NEW-P	02-03-107	132U-120-060	AMD-P	02-19-056	132Z-116-080	NEW-E	02-04-061
132H-410-020	NEW	02-10-070	132U-120-065	NEW-P	02-19-056	132Z-116-080	NEW	02-11-048
132H-410-030	NEW-P	02-03-107	132U-120-070	REP-P	02-19-056	132Z-116-080	NEW-E	02-12-056
132H-410-030	NEW	02-10-070	132U-120-075	NEW-P	02-19-056	132Z-116-090	NEW-P	02-03-089
132H-410-040	NEW-P	02-03-107	132U-120-080	AMD-P	02-19-056	132Z-116-090	NEW-E	02-04-061
132H-410-040	NEW	02-10-070	132U-120-090	REP-P	02-19-056	132Z-116-090	NEW	02-11-048
132H-410-050	NEW-P	02-03-107	132U-120-095	NEW-P	02-19-056	132Z-116-090	NEW-E	02-12-056
132H-410-050	NEW	02-10-070	132U-120-100	AMD-P	02-19-056	132Z-116-100	NEW-P	02-03-089
132H-410-060	NEW-P	02-03-107	132U-120-110	AMD-P	02-19-056	132Z-116-100	NEW-E	02-04-061
132H-410-060	NEW	02-10-070	132U-120-120	AMD-P	02-19-056	132Z-116-100	NEW	02-11-048
132H-410-070	NEW-P	02-03-107	132U-120-130	REP-P	02-19-056	132Z-116-100	NEW-E	02-12-056
132H-410-070	NEW	02-10-070	132U-120-140	AMD-P	02-19-056	132Z-116-110	NEW-P	02-03-089
132H-410-080	NEW-P	02-03-107	132U-120-150	AMD-P	02-19-056	132Z-116-110	NEW-E	02-04-061
132H-410-080	NEW	02-10-070	132U-120-190	REP-P	02-19-056	132Z-116-110	NEW	02-11-048
132H-410-090	NEW-P	02-03-107	132U-120-200	REP-P	02-19-056	132Z-116-110	NEW-E	02-12-056
132H-410-090	NEW	02-10-070	132U-120-210	REP-P	02-19-056	132Z-116-200	NEW-P	02-03-089
132H-410-100	NEW-P	02-03-107	132U-120-220	REP-P	02-19-056	132Z-116-200	NEW-E	02-04-061
132H-410-100	NEW	02-10-070	132U-120-230	REP-P	02-19-056	132Z-116-200	NEW	02-11-048
132H-410-110	NEW-P	02-03-107	132U-120-240	REP-P	02-19-056	132Z-116-200	NEW-E	02-12-056
132H-410-110	NEW	02-10-070	132U-120-250	REP-P	02-19-056	132Z-116-210	NEW-P	02-03-089
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132H-450-010	AMD-X	02-18-084	132U-120-280	REP-P	02-19-056	132Z-116-210	NEW-E	02-12-056
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132N-144-020	REP	02-04-068	132U-120-290	REP-P	02-19-056	132Z-116-220	NEW-E	02-04-061
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132Z-116-230	NEW	02-11-048	136- 12-045	NEW-P	02-11-121	139- 06-090	NEW-P	02-18-066
132Z-116-230	NEW-E	02-12-056	136- 12-045	NEW	02-18-018	139- 06-100	NEW-P	02-18-066
132Z-116-240	NEW-P	02-03-089	136- 12-060	AMD-P	02-11-121	139- 06-110	NEW-P	02-18-066
132Z-116-240	NEW-E	02-04-061	136- 12-060	AMD	02-18-018	139- 06-120	NEW-P	02-18-066
132Z-116-240	NEW	02-11-048	136- 12-070	AMD-P	02-11-121	139- 06-130	NEW-P	02-18-066
132Z-116-240	NEW-E	02-12-056	136- 12-070	AMD	02-18-018	139- 06-140	NEW-P	02-18-066
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132Z-116-250	NEW-E	02-04-061	136- 12-080	AMD	02-18-018	139- 06-160	NEW-P	02-18-066
132Z-116-250	NEW	02-11-048	136- 18-085	NEW-P	02-11-119	139- 10-221	PREP	02-18-067
132Z-116-250	NEW-E	02-12-056	136- 18-085	NEW	02-18-019	139- 30-015	PREP	02-18-071
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132Z-116-260	NEW-E	02-04-061	136- 50-010	NEW	02-18-020	139- 35-005	PREP	02-19-100
132Z-116-260	NEW	02-11-048	136- 50-020	NEW-P	02-11-118	139- 35-010	PREP	02-18-068
132Z-116-260	NEW-E	02-12-056	136- 50-020	NEW	02-18-020	139- 35-015	AMD-P	02-08-016
132Z-116-270	NEW-P	02-03-089	136- 50-030	NEW-P	02-11-118	139- 35-015	AMD-W	02-14-037
132Z-116-270	NEW-E	02-04-061	136- 50-030	NEW	02-18-020	139- 35-015	PREP	02-18-069
132Z-116-270	NEW	02-11-048	136- 50-035	NEW-P	02-11-118	139- 35-025	AMD-P	02-08-016
132Z-116-270	NEW-E	02-12-056	136- 50-035	NEW	02-18-020	139- 35-025	AMD-W	02-14-037
132Z-116-280	NEW-P	02-03-089	136- 50-050	NEW-P	02-11-118	139- 35-025	PREP	02-18-070
132Z-116-280	NEW-E	02-04-061	136- 50-050	NEW	02-18-020	148-100-001	AMD-P	02-17-002
132Z-116-280	NEW	02-11-048	136- 50-051	NEW-P	02-11-118	148-100-010	NEW-P	02-17-002
132Z-116-280	NEW-E	02-12-056	136- 50-051	NEW	02-18-020	148-100-020	NEW-P	02-17-002
132Z-116-300	NEW-P	02-03-089	136- 50-052	NEW-P	02-11-118	148-100-030	NEW-P	02-17-002
132Z-116-300	NEW-E	02-04-061	136- 50-052	NEW	02-18-020	148-100-040	NEW-P	02-17-002
132Z-116-300	NEW	02-11-048	136- 50-053	NEW-P	02-11-118	148-100-050	NEW-P	02-17-002
132Z-116-300	NEW-E	02-12-056	136- 50-053	NEW	02-18-020	148-100-200	NEW-P	02-17-002
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132Z-116-310	NEW-E	02-04-061	136- 50-054	NEW	02-18-020	173- 50-020	AMD-P	02-11-151
132Z-116-310	NEW	02-11-048	136- 50-055	NEW-P	02-11-118	173- 50-030	AMD-P	02-11-151
132Z-116-310	NEW-E	02-12-056	136- 50-055	NEW	02-18-020	173- 50-040	AMD-P	02-11-151
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132Z-116-320	NEW-E	02-04-061	136- 50-070	NEW	02-18-020	173- 50-060	AMD-P	02-11-151
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132Z-116-320	NEW-E	02-12-056	136-130-030	AMD	02-11-008	173- 50-067	NEW-P	02-11-151
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132Z-116-400	NEW-E	02-04-061	136-130-070	AMD	02-11-008	173- 50-080	AMD-P	02-11-151
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132Z-116-400	NEW-E	02-12-056	137- 28-160	AMD-P	02-09-002	173- 50-100	AMD-P	02-11-151
132Z-116-410	NEW-P	02-03-089	137- 28-160	AMD	02-12-023	173- 50-110	AMD-P	02-11-151
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136- 10-010	REP-P	02-11-122	137- 28-260	AMD	02-12-023	173- 50-170	AMD-P	02-11-151
136- 10-010	REP	02-18-017	137- 28-310	AMD-P	02-09-002	173- 50-180	AMD-P	02-11-151
136- 10-020	REP-P	02-11-122	137- 28-310	AMD	02-12-023	173- 50-190	AMD-P	02-11-151
136- 10-020	REP	02-18-017	137- 28-350	AMD-P	02-09-002	173- 50-200	AMD-P	02-11-151
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136- 10-030	REP	02-18-017	137- 28-380	AMD-P	02-09-002	173- 50-220	AMD-P	02-11-151
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136- 10-050	REP	02-18-017	139- 06-020	NEW-P	02-18-066	173-153-043	NEW-P	02-17-062
136- 10-060	REP-P	02-11-122	139- 06-030	NEW-P	02-18-066	173-153-045	NEW-P	02-17-062
136- 10-060	REP	02-18-017	139- 06-040	NEW-P	02-18-066	173-153-050	AMD-P	02-17-062
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173-153-100	NEW-P	02-17-062	173-222-040	REP-W	02-07-098	173-303-045	AMD-S	02-19-099
173-153-110	AMD-P	02-17-062	173-222-040	REP-X	02-07-099	173-303-070	AMD-P	02-11-101
173-153-120	AMD-P	02-17-062	173-222-040	REP	02-11-149	173-303-070	AMD-S	02-19-099
173-153-130	AMD-P	02-17-062	173-222-050	REP-X	02-07-038	173-303-071	AMD-E	02-04-030
173-153-140	AMD-P	02-17-062	173-222-050	REP-W	02-07-098	173-303-071	AMD-P	02-11-101
173-153-150	AMD-P	02-17-062	173-222-050	REP-X	02-07-099	173-303-071	AMD-E	02-11-102
173-153-160	AMD-P	02-17-062	173-222-050	REP	02-11-149	173-303-071	AMD-E	02-19-079
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173-157-010	NEW-P	02-15-181	173-222-070	REP-X	02-07-038	173-303-110	AMD-S	02-19-099
173-157-020	NEW-P	02-15-181	173-222-070	REP-W	02-07-098	173-303-140	AMD-P	02-11-101
173-157-030	NEW-P	02-15-181	173-222-070	REP-X	02-07-099	173-303-140	AMD-S	02-19-099
173-157-040	NEW-P	02-15-181	173-222-070	REP-X	02-07-099	173-303-170	AMD-P	02-11-101
173-157-050	NEW-P	02-15-181	173-222-070	REP	02-11-149	173-303-170	AMD-S	02-19-099
173-157-100	NEW-P	02-15-181	173-222-080	REP-X	02-07-038	173-303-170	AMD-S	02-19-099
173-157-110	NEW-P	02-15-181	173-222-080	REP-W	02-07-098	173-303-200	AMD-P	02-11-101
173-157-120	NEW-P	02-15-181	173-222-080	REP-X	02-07-099	173-303-200	AMD-S	02-19-099
173-157-130	NEW-P	02-15-181	173-222-080	REP	02-11-149	173-303-283	AMD-P	02-11-101
173-157-140	NEW-P	02-15-181	173-222-090	REP-X	02-07-038	173-303-283	AMD-S	02-19-099
173-157-150	NEW-P	02-15-181	173-222-090	REP-W	02-07-098	173-303-380	AMD-P	02-11-101
173-157-160	NEW-P	02-15-181	173-222-090	REP-X	02-07-099	173-303-380	AMD-S	02-19-099
173-157-170	NEW-P	02-15-181	173-222-090	REP	02-11-149	173-303-380	AMD-S	02-19-099
173-157-180	NEW-P	02-15-181	173-222-100	REP-X	02-07-038	173-303-390	AMD-P	02-11-101
173-157-200	NEW-P	02-15-181	173-222-100	REP-W	02-07-098	173-303-390	AMD-S	02-19-099
173-157-210	NEW-P	02-15-181	173-222-100	REP-X	02-07-099	173-303-400	AMD-P	02-11-101
173-157-220	NEW-P	02-15-181	173-222-100	REP-X	02-07-099	173-303-400	AMD-S	02-19-099
173-157-230	NEW-P	02-15-181	173-222-100	REP	02-11-149	173-303-400	AMD-S	02-19-099
173-158-030	AMD-P	02-06-040	173-222-110	REP-X	02-07-038	173-303-500	AMD-P	02-11-101
173-158-030	AMD	02-15-093	173-222-110	REP-W	02-07-098	173-303-500	AMD-S	02-19-099
173-158-070	AMD-P	02-06-040	173-222-110	REP-X	02-07-098	173-303-505	AMD-P	02-11-101
173-158-070	AMD	02-15-093	173-222-110	REP-X	02-07-099	173-303-505	AMD-S	02-19-099
173-158-075	NEW-P	02-06-040	173-222-110	REP	02-11-149	173-303-506	AMD-P	02-11-101
173-158-075	NEW	02-15-093	173-224-015	REP-X	02-07-038	173-303-506	AMD-S	02-19-099
173-158-076	NEW-P	02-06-040	173-224-015	REP-W	02-07-098	173-303-510	AMD-P	02-11-101
173-158-076	NEW	02-15-093	173-224-020	REP-X	02-07-038	173-303-510	AMD-S	02-19-099
173-170	PREP	02-18-095	173-224-020	REP-W	02-07-098	173-303-510	AMD-S	02-19-099
173-173-030	NEW-W	02-05-034	173-224-030	AMD-P	02-06-091	173-303-520	AMD-P	02-11-101
173-173-070	NEW-W	02-05-034	173-224-030	REP-X	02-07-038	173-303-520	AMD-S	02-19-099
173-201A	PREP-W	02-19-097	173-224-030	REP-W	02-07-098	173-303-522	AMD-P	02-11-101
173-201A	PREP	02-19-098	173-224-030	REP-W	02-07-098	173-303-522	AMD-S	02-19-099
173-216-125	AMD	02-05-055	173-224-030	AMD	02-12-059	173-303-525	AMD-P	02-11-101
173-220-210	AMD	02-05-055	173-224-040	AMD-P	02-06-091	173-303-525	AMD-S	02-19-099
173-222-010	REP-X	02-07-038	173-224-040	REP-X	02-07-038	173-303-578	AMD-P	02-11-101
173-222-010	REP-W	02-07-098	173-224-040	REP-W	02-07-098	173-303-578	AMD-S	02-19-099
173-222-010	REP-X	02-07-099	173-224-040	REP-W	02-07-098	173-303-620	AMD-S	02-19-099
173-222-010	REP	02-11-149	173-224-040	AMD	02-12-059	173-303-645	AMD-P	02-11-101
173-222-015	REP-X	02-07-038	173-224-050	AMD-P	02-06-091	173-303-645	AMD-S	02-19-099
173-222-015	REP-W	02-07-098	173-224-050	REP-X	02-07-038	173-303-645	AMD-S	02-19-099
173-222-015	REP-X	02-07-099	173-224-050	REP-W	02-07-098	173-303-646	AMD-P	02-11-101
173-222-015	REP	02-11-149	173-224-050	REP-W	02-07-098	173-303-646	AMD-S	02-19-099
173-222-020	REP-X	02-07-038	173-224-050	AMD	02-12-059	173-303-646	AMD-S	02-19-099
173-222-020	REP-W	02-07-098	173-224-060	REP-X	02-07-038	173-303-690	AMD-P	02-11-101
173-222-020	REP-X	02-07-099	173-224-060	REP-W	02-07-098	173-303-690	AMD-S	02-19-099
173-222-020	REP	02-11-149	173-224-060	REP-W	02-07-098	173-303-690	AMD-S	02-19-099
173-222-030	REP-X	02-07-038	173-224-080	REP-X	02-07-038	173-303-691	AMD-P	02-11-101
173-222-030	REP-W	02-07-098	173-224-080	REP-W	02-07-098	173-303-691	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-080	REP-W	02-07-098	173-303-692	AMD-P	02-11-101
173-222-030	REP-X	02-07-099	173-224-090	REP-X	02-07-038	173-303-692	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-090	REP-W	02-07-098	173-303-806	AMD-P	02-11-101
173-222-030	REP-X	02-07-099	173-224-100	REP-X	02-07-038	173-303-806	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-100	REP-W	02-07-098	173-303-806	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-110	REP-X	02-07-038	173-303-830	AMD-P	02-11-101
173-222-030	REP-X	02-07-099	173-224-110	REP-W	02-07-098	173-303-830	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-110	REP-W	02-07-098	173-303-830	AMD-S	02-19-099
173-222-030	REP-X	02-07-099	173-224-120	REP-X	02-07-038	173-303-920	NEW-P	02-11-101
173-222-030	REP-X	02-07-099	173-224-120	REP-W	02-07-098	173-312-010	AMD	02-05-070
173-222-030	REP-X	02-07-099	173-226-090	AMD	02-05-055	173-312-020	AMD	02-05-070

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173-312-050	AMD	02-05-070	173-422-070	AMD	02-12-072	173-700-373	NEW-W	02-12-058
173-312-060	AMD	02-05-070	173-422-075	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058
173-312-070	AMD	02-05-070	173-422-075	AMD	02-12-072	173-700-375	NEW-W	02-12-058
173-312-080	AMD	02-05-070	173-422-190	AMD-P	02-09-066	173-700-376	NEW-W	02-12-058
173-312-090	AMD	02-05-070	173-422-190	AMD	02-12-072	173-700-380	NEW-W	02-12-058
173-312-100	AMD	02-05-070	173-422-195	AMD-P	02-09-066	173-700-390	NEW-W	02-12-058
173-350-010	NEW-P	02-14-061	173-422-195	AMD	02-12-072	173-700-391	NEW-W	02-12-058
173-350-020	NEW-P	02-14-061	173-434	PREP	02-07-097	173-700-392	NEW-W	02-12-058
173-350-025	NEW-P	02-14-061	173-700-010	NEW-W	02-12-058	173-700-393	NEW-W	02-12-058
173-350-030	NEW-P	02-14-061	173-700-020	NEW-W	02-12-058	173-700-394	NEW-W	02-12-058
173-350-040	NEW-P	02-14-061	173-700-030	NEW-W	02-12-058	173-700-395	NEW-W	02-12-058
173-350-100	NEW-P	02-14-061	173-700-040	NEW-W	02-12-058	173-700-400	NEW-W	02-12-058
173-350-200	NEW-P	02-14-061	173-700-100	NEW-W	02-12-058	173-700-401	NEW-W	02-12-058
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173-350-220	NEW-P	02-14-061	173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058
173-350-230	NEW-P	02-14-061	173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058
173-350-240	NEW-P	02-14-061	173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058
173-350-300	NEW-P	02-14-061	173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058
173-350-310	NEW-P	02-14-061	173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058
173-350-320	NEW-P	02-14-061	173-700-220	NEW-W	02-12-058	173-700-412	NEW-W	02-12-058
173-350-330	NEW-P	02-14-061	173-700-221	NEW-W	02-12-058	173-700-413	NEW-W	02-12-058
173-350-350	NEW-P	02-14-061	173-700-222	NEW-W	02-12-058	173-700-414	NEW-W	02-12-058
173-350-360	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058	173-700-415	NEW-W	02-12-058
173-350-400	NEW-P	02-14-061	173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058
173-350-410	NEW-P	02-14-061	173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058
173-350-490	NEW-P	02-14-061	173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058
173-350-500	NEW-P	02-14-061	173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058
173-350-600	NEW-P	02-14-061	173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058
173-350-700	NEW-P	02-14-061	173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058
173-350-710	NEW-P	02-14-061	173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058
173-350-715	NEW-P	02-14-061	173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058
173-350-900	NEW-P	02-14-061	173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058
173-350-990	NEW-P	02-14-061	173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058
173-400-075	AMD-X	02-10-107	173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058
173-400-075	AMD	02-15-068	173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058
173-401	PREP	02-05-011	173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058
173-401-200	AMD-P	02-10-031	173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058
173-401-200	AMD	02-19-078	173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058
173-401-300	AMD-P	02-10-031	173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058
173-401-300	AMD	02-19-078	173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058
173-401-500	AMD-P	02-10-031	173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058
173-401-500	AMD	02-19-078	173-700-300	NEW-W	02-12-058	173-700-710	NEW-W	02-12-058
173-401-530	AMD-P	02-10-031	173-700-310	NEW-W	02-12-058	173-700-720	NEW-W	02-12-058
173-401-530	AMD	02-19-078	173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058
173-401-615	AMD-P	02-10-031	173-700-320	NEW-W	02-12-058	173-700-731	NEW-W	02-12-058
173-401-615	AMD	02-19-078	173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058
173-401-710	AMD-P	02-10-031	173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058
173-401-710	AMD	02-19-078	173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058
173-401-722	AMD-P	02-10-031	173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058
173-401-722	AMD	02-19-078	173-700-352	NEW-W	02-12-058	180-08	PREP	02-08-041
173-422	PREP	02-05-071	173-700-353	NEW-W	02-12-058	180-08	AMD-P	02-14-115
173-422-020	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058	180-08	AMD	02-18-054
173-422-020	AMD	02-12-072	173-700-355	NEW-W	02-12-058	180-08-001	NEW-P	02-14-115
173-422-030	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058	180-08-001	NEW	02-18-054
173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058	180-08-002	NEW-P	02-14-115
173-422-031	AMD-P	02-09-066	173-700-358	NEW-W	02-12-058	180-08-002	NEW	02-18-054
173-422-031	AMD	02-12-072	173-700-359	NEW-W	02-12-058	180-08-003	REP-P	02-14-115
173-422-060	AMD-P	02-09-066	173-700-360	NEW-W	02-12-058	180-08-003	REP	02-18-054
173-422-060	AMD	02-12-072	173-700-361	NEW-W	02-12-058	180-08-004	NEW-P	02-14-115
173-422-065	AMD-P	02-09-066	173-700-370	NEW-W	02-12-058	180-08-004	NEW	02-18-054
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180-08-006	NEW	02-18-054	180-20-030	REP	02-18-055	180-23-060	REP	02-18-052
180-08-008	NEW-P	02-14-115	180-20-031	AMD-P	02-14-116	180-23-065	REP-P	02-14-118
180-08-008	NEW	02-18-054	180-20-031	AMD	02-18-055	180-23-065	REP	02-18-052
180-10	PREP	02-08-041	180-20-034	REP-P	02-14-116	180-23-070	REP-P	02-14-118
180-10-001	REP-P	02-14-115	180-20-034	REP	02-18-055	180-23-070	REP	02-18-052
180-10-003	REP-P	02-14-115	180-20-090	REP-P	02-14-116	180-23-075	REP-P	02-14-118
180-10-005	REP-P	02-14-115	180-20-090	REP	02-18-055	180-23-075	REP	02-18-052
180-10-007	REP-P	02-14-115	180-20-095	REP-P	02-14-116	180-23-077	REP-P	02-14-118
180-10-010	REP-P	02-14-115	180-20-095	REP	02-18-055	180-23-077	REP	02-18-052
180-10-015	REP-P	02-14-115	180-20-101	AMD-P	02-14-116	180-23-078	REP-P	02-14-118
180-10-020	REP-P	02-14-115	180-20-101	AMD	02-18-055	180-23-078	REP	02-18-052
180-10-025	REP-P	02-14-115	180-20-111	AMD-P	02-14-116	180-23-080	REP-P	02-14-118
180-10-030	REP-P	02-14-115	180-20-111	AMD	02-18-055	180-23-080	REP	02-18-052
180-10-035	REP-P	02-14-115	180-20-115	REP-P	02-14-116	180-23-085	REP-P	02-14-118
180-10-040	REP-P	02-14-115	180-20-115	REP	02-18-055	180-23-085	REP	02-18-052
180-10-045	REP-P	02-14-115	180-20-120	AMD-P	02-14-116	180-23-090	REP-P	02-14-118
180-16	PREP	02-08-039	180-20-120	AMD	02-18-055	180-23-090	REP	02-18-052
180-16	PREP	02-08-044	180-20-123	REP-P	02-14-116	180-23-095	REP-P	02-14-118
180-16-002	AMD-E	02-08-038	180-20-123	REP	02-18-055	180-23-095	REP	02-18-052
180-16-002	AMD-E	02-14-114	180-20-125	REP-P	02-14-116	180-23-100	REP-P	02-14-118
180-16-002	AMD-P	02-14-117	180-20-125	REP	02-18-055	180-23-100	REP	02-18-052
180-16-002	AMD	02-18-056	180-20-130	REP-P	02-14-116	180-23-105	REP-P	02-14-118
180-16-006	REP-E	02-08-038	180-20-130	REP	02-18-055	180-23-105	REP	02-18-052
180-16-006	REP-E	02-14-114	180-20-135	AMD-P	02-14-116	180-23-110	REP-P	02-14-118
180-16-006	REP-P	02-14-117	180-20-135	AMD	02-18-055	180-23-110	REP	02-18-052
180-16-006	REP	02-18-056	180-22	PREP	02-08-045	180-23-115	REP-P	02-14-118
180-16-162	AMD-P	02-14-126	180-22-100	AMD-P	02-14-118	180-23-115	REP	02-18-052
180-16-162	AMD	02-18-053	180-22-100	AMD	02-18-052	180-23-120	REP-P	02-14-118
180-16-191	AMD-P	02-14-126	180-22-105	REP-P	02-14-118	180-23-120	REP	02-18-052
180-16-191	AMD	02-18-053	180-22-105	REP	02-18-052	180-24	PREP	02-06-052
180-16-195	AMD-E	02-08-038	180-22-140	AMD-P	02-14-118	180-24-400	AMD-E	02-08-035
180-16-195	AMD-E	02-14-114	180-22-140	AMD	02-18-052	180-24-400	AMD-P	02-10-053
180-16-195	AMD-P	02-14-117	180-22-150	AMD-P	02-14-118	180-24-400	AMD	02-14-113
180-16-195	AMD	02-18-056	180-22-150	AMD	02-18-052	180-24-405	REP-E	02-08-035
180-16-215	AMD-P	02-14-126	180-22-201	NEW-P	02-14-118	180-24-405	REP-P	02-10-053
180-16-215	AMD	02-18-053	180-22-201	NEW	02-18-052	180-24-405	REP	02-14-113
180-16-220	AMD-E	02-08-038	180-22-205	NEW-P	02-14-118	180-24-410	AMD-E	02-08-035
180-16-220	AMD-E	02-14-114	180-22-205	NEW	02-18-052	180-24-410	AMD-P	02-10-053
180-16-220	AMD-P	02-14-117	180-22-210	NEW-P	02-14-118	180-24-410	AMD	02-14-113
180-16-220	AMD	02-18-056	180-22-210	NEW	02-18-052	180-24-415	AMD-E	02-08-035
180-16-227	NEW-E	02-08-038	180-22-215	NEW-P	02-14-118	180-24-415	AMD-P	02-10-053
180-16-227	NEW-E	02-14-114	180-22-215	NEW	02-18-052	180-24-415	AMD	02-14-113
180-16-227	NEW-P	02-14-117	180-22-220	NEW-P	02-14-118	180-25	PREP	02-06-053
180-16-227	NEW	02-18-056	180-22-220	NEW	02-18-052	180-26	PREP	02-06-054
180-18	PREP	02-08-039	180-22-225	NEW-P	02-14-118	180-27	PREP	02-06-055
180-18-010	AMD-E	02-08-038	180-22-225	NEW	02-18-052	180-29	PREP	02-06-056
180-18-010	AMD-E	02-14-114	180-23	PREP	02-08-045	180-31	PREP	02-06-057
180-18-010	AMD-P	02-14-117	180-23-037	REP-P	02-14-118	180-32	PREP	02-06-058
180-18-010	AMD	02-18-056	180-23-037	REP	02-18-052	180-33	PREP	02-06-059
180-18-020	REP-E	02-08-038	180-23-040	REP-P	02-14-118	180-34	PREP	02-08-046
180-18-020	REP-E	02-14-114	180-23-040	REP	02-18-052	180-34-005	REP-P	02-14-119
180-18-020	REP-P	02-14-117	180-23-043	REP-P	02-14-118	180-34-010	REP-P	02-14-119
180-18-020	REP	02-18-056	180-23-043	REP	02-18-052	180-36	PREP	02-06-060
180-20	PREP	02-10-049	180-23-047	REP-P	02-14-118	180-37-005	PREP	02-10-051
180-20	PREP	02-10-084	180-23-047	REP	02-18-052	180-37-005	NEW-P	02-14-120
180-20-005	AMD-P	02-14-116	180-23-050	REP-P	02-14-118	180-37-005	NEW	02-18-060
180-20-005	AMD	02-18-055	180-23-050	REP	02-18-052	180-37-010	PREP	02-10-051
180-20-007	NEW-P	02-14-116	180-23-055	REP-P	02-14-118	180-37-010	NEW-P	02-14-120
180-20-007	NEW	02-18-055	180-23-055	REP	02-18-052	180-37-010	NEW	02-18-060
180-20-009	NEW-P	02-14-116	180-23-058	REP-P	02-14-118	180-38	PREP	02-08-043

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180-38-005	AMD-P	02-14-140	180-53-030	REP-E	02-14-114	180-55-034	NEW	02-18-056
180-38-005	AMD-E	02-18-051	180-53-030	REP-P	02-14-117	180-55-035	REP-E	02-08-038
180-38-010	REP-P	02-14-140	180-53-030	REP	02-18-056	180-55-035	REP-E	02-14-114
180-38-010	REP-E	02-18-051	180-53-035	REP-E	02-08-038	180-55-035	REP-P	02-14-117
180-38-020	AMD-P	02-14-140	180-53-035	REP-E	02-14-114	180-55-035	REP	02-18-056
180-38-020	AMD-E	02-18-051	180-53-035	REP-P	02-14-117	180-55-050	REP-E	02-08-038
180-38-025	REP-P	02-14-140	180-53-035	REP	02-18-056	180-55-050	REP-E	02-14-114
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180-38-030	REP-P	02-14-140	180-53-040	REP-E	02-14-114	180-55-050	REP	02-18-056
180-38-030	REP-E	02-18-051	180-53-040	REP-P	02-14-117	180-55-070	REP-E	02-08-038
180-38-035	REP-P	02-14-140	180-53-040	REP	02-18-056	180-55-070	REP-E	02-14-114
180-38-035	REP-E	02-18-051	180-53-045	REP-E	02-08-038	180-55-070	REP-P	02-14-117
180-38-040	REP-P	02-14-140	180-53-045	REP-E	02-14-114	180-55-070	REP	02-18-056
180-38-040	REP-E	02-18-051	180-53-045	REP-P	02-14-117	180-55-075	REP-E	02-08-038
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180-38-045	AMD-E	02-18-051	180-53-050	REP-E	02-08-038	180-55-075	REP-P	02-14-117
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180-38-055	REP-P	02-14-140	180-53-050	REP	02-18-056	180-55-080	REP-E	02-14-114
180-38-055	REP-E	02-18-051	180-53-055	REP-E	02-08-038	180-55-080	REP-P	02-14-117
180-38-060	REP-P	02-14-140	180-53-055	REP-E	02-14-114	180-55-080	REP	02-18-056
180-38-060	REP-E	02-18-051	180-53-055	REP-P	02-14-117	180-55-085	REP-E	02-08-038
180-38-065	AMD-P	02-14-140	180-53-055	REP	02-18-056	180-55-085	REP-E	02-14-114
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180-38-070	REP-P	02-14-140	180-53-060	REP-E	02-14-114	180-55-085	REP	02-18-056
180-38-070	REP-E	02-18-051	180-53-060	REP-P	02-14-117	180-55-090	REP-E	02-08-038
180-38-080	NEW-E	02-18-051	180-53-060	REP	02-18-056	180-55-090	REP-E	02-14-114
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180-43-010	AMD	02-18-062	180-55-005	AMD-P	02-14-117	180-55-100	REP-E	02-14-114
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180-43-015	AMD	02-18-062	180-55-010	REP-E	02-08-038	180-55-100	REP	02-18-056
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180-46	PREP	02-06-065	180-55-010	REP-P	02-14-117	180-55-105	REP-E	02-14-114
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180-53-005	REP-E	02-14-114	180-55-020	AMD-P	02-14-117	180-55-115	REP-E	02-14-114
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180-53-010	REP-E	02-14-114	180-55-025	REP-P	02-14-117	180-55-120	REP-E	02-14-114
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180-86-145	AMD-P	02-10-052	180-90-137	REP-P	02-10-088	182-12-220	AMD	02-18-088
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180-90-120	REP-E	02-08-037	180-97-060	AMD	02-18-061	192-16-045	REP-P	02-07-065
180-90-120	REP-P	02-10-088	180-97-070	REP-E	02-08-034	192-16-047	REP-E	02-03-074
180-90-120	REP-W	02-14-110	180-97-070	REP-P	02-14-121	192-16-047	PREP	02-07-064
180-90-120	REP-P	02-14-124	180-97-070	REP	02-18-061	192-16-047	REP-P	02-07-065
180-90-123	REP-E	02-08-037	180-97-080	AMD-E	02-08-034	192-150-055	NEW-X	02-08-071
180-90-123	REP-P	02-10-088	180-97-080	AMD-P	02-14-121	192-150-055	NEW	02-14-035
180-90-123	REP-W	02-14-110	180-97-080	AMD	02-18-061	192-150-060	NEW	02-08-072
180-90-123	REP-P	02-14-124	180-97-090	REP-E	02-08-034	192-170-050	NEW	02-08-072
180-90-125	REP-E	02-08-037	180-97-090	REP-P	02-14-121	192-180-012	NEW	02-08-072
180-90-125	REP-P	02-10-088	180-97-090	REP	02-18-061	192-210-005	AMD-P	02-12-126
180-90-125	REP-W	02-14-110	180-97-100	REP-E	02-08-034	192-210-005	AMD-E	02-12-127
180-90-125	REP-P	02-14-124	180-97-100	REP-P	02-14-121	192-210-005	AMD	02-19-009
180-90-130	AMD-E	02-08-037	180-97-100	REP	02-18-061	192-210-015	AMD-P	02-12-126
180-90-130	AMD-P	02-10-088	181-01-001	NEW-P	02-17-100	192-210-015	AMD-E	02-12-127
180-90-130	AMD-W	02-14-110	182	PREP	02-11-034	192-210-015	AMD	02-19-009
180-90-130	AMD-P	02-14-124	182	PREP	02-11-035	192-210-020	NEW-P	02-12-126
180-90-133	REP-E	02-08-037	182-08-190	AMD-P	02-15-178	192-210-020	NEW-E	02-12-127
180-90-133	REP-P	02-10-088	182-08-190	AMD	02-18-088	192-210-020	NEW	02-19-009
180-90-133	REP-W	02-14-110	182-12-111	AMD-P	02-15-177	192-240-010	NEW-E	02-03-074

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-240-015	NEW-E	02-03-074	208-424-010	NEW	02-14-038	212- 12-230	NEW-E	02-03-060
192-240-020	NEW-E	02-03-074	208-424-020	NEW-P	02-11-010	212- 12-230	NEW-P	02-17-102
192-240-025	NEW-E	02-03-074	208-424-020	NEW	02-14-038	212- 12-240	NEW-E	02-03-060
192-240-030	NEW-E	02-03-074	208-424-030	NEW-P	02-11-010	212- 12-240	NEW-P	02-17-102
192-240-030	NEW-E	02-07-065	208-424-030	NEW	02-14-038	212- 12-250	NEW-E	02-03-060
192-240-035	NEW-E	02-03-074	208-472	AMD	02-04-094	212- 12-250	NEW-P	02-17-102
192-240-040	NEW-E	02-03-074	208-472-010	AMD	02-04-094	212- 12-260	NEW-E	02-03-060
192-240-040	NEW-E	02-07-065	208-472-012	REP	02-04-094	212- 12-260	NEW-P	02-17-102
192-240-045	NEW-E	02-07-065	208-472-015	AMD	02-04-094	212- 12-270	NEW-E	02-03-060
196- 09	PREP	02-13-079	208-472-020	AMD	02-04-094	212- 12-270	NEW-P	02-17-102
196- 24-041	PREP	02-13-079	208-472-025	AMD	02-04-094	212- 12-280	NEW-E	02-03-060
196- 26-020	REP-P	02-08-075	208-472-030	NEW	02-04-094	212- 12-280	NEW-P	02-17-102
196- 26-020	REP	02-13-080	208-472-035	NEW	02-04-094	212- 12-290	NEW-E	02-03-060
196- 26-030	REP-P	02-08-075	208-472-041	REP	02-04-094	212- 12-290	NEW-P	02-17-102
196- 26-030	REP	02-13-080	208-472-045	REP	02-04-094	212- 12-300	NEW-E	02-03-060
196- 26A-010	NEW-P	02-08-075	208-472-050	REP	02-04-094	212- 12-300	NEW-P	02-17-102
196- 26A-010	NEW	02-13-080	208-472-060	REP	02-04-094	212- 12-310	NEW-E	02-03-060
196- 26A-020	NEW-P	02-08-075	208-472-065	REP	02-04-094	212- 12-310	NEW-P	02-17-102
196- 26A-020	NEW	02-13-080	208-472-070	REP	02-04-094	212- 12-320	NEW-E	02-03-060
196- 26A-025	NEW-P	02-08-075	208-472-075	REP	02-04-094	212- 12-320	NEW-P	02-17-102
196- 26A-025	NEW	02-13-080	208-472-080	REP	02-04-094	212- 12-330	NEW-E	02-03-060
196- 26A-030	NEW-P	02-08-075	208-620-160	AMD-P	02-12-004	212- 12-330	NEW-P	02-17-102
196- 26A-030	NEW	02-13-080	208-660-125	AMD-P	02-12-003	212- 12-340	NEW-E	02-03-060
196- 26A-035	NEW-P	02-08-075	212- 12-001	PREP	02-07-018	212- 12-340	NEW-P	02-17-102
196- 26A-035	NEW	02-13-080	212- 12-001	AMD-P	02-11-038	212- 12-350	NEW-E	02-03-060
196- 26A-040	NEW-P	02-08-075	212- 12-001	AMD	02-16-023	212- 12-350	NEW-P	02-17-102
196- 26A-040	NEW	02-13-080	212- 12-005	PREP	02-07-018	212- 12-360	NEW-E	02-03-060
196- 26A-045	NEW-P	02-08-075	212- 12-005	AMD-P	02-11-038	212- 12-360	NEW-P	02-17-102
196- 26A-045	NEW	02-13-080	212- 12-005	AMD	02-16-023	212- 12-370	NEW-E	02-03-060
196- 26A-050	NEW-P	02-08-075	212- 12-010	PREP	02-07-018	212- 12-370	NEW-P	02-17-102
196- 26A-050	NEW	02-13-080	212- 12-010	AMD-P	02-11-038	212- 12-380	NEW-E	02-03-060
196- 26A-055	NEW-P	02-08-075	212- 12-010	AMD	02-16-023	212- 12-380	NEW-P	02-17-102
196- 26A-055	NEW	02-13-080	212- 12-011	PREP	02-07-018	212- 12-390	NEW-E	02-03-060
196- 26A-060	NEW-P	02-08-075	212- 12-011	AMD-P	02-11-038	212- 12-390	NEW-P	02-17-102
196- 26A-060	NEW	02-13-080	212- 12-011	AMD	02-16-023	212- 12-400	NEW-E	02-03-060
196- 26A-070	NEW-P	02-08-075	212- 12-015	PREP	02-07-018	212- 12-400	NEW-P	02-17-102
196- 26A-070	NEW	02-13-080	212- 12-015	AMD-P	02-11-038	212- 12-410	NEW-E	02-03-060
196- 27-010	REP-P	02-15-139	212- 12-015	AMD	02-16-023	212- 12-410	NEW-P	02-17-102
196- 27-020	REP-P	02-15-139	212- 12-020	PREP	02-07-018	212- 12-420	NEW-E	02-03-060
196- 27A-010	NEW-P	02-15-139	212- 12-020	AMD-P	02-11-038	212- 12-420	NEW-P	02-17-102
196- 27A-020	NEW-P	02-15-139	212- 12-020	AMD	02-16-023	220- 12-005	NEW-P	02-13-107
196- 27A-030	NEW-P	02-15-139	212- 12-025	PREP	02-07-018	220- 12-005	NEW	02-19-007
204- 24-030	AMD-P	02-15-072	212- 12-025	AMD-P	02-11-038	220- 12-090	NEW-P	02-13-107
204- 24-030	AMD	02-19-055	212- 12-025	AMD	02-16-023	220- 12-090	NEW	02-19-007
204- 24-050	AMD-P	02-15-072	212- 12-030	PREP	02-07-018	220- 12-0900A	NEW-E	02-15-001
204- 24-050	AMD	02-19-055	212- 12-030	AMD-P	02-11-038	220- 16-028	AMD	02-08-048
204- 36-030	AMD	02-07-055	212- 12-030	AMD	02-16-023	220- 16-410	AMD-W	02-05-035
204- 36-040	AMD	02-07-055	212- 12-035	PREP	02-07-018	220- 16-480	AMD	02-08-027
204- 36-060	AMD	02-07-055	212- 12-035	AMD-P	02-11-038	220- 16-760	NEW	02-08-048
204- 91A-010	AMD	02-07-056	212- 12-035	AMD	02-16-023	220- 16-760	AMD-P	02-13-088
204- 91A-030	AMD	02-07-056	212- 12-040	PREP	02-07-018	220- 16-760	NEW-W	02-15-088
204- 91A-060	AMD	02-07-056	212- 12-040	AMD-P	02-11-038	220- 16-760	AMD	02-17-017
204- 91A-090	AMD	02-07-056	212- 12-040	AMD	02-16-023	220- 16-770	NEW-W	02-15-088
204- 91A-120	AMD	02-07-056	212- 12-044	PREP	02-07-018	220- 16-780	NEW	02-08-048
204- 91A-130	AMD	02-07-056	212- 12-044	AMD-P	02-11-038	220- 16-780	AMD-P	02-13-088
204- 91A-140	AMD	02-07-056	212- 12-044	AMD	02-16-023	220- 16-780	NEW-W	02-15-088
204- 91A-170	AMD	02-07-056	212- 12-200	NEW-E	02-03-060	220- 16-780	AMD	02-17-017
204- 91A-180	AMD	02-07-056	212- 12-200	NEW-P	02-17-102	220- 16-78000A	NEW-E	02-10-118
204- 95	PREP	02-11-037	212- 12-210	NEW-E	02-03-060	220- 16-790	NEW	02-08-048
204- 95-030	AMD-P	02-16-046	212- 12-210	NEW-P	02-17-102	220- 16-790	AMD-P	02-13-088
204- 95-080	AMD-P	02-16-046	212- 12-220	NEW-E	02-03-060	220- 16-790	NEW-W	02-15-088
208-424-010	NEW-P	02-11-010	212- 12-220	NEW-P	02-17-102	220- 16-790	AMD	02-17-017

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220-16-79000A	NEW-E	02-10-118	220-32-05700P	NEW-E	02-11-146	220-47-401	AMD-X	02-11-073
220-16-800	NEW-W	02-15-088	220-32-05700P	REP-E	02-11-146	220-47-401	AMD	02-16-004
220-20-001	NEW-P	02-13-085	220-33-01000I	NEW-E	02-04-077	220-47-40100D	NEW-E	02-19-039
220-20-001	NEW	02-16-069	220-33-01000I	REP-E	02-04-077	220-47-40100D	REP-E	02-19-039
220-20-010	AMD	02-08-048	220-33-01000J	NEW-E	02-05-056	220-47-411	AMD-X	02-11-073
220-20-015	AMD-X	02-15-025	220-33-01000J	REP-E	02-05-056	220-47-411	AMD	02-16-004
220-20-016	PREP	02-06-107	220-33-01000J	REP-E	02-07-010	220-47-42700B	NEW-E	02-17-042
220-20-016	AMD-X	02-11-073	220-33-01000K	NEW-E	02-07-010	220-47-428	AMD-X	02-11-073
220-20-016	AMD-C	02-16-002	220-33-01000K	REP-E	02-07-010	220-47-428	AMD	02-16-004
220-20-020	AMD-X	02-15-025	220-33-01000K	REP-E	02-07-094	220-47-430	AMD-X	02-11-073
220-20-025	AMD	02-08-048	220-33-01000L	NEW-E	02-07-094	220-47-430	AMD	02-16-004
220-20-025	AMD-X	02-15-025	220-33-01000L	REP-E	02-07-094	220-47-901	NEW-E	02-16-056
220-20-075	NEW	02-05-046	220-33-01000L	REP-E	02-08-014	220-47-902	NEW-E	02-18-007
220-20-080	NEW-P	02-13-134	220-33-01000M	NEW-E	02-08-014	220-47-902	REP-E	02-18-007
220-20-08000A	NEW-E	02-14-089	220-33-01000M	REP-E	02-08-025	220-48-005	AMD	02-08-026
220-20-100	NEW	02-08-048	220-33-01000N	NEW-E	02-08-025	220-48-015	AMD-W	02-15-086
220-20-100	NEW-W	02-15-088	220-33-01000N	REP-E	02-08-025	220-48-01500P	NEW-E	02-17-012
220-22-40000D	NEW-E	02-19-040	220-33-01000P	NEW-E	02-16-063	220-48-029	AMD-P	02-13-108
220-24-04000B	NEW-E	02-10-078	220-33-01000P	REP-E	02-16-063	220-48-029	AMD-W	02-15-086
220-24-04000B	REP-E	02-10-078	220-33-01000Q	NEW-E	02-17-021	220-48-032	AMD-P	02-13-108
220-24-04000B	REP-E	02-10-120	220-33-01000Q	REP-E	02-17-021	220-48-05100Q	NEW-E	02-19-051
220-24-04000C	NEW-E	02-10-120	220-33-01000R	NEW-E	02-17-063	220-49-013	AMD	02-08-026
220-24-04000C	REP-E	02-10-120	220-33-01000R	REP-E	02-17-063	220-49-056	AMD	02-08-026
220-24-04000C	REP-E	02-13-003	220-33-01000R	REP-E	02-19-073	220-52-03000R	NEW-E	02-11-043
220-24-04000D	NEW-E	02-14-090	220-33-01000S	NEW-E	02-19-073	220-52-03000R	REP-E	02-11-043
220-24-04000D	REP-E	02-14-090	220-33-01000S	REP-E	02-19-073	220-52-04000F	REP-E	02-03-068
220-24-04000E	NEW-E	02-15-041	220-33-03000S	NEW-E	02-11-014	220-52-04000G	NEW-E	02-15-124
220-24-04000E	REP-E	02-15-041	220-33-03000S	REP-E	02-11-014	220-52-04000G	REP-E	02-15-124
220-24-04000F	NEW-E	02-16-013	220-33-04000N	REP-E	02-04-072	220-52-04000H	NEW-E	02-19-040
220-24-04000F	REP-E	02-16-013	220-33-04000P	NEW-E	02-04-072	220-52-04600A	REP-E	02-03-024
220-24-04000G	NEW-E	02-17-010	220-33-04000P	REP-E	02-04-072	220-52-04600B	NEW-E	02-03-024
220-24-04000G	REP-E	02-17-010	220-33-04000P	REP-E	02-04-102	220-52-04600B	REP-E	02-03-050
220-24-04000H	NEW-E	02-18-010	220-33-04000Q	NEW-E	02-04-102	220-52-04600C	NEW-E	02-03-050
220-24-04000H	REP-E	02-18-010	220-33-04000Q	REP-E	02-04-102	220-52-04600C	REP-E	02-04-093
220-32-05100K	REP-E	02-04-073	220-33-04000Q	REP-E	02-06-036	220-52-04600D	NEW-E	02-04-093
220-32-05100L	NEW-E	02-04-073	220-33-04000R	NEW-E	02-06-036	220-52-04600D	REP-E	02-07-037
220-32-05100L	REP-E	02-04-073	220-33-04000R	REP-E	02-06-036	220-52-04600E	NEW-E	02-07-037
220-32-05100L	REP-E	02-07-011	220-36-02300B	NEW-E	02-16-050	220-52-04600E	REP-E	02-07-075
220-32-05100M	NEW-E	02-07-011	220-36-02300B	REP-E	02-16-103	220-52-04600F	NEW-E	02-07-075
220-32-05100M	REP-E	02-07-011	220-36-02300C	NEW-E	02-16-103	220-52-04600F	REP-E	02-08-070
220-32-05100M	REP-E	02-07-044	220-36-02300C	REP-E	02-19-038	220-52-04600G	NEW-E	02-08-070
220-32-05100N	NEW-E	02-07-044	220-36-02300D	NEW-E	02-19-038	220-52-04600G	REP-E	02-08-070
220-32-05100N	REP-E	02-07-044	220-40-02100W	NEW-E	02-15-040	220-52-04600H	NEW-E	02-19-040
220-32-05100P	NEW-E	02-10-042	220-40-02100W	REP-E	02-15-040	220-52-04700J	NEW-E	02-19-040
220-32-05100P	REP-E	02-10-042	220-40-027	AMD-X	02-11-072	220-52-050	AMD-W	02-11-026
220-32-05100Q	NEW-E	02-11-003	220-40-027	AMD	02-16-021	220-52-05000E	NEW-E	02-15-013
220-32-05100Q	REP-E	02-11-003	220-44-05000H	REP-E	02-04-060	220-52-05100A	NEW-E	02-10-004
220-32-05100R	NEW-E	02-11-049	220-44-05000I	NEW-E	02-04-060	220-52-05100A	REP-E	02-10-043
220-32-05100R	REP-E	02-11-049	220-44-05000I	REP-E	02-07-093	220-52-05100B	NEW-E	02-10-043
220-32-05100S	NEW-E	02-11-085	220-44-05000J	NEW-E	02-07-093	220-52-05100B	REP-E	02-13-023
220-32-05100S	REP-E	02-11-085	220-44-05000J	REP-E	02-11-042	220-52-05100C	NEW-E	02-13-023
220-32-05100S	REP-E	02-11-146	220-44-05000K	NEW-E	02-11-042	220-52-05100C	REP-E	02-14-068
220-32-05100T	NEW-E	02-14-138	220-44-05000K	REP-E	02-15-036	220-52-05100D	NEW-E	02-14-068
220-32-05100T	REP-E	02-14-138	220-44-05000L	NEW-E	02-15-036	220-52-05100D	REP-E	02-15-031
220-32-05100U	NEW-E	02-17-064	220-44-05000L	REP-E	02-16-019	220-52-05100E	NEW-E	02-15-031
220-32-05100U	REP-E	02-18-079	220-44-05000M	NEW-E	02-16-019	220-52-05100E	REP-E	02-15-104
220-32-05100V	NEW-E	02-18-079	220-44-05000M	REP-E	02-18-081	220-52-05100F	NEW-E	02-15-104
220-32-05100V	REP-E	02-19-074	220-44-05000N	NEW-E	02-18-081	220-52-05100F	REP-E	02-16-011
220-32-05100W	NEW-E	02-19-074	220-47-301	AMD-X	02-11-073	220-52-05100G	NEW-E	02-16-011
220-32-05100W	REP-E	02-19-074	220-47-301	AMD-W	02-16-003	220-52-05100G	REP-E	02-16-049
220-32-05500E	NEW-E	02-11-146	220-47-311	AMD-X	02-11-073	220-52-05100H	NEW-E	02-16-049
220-32-05500E	REP-E	02-11-146	220-47-311	AMD	02-16-004	220-52-05100H	REP-E	02-17-020

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220-52-05100I	NEW-E	02-17-020	220-56-194	NEW-P	02-10-124	220-56-32500B	NEW-E	02-16-044
220-52-05100I	REP-E	02-17-037	220-56-194	NEW	02-13-026	220-56-32500T	NEW-E	02-08-028
220-52-05100J	NEW-E	02-17-037	220-56-195	AMD-X	02-10-127	220-56-32500T	REP-E	02-09-003
220-52-05100J	REP-E	02-18-021	220-56-195	AMD	02-15-097	220-56-32500U	NEW-E	02-10-028
220-52-05100K	NEW-E	02-18-021	220-56-19500I	NEW-E	02-11-086	220-56-32500U	REP-E	02-11-013
220-52-05100K	REP-E	02-18-059	220-56-19500I	REP-E	02-11-086	220-56-32500V	NEW-E	02-11-013
220-52-05100L	NEW-E	02-18-059	220-56-19500J	NEW-E	02-17-038	220-56-32500V	REP-E	02-11-041
220-52-05100L	REP-E	02-19-002	220-56-19500J	REP-E	02-17-038	220-56-32500W	NEW-E	02-11-041
220-52-05100M	NEW-E	02-19-002	220-56-210	AMD	02-08-048	220-56-32500W	REP-E	02-11-134
220-52-05100M	REP-E	02-19-111	220-56-235	AMD	02-09-001	220-56-32500X	NEW-E	02-11-134
220-52-05100N	NEW-E	02-19-111	220-56-23500L	NEW-E	02-03-002	220-56-32500X	REP-E	02-12-054
220-52-05100Y	NEW-E	02-09-021	220-56-23500L	REP-E	02-07-004	220-56-32500Y	NEW-E	02-12-054
220-52-05100Y	REP-E	02-09-067	220-56-23500M	NEW-E	02-07-004	220-56-32500Y	REP-E	02-14-004
220-52-05100Z	NEW-E	02-09-067	220-56-23500M	REP-E	02-15-003	220-56-32500Z	NEW-E	02-14-004
220-52-05100Z	REP-E	02-10-004	220-56-23500N	NEW-E	02-15-003	220-56-32500Z	REP-E	02-15-125
220-52-071	AMD-P	02-13-090	220-56-25000C	NEW-E	02-15-105	220-56-33000D	NEW-E	02-03-051
220-52-071	AMD	02-17-016	220-56-25000D	NEW-E	02-07-025	220-56-33000D	REP-E	02-05-001
220-52-07100W	NEW-E	02-15-002	220-56-25000D	REP-E	02-07-025	220-56-33000E	NEW-E	02-05-001
220-52-07100W	REP-E	02-16-012	220-56-255	AMD-W	02-15-087	220-56-33000E	REP-E	02-07-037
220-52-07100X	NEW-E	02-16-012	220-56-25500A	NEW-E	02-14-139	220-56-33000F	NEW-E	02-07-037
220-52-07100X	REP-E	02-17-066	220-56-25500A	REP-E	02-15-024	220-56-33000F	REP-E	02-07-075
220-52-07100Y	NEW-E	02-17-066	220-56-25500B	NEW-E	02-15-024	220-56-33000G	NEW-E	02-07-075
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220-52-07100Z	NEW-E	02-18-022	220-56-25500C	REP-E	02-15-109	220-56-33000H	NEW-E	02-08-070
220-52-073	AMD-P	02-13-090	220-56-25500D	NEW-E	02-15-109	220-56-33000H	REP-E	02-11-050
220-52-073	AMD	02-17-016	220-56-25500X	NEW-E	02-09-045	220-56-33000H	REP-E	02-11-094
220-52-07300Q	REP-E	02-03-025	220-56-25500X	REP-E	02-12-014	220-56-33000I	NEW-E	02-11-050
220-52-07300R	NEW-E	02-03-025	220-56-25500Y	NEW-E	02-12-014	220-56-33000I	REP-E	02-11-094
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220-52-07300S	NEW-E	02-03-067	220-56-25500Z	NEW-E	02-13-044	220-56-33000J	REP-E	02-11-132
220-52-07300S	REP-E	02-03-090	220-56-25500Z	REP-E	02-14-139	220-56-33000K	NEW-E	02-11-132
220-52-07300T	NEW-E	02-03-090	220-56-265	AMD	02-08-048	220-56-33000K	REP-E	02-13-002
220-52-07300T	REP-E	02-04-035	220-56-270	AMD	02-08-048	220-56-33000L	NEW-E	02-13-002
220-52-07300U	NEW-E	02-04-035	220-56-27000L	REP-E	02-06-036	220-56-33000L	REP-E	02-14-025
220-52-07300U	REP-E	02-04-078	220-56-27000M	NEW-E	02-06-036	220-56-33000M	NEW-E	02-14-025
220-52-07300V	NEW-E	02-04-078	220-56-27000M	REP-E	02-06-036	220-56-33000M	REP-E	02-15-039
220-52-07300V	REP-E	02-07-046	220-56-282	AMD	02-08-048	220-56-33000N	NEW-E	02-15-039
220-52-07300W	NEW-E	02-07-092	220-56-28200D	NEW-E	02-06-017	220-56-33000N	REP-E	02-18-004
220-52-07300W	REP-E	02-07-092	220-56-28200D	REP-E	02-06-017	220-56-33000P	NEW-E	02-18-004
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220-52-07500D	REP-E	02-10-004	220-56-28200F	NEW-E	02-15-014	220-56-33000Q	NEW-E	02-19-003
220-52-07500E	NEW-E	02-10-004	220-56-28200F	REP-E	02-15-095	220-56-335	AMD	02-08-048
220-55-001	AMD-P	02-13-084	220-56-285	AMD	02-08-048	220-56-350	AMD	02-08-048
220-55-001	AMD	02-16-070	220-56-28500B	NEW-E	02-05-010	220-56-350	AMD-P	02-13-091
220-55-00100A	NEW-E	02-10-106	220-56-28500B	REP-E	02-10-063	220-56-350	AMD	02-17-019
220-55-100	AMD-P	02-13-084	220-56-28500C	NEW-E	02-11-006	220-56-35000J	REP-E	02-06-035
220-55-100	AMD	02-16-070	220-56-28500C	REP-E	02-11-006	220-56-35000K	NEW-E	02-06-035
220-55-200	NEW-P	02-12-130	220-56-28500C	REP-E	02-11-039	220-56-35000L	REP-E	02-10-029
220-55-200	NEW	02-15-038	220-56-28500C	REP-E	02-11-039	220-56-35000L	NEW-E	02-10-029
220-55-20000A	REP-P	02-12-130	220-56-28500D	NEW-E	02-11-039	220-56-35000L	REP-E	02-13-011
220-55-20000A	REP	02-15-038	220-56-307	REP	02-08-048	220-56-35000M	NEW-E	02-13-011
220-55-20000B	NEW-E	02-13-045	220-56-310	AMD	02-08-048	220-56-355	AMD	02-08-048
220-56-100	AMD	02-08-048	220-56-31000U	NEW-E	02-09-003	220-56-355	AMD-P	02-13-091
220-56-105	AMD	02-08-048	220-56-31000U	REP-E	02-09-003	220-56-355	AMD	02-17-019
220-56-115	AMD	02-09-001	220-56-315	AMD	02-08-048	220-56-35500B	NEW-E	02-07-076
220-56-116	AMD	02-08-048	220-56-315	AMD-P	02-15-106	220-56-35500C	NEW-E	02-15-120
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220-56-124	AMD	02-15-097	220-56-31500A	NEW-E	02-09-003	220-56-36000L	REP-E	02-03-053
220-56-128	AMD	02-08-048	220-56-31500A	REP-E	02-09-003	220-56-36000L	REP-E	02-04-039
220-56-15600A	NEW-E	02-10-108	220-56-31500B	NEW-E	02-11-020	220-56-36000M	NEW-E	02-04-039
220-56-193	NEW-P	02-10-124	220-56-31500C	NEW-E	02-19-037	220-56-36000M	REP-E	02-04-039
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220-56-36000Q	REP-E	02-10-012	226-16-160	AMD	02-08-076	230-40-800	AMD	02-11-084
220-56-36000Q	NEW-E	02-11-012	226-20-010	AMD-X	02-03-038	230-40-897	REP-P	02-07-081
220-56-380	AMD	02-08-048	226-20-010	AMD	02-08-076	230-40-897	REP	02-11-084
220-56-38000C	REP-E	02-06-035	230-02-145	REP-P	02-07-081	230-50-010	AMD-P	02-13-111
220-56-38000D	NEW-E	02-06-035	230-02-145	REP	02-11-084	230-50-010	AMD	02-17-035
220-56-38000D	REP-E	02-10-029	230-02-205	AMD-S	02-03-077	232-12-011	AMD-P	02-06-122
220-56-38000E	NEW-E	02-10-029	230-02-205	AMD-W	02-16-083	232-12-011	AMD	02-08-048
220-69	PREP	02-10-105	230-04-064	AMD-P	02-06-037	232-12-011	AMD	02-11-069
220-69-240	AMD-P	02-13-134	230-04-064	AMD	02-10-002	232-12-014	AMD-P	02-06-122
220-69-24000A	NEW-E	02-10-004	230-04-180	AMD-P	02-13-112	232-12-014	AMD	02-11-069
220-69-24000A	REP-E	02-10-043	230-04-180	AMD	02-17-034	232-12-016	NEW-P	02-13-107
220-69-24000B	NEW-E	02-10-043	230-04-202	AMD-W	02-02-090	232-12-016	NEW	02-19-007
220-69-24000B	REP-E	02-13-023	230-04-202	AMD-P	02-13-111	232-12-01600A	NEW-E	02-15-001
220-69-24000C	NEW-E	02-13-023	230-04-202	AMD-W	02-16-024	232-12-017	AMD-P	02-13-107
220-69-24000C	REP-E	02-14-068	230-04-202	AMD-P	02-17-032	232-12-017	AMD	02-19-007
220-69-24000D	NEW-E	02-14-068	230-04-203	AMD-P	02-13-111	232-12-019	AMD	02-08-048
220-69-24000E	NEW-E	02-19-040	230-04-203	AMD-W	02-16-024	232-12-073	NEW-P	02-13-089
220-69-241	AMD-P	02-13-134	230-04-203	AMD-P	02-17-032	232-12-147	REP	02-08-048
220-74-020	AMD-P	02-06-109	230-04-204	AMD-P	02-17-032	232-12-151	REP	02-08-048
220-74-020	AMD	02-10-023	230-04-315	REP-P	02-13-111	232-12-168	AMD	02-08-048
220-77-020	AMD	02-06-018	230-04-315	REP	02-18-043	232-12-16800B	NEW-E	02-07-095
220-77-040	AMD	02-06-018	230-08-017	AMD-P	02-17-032	232-12-16800B	REP-E	02-07-095
220-77-09000A	NEW-E	02-04-069	230-08-255	AMD-P	02-06-037	232-12-181	AMD-P	02-17-118
220-77-09000A	REP-E	02-04-089	230-08-255	AMD	02-10-002	232-12-243	AMD-P	02-13-133
220-77-09000B	NEW-E	02-04-089	230-12-045	NEW-P	02-07-081	232-12-243	AMD	02-17-013
220-77-095	AMD-P	02-13-136	230-12-045	NEW	02-11-084	232-12-245	NEW-W	02-11-025
220-77-095	AMD	02-17-015	230-12-050	AMD-P	02-07-081	232-12-253	NEW	02-05-021
220-77-100	NEW-W	02-11-027	230-12-050	AMD	02-11-084	232-12-253	AMD-P	02-10-125
220-77-105	NEW-W	02-11-027	230-12-090	AMD-P	02-13-111	232-12-253	AMD	02-16-043
220-88C-04000	NEW-E	02-13-051	230-12-090	AMD	02-17-035	232-12-267	AMD-P	02-10-128
220-88C-04000	REP-E	02-19-072	230-12-330	AMD-P	02-06-038	232-12-267	AMD	02-15-018
220-88C-04000	NEW-E	02-19-071	230-12-330	AMD	02-10-003	232-12-272	NEW	02-08-048
220-88C-04000	REP-E	02-19-072	230-12-340	AMD-P	02-06-038	232-12-619	AMD	02-08-048
220-88C-04000	NEW-E	02-19-072	230-12-340	AMD	02-10-003	232-12-828	AMD-P	02-13-135
220-95-100	AMD-P	02-13-086	230-20-002	NEW-P	02-13-111	232-28-02220	AMD-P	02-06-124
220-95-100	AMD	02-17-014	230-20-002	NEW	02-17-035	232-28-02220	AMD	02-11-069
220-95-110	AMD-P	02-13-086	230-20-005	NEW-P	02-13-111	232-28-02240	AMD-P	02-06-124
220-95-110	AMD	02-17-014	230-20-005	NEW	02-17-035	232-28-02240	AMD	02-11-069
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222-10-040	AMD-P	02-05-087	230-20-070	AMD	02-17-035	232-28-248	AMD	02-11-069
222-10-040	AMD	02-11-075	230-20-104	AMD-P	02-13-111	232-28-266	AMD-P	02-06-121
222-10-041	AMD-P	02-05-087	230-20-104	AMD	02-17-035	232-28-266	AMD-W	02-19-087
222-10-041	AMD	02-11-075	230-20-111	REP-P	02-07-081	232-28-273	AMD-P	02-06-121
222-16-050	AMD-E	02-05-086	230-20-111	REP	02-11-084	232-28-273	AMD	02-11-069
222-16-050	PREP	02-07-023	230-20-125	REP-P	02-07-081	232-28-276	AMD-P	02-10-128
222-16-050	AMD-P	02-11-138	230-20-125	REP	02-11-084	232-28-276	AMD	02-15-018
222-16-050	AMD-E	02-15-083	230-20-170	AMD-P	02-13-111	232-28-277	AMD-P	02-06-125
222-16-050	AMD	02-17-099	230-20-170	AMD	02-17-035	232-28-277	REP-P	02-10-128
222-21	PREP	02-17-098	230-20-230	REP-P	02-07-081	232-28-277	AMD	02-11-069
222-21-010	AMD	02-05-084	230-20-230	REP	02-11-084	232-28-277	REP	02-15-019
222-21-020	AMD	02-05-084	230-20-244	AMD	02-06-006	232-28-278	AMD-P	02-06-126
222-21-045	AMD	02-05-084	230-20-246	AMD	02-06-006	232-28-278	AMD	02-11-069
222-21-050	AMD	02-05-084	230-20-249	AMD	02-06-006	232-28-279	AMD-P	02-06-123
222-21-061	NEW	02-05-084	230-30-033	AMD	02-06-007	232-28-279	AMD	02-11-069
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226-01-040	AMD	02-08-076	230-30-072	AMD	02-06-007	232-28-279	AMD	02-18-005
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226-01-050	AMD	02-08-076	230-30-106	AMD	02-10-003	232-28-282	NEW	02-15-019
226-12-080	AMD-X	02-03-038	230-40-120	AMD-W	02-14-103	232-28-299	AMD-P	02-10-128
			230-40-610	AMD-P	02-12-076	232-28-299	AMD	02-15-018

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232- 28-425	REP	02-18-005	232- 28-61900N	REP-E	02-04-019	232- 28-62000J	NEW-E	02-19-006
232- 28-42500C	NEW-E	02-03-052	232- 28-61900N	NEW-E	02-11-071	232- 28-621	AMD	02-08-048
232- 28-42500C	REP-E	02-03-052	232- 28-61900N	REP-E	02-11-071	232- 28-621	AMD-X	02-10-127
232- 28-426	NEW-P	02-13-137	232- 28-61900P	NEW-E	02-04-103	232- 28-621	AMD	02-15-097
232- 28-426	NEW	02-18-005	232- 28-61900P	REP-E	02-12-013	232- 28-62100G	NEW-E	02-11-086
232- 28-619	AMD	02-08-048	232- 28-61900Q	NEW-E	02-05-007	232- 28-62100G	REP-E	02-11-086
232- 28-619	AMD-X	02-10-127	232- 28-61900Q	REP-E	02-11-040	232- 28-62100G	REP-E	02-14-069
232- 28-619	AMD-P	02-13-088	232- 28-61900Q	NEW-E	02-11-086	232- 28-62100H	NEW-E	02-14-069
232- 28-619	AMD	02-15-097	232- 28-61900Q	REP-E	02-11-086	232- 28-62100H	REP-E	02-15-033
232- 28-619	AMD-P	02-15-106	232- 28-61900Q	REP-E	02-12-013	232- 28-62100I	NEW-E	02-15-033
232- 28-61900A	NEW-E	02-08-022	232- 28-61900R	NEW-E	02-05-008	232- 28-62100I	REP-E	02-15-096
232- 28-61900A	REP-E	02-11-001	232- 28-61900R	REP-E	02-05-008	232- 28-62100J	NEW-E	02-15-096
232- 28-61900A	NEW-E	02-15-159	232- 28-61900R	NEW-E	02-11-114	236- 48	PREP	02-16-025
232- 28-61900A	REP-E	02-15-159	232- 28-61900R	REP-E	02-11-114	236- 48-002	PREP	02-16-025
232- 28-61900B	NEW-E	02-08-004	232- 28-61900R	NEW-E	02-05-010	236- 48-003	PREP	02-16-025
232- 28-61900B	REP-E	02-08-004	232- 28-61900S	REP-E	02-09-009	236- 48-123	PREP	02-19-048
232- 28-61900B	NEW-E	02-16-001	232- 28-61900S	NEW-E	02-12-013	236- 49	PREP	02-16-026
232- 28-61900B	REP-E	02-16-001	232- 28-61900S	REP-E	02-13-052	236- 56	PREP	02-19-049
232- 28-61900C	NEW-E	02-09-023	232- 28-61900T	NEW-E	02-05-075	236- 70	PREP	02-13-127
232- 28-61900C	REP-E	02-09-023	232- 28-61900T	REP-E	02-07-096	246- 12-040	AMD-X	02-09-042
232- 28-61900C	NEW-E	02-16-022	232- 28-61900T	NEW-E	02-12-019	246- 50	PREP-W	02-09-027
232- 28-61900C	REP-E	02-17-041	232- 28-61900T	REP-E	02-12-019	246-100-011	AMD-P	02-16-102
232- 28-61900D	REP-E	02-05-075	232- 28-61900U	REP-E	02-03-022	246-100-036	AMD-P	02-16-102
232- 28-61900D	NEW-E	02-09-009	232- 28-61900U	NEW-E	02-06-100	246-100-040	NEW-P	02-16-102
232- 28-61900D	REP-E	02-10-063	232- 28-61900U	REP-E	02-06-100	246-100-045	NEW-P	02-16-102
232- 28-61900D	NEW-E	02-17-036	232- 28-61900U	NEW-E	02-13-052	246-100-050	NEW-P	02-16-102
232- 28-61900D	REP-E	02-19-075	232- 28-61900U	REP-E	02-14-046	246-100-055	NEW-P	02-16-102
232- 28-61900E	NEW-E	02-10-024	232- 28-61900V	NEW-E	02-06-099	246-100-060	NEW-P	02-16-102
232- 28-61900E	REP-E	02-10-024	232- 28-61900V	REP-E	02-06-099	246-100-065	NEW-P	02-16-102
232- 28-61900E	NEW-E	02-17-041	232- 28-61900V	NEW-E	02-14-046	246-100-070	NEW-P	02-16-102
232- 28-61900F	NEW-E	02-10-077	232- 28-61900V	REP-E	02-15-032	246-100-166	PREP	02-10-066
232- 28-61900F	NEW-E	02-18-008	232- 28-61900W	NEW-E	02-07-061	246-100-166	AMD-E	02-14-075
232- 28-61900F	REP-E	02-18-011	232- 28-61900W	REP-E	02-07-061	246-100-206	AMD-P	02-08-018
232- 28-61900G	NEW-E	02-10-062	232- 28-61900W	NEW-E	02-15-030	246-100-206	AMD	02-12-106
232- 28-61900G	NEW-E	02-18-011	232- 28-61900W	REP-E	02-18-008	246-100-207	AMD-P	02-08-018
232- 28-61900H	REP-E	02-03-014	232- 28-61900X	NEW-E	02-07-019	246-100-207	AMD	02-12-106
232- 28-61900H	NEW-E	02-10-063	232- 28-61900X	REP-E	02-07-019	246-100-208	AMD-P	02-08-018
232- 28-61900H	REP-E	02-11-006	232- 28-61900X	NEW-E	02-15-032	246-100-208	AMD	02-12-106
232- 28-61900H	NEW-E	02-18-058	232- 28-61900X	REP-E	02-17-036	246-101-505	AMD-P	02-16-102
232- 28-61900H	REP-E	02-18-058	232- 28-61900Y	NEW-E	02-07-066	246-145-001	NEW	02-11-109
232- 28-61900I	NEW-E	02-03-022	232- 28-61900Y	REP-E	02-07-066	246-145-010	NEW	02-11-109
232- 28-61900I	REP-E	02-03-022	232- 28-61900Y	NEW-E	02-15-037	246-145-020	NEW	02-11-109
232- 28-61900I	NEW-E	02-11-001	232- 28-61900Y	REP-E	02-15-037	246-145-030	NEW	02-11-109
232- 28-61900I	NEW-E	02-18-057	232- 28-61900Z	NEW-E	02-07-096	246-145-040	NEW	02-11-109
232- 28-61900J	NEW-E	02-03-023	232- 28-61900Z	REP-E	02-07-096	246-215-150	AMD-P	02-04-091
232- 28-61900J	NEW-E	02-11-006	232- 28-61900Z	NEW-E	02-15-095	246-215-150	AMD	02-09-028
232- 28-61900J	REP-E	02-11-039	232- 28-61900Z	REP-E	02-16-022	246-217-025	AMD-P	02-18-031
232- 28-61900J	NEW-E	02-18-073	232- 28-620	AMD-X	02-10-127	246-224	AMD-P	02-07-021
232- 28-61900K	NEW-E	02-03-014	232- 28-620	AMD	02-15-097	246-224	AMD	02-14-050
232- 28-61900K	NEW-E	02-11-039	232- 28-62000D	NEW-E	02-11-086	246-224-0001	NEW-P	02-07-021
232- 28-61900K	REP-E	02-11-039	232- 28-62000D	REP-E	02-11-086	246-224-0001	NEW	02-14-050
232- 28-61900K	NEW-E	02-19-005	232- 28-62000D	REP-E	02-15-121	246-224-001	REP-P	02-07-021
232- 28-61900K	REP-E	02-19-005	232- 28-62000E	NEW-E	02-15-121	246-224-001	REP	02-14-050
232- 28-61900L	NEW-E	02-03-015	232- 28-62000E	REP-E	02-17-011	246-224-0010	NEW-P	02-07-021
232- 28-61900L	REP-E	02-03-015	232- 28-62000F	NEW-E	02-17-011	246-224-0010	NEW	02-14-050
232- 28-61900L	NEW-E	02-11-040	232- 28-62000F	REP-E	02-17-065	246-224-0020	NEW-P	02-07-021
232- 28-61900L	NEW-E	02-19-075	232- 28-62000G	NEW-E	02-17-065	246-224-0020	NEW	02-14-050
232- 28-61900M	NEW-E	02-03-066	232- 28-62000G	REP-E	02-18-009	246-224-0030	NEW-P	02-07-021
232- 28-61900M	REP-E	02-10-063	232- 28-62000H	NEW-E	02-18-009	246-224-0030	NEW	02-14-050
232- 28-61900M	NEW-E	02-11-068	232- 28-62000H	REP-E	02-18-080	246-224-0040	NEW-P	02-07-021
232- 28-61900M	REP-E	02-11-068	232- 28-62000I	NEW-E	02-18-080	246-224-0040	NEW	02-14-050

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-224-0050	NEW-P	02-07-021	246-229-070	REP-P	02-07-021	246-327-125	REP	02-18-026
246-224-0050	NEW	02-14-050	246-229-070	REP	02-14-050	246-327-135	REP-P	02-12-103
246-224-0060	NEW-P	02-07-021	246-229-080	REP-P	02-07-021	246-327-135	REP	02-18-026
246-224-0060	NEW	02-14-050	246-229-080	REP	02-14-050	246-327-145	REP-P	02-12-103
246-224-0070	NEW-P	02-07-021	246-229-090	REP-P	02-07-021	246-327-145	REP	02-18-026
246-224-0070	NEW	02-14-050	246-229-090	REP	02-14-050	246-327-165	REP-P	02-12-103
246-224-0080	NEW-P	02-07-021	246-229-100	REP-P	02-07-021	246-327-165	REP	02-18-026
246-224-0080	NEW	02-14-050	246-229-100	REP	02-14-050	246-327-185	REP-P	02-12-103
246-224-0090	NEW-P	02-07-021	246-229-110	REP-P	02-07-021	246-327-185	REP	02-18-026
246-224-0090	NEW	02-14-050	246-229-110	REP	02-14-050	246-327-990	REP-P	02-12-103
246-224-010	REP-P	02-07-021	246-252-030	AMD-X	02-11-021	246-327-990	REP	02-18-026
246-224-010	REP	02-14-050	246-252-030	AMD	02-17-005	246-328-200	REP-X	02-14-054
246-224-0100	NEW-P	02-07-021	246-254-053	AMD-P	02-04-034	246-328-990	REP-X	02-14-054
246-224-0100	NEW	02-14-050	246-254-053	AMD	02-07-085	246-329-990	AMD-P	02-10-131
246-224-0110	NEW-P	02-07-021	246-254-070	AMD	02-04-025	246-329-990	AMD	02-13-061
246-224-0110	NEW	02-14-050	246-254-080	AMD	02-04-025	246-331-010	REP-P	02-12-103
246-224-0120	NEW-P	02-07-021	246-254-090	AMD	02-04-025	246-331-010	REP	02-18-026
246-224-0120	NEW	02-14-050	246-254-100	AMD	02-04-025	246-331-025	REP-P	02-12-103
246-224-020	REP-P	02-07-021	246-254-120	AMD	02-04-025	246-331-025	REP	02-18-026
246-224-020	REP	02-14-050	246-272	PREP	02-03-137	246-331-030	REP-P	02-12-103
246-224-050	REP-P	02-07-021	246-282-990	AMD-P	02-12-102	246-331-030	REP	02-18-026
246-224-050	REP	02-14-050	246-282-990	AMD	02-15-094	246-331-035	REP-P	02-12-103
246-224-060	REP-P	02-07-021	246-290	PREP	02-19-061	246-331-035	REP	02-18-026
246-224-060	REP	02-14-050	246-291	PREP	02-19-060	246-331-065	REP-P	02-12-103
246-224-070	REP-P	02-07-021	246-310	PREP	02-14-047	246-331-065	REP	02-18-026
246-224-070	REP	02-14-050	246-310-990	AMD-P	02-10-064	246-331-077	REP-P	02-12-103
246-224-090	REP-P	02-07-021	246-310-990	AMD	02-14-051	246-331-077	REP	02-18-026
246-224-090	REP	02-14-050	246-320	PREP	02-11-076	246-331-085	REP-P	02-12-103
246-224-100	REP-P	02-07-021	246-320	PREP-W	02-17-056	246-331-085	REP	02-18-026
246-224-100	REP	02-14-050	246-320-990	AMD-P	02-10-131	246-331-095	REP-P	02-12-103
246-229-0001	NEW-P	02-07-021	246-320-990	AMD	02-13-061	246-331-095	REP	02-18-026
246-229-0001	NEW	02-14-050	246-322-990	AMD-P	02-10-131	246-331-100	REP-P	02-12-103
246-229-001	REP-P	02-07-021	246-322-990	AMD	02-13-061	246-331-100	REP	02-18-026
246-229-001	REP	02-14-050	246-323-990	AMD-P	02-13-058	246-331-105	REP-P	02-12-103
246-229-0010	NEW-P	02-07-021	246-323-990	AMD	02-16-068	246-331-105	REP	02-18-026
246-229-0010	NEW	02-14-050	246-324-990	AMD-P	02-10-131	246-331-115	REP-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-324-990	AMD	02-13-061	246-331-115	REP	02-18-026
246-229-0020	NEW	02-14-050	246-325-990	AMD-P	02-13-059	246-331-125	REP-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-326-990	AMD-P	02-13-059	246-331-125	REP	02-18-026
246-229-0030	NEW	02-14-050	246-327-010	REP-P	02-12-103	246-331-135	REP-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-327-010	REP	02-18-026	246-331-135	REP	02-18-026
246-229-0040	NEW	02-14-050	246-327-025	REP-P	02-12-103	246-331-165	REP-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-327-025	REP	02-18-026	246-331-165	REP	02-18-026
246-229-0050	NEW	02-14-050	246-327-030	REP-P	02-12-103	246-331-185	REP-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-327-030	REP	02-18-026	246-331-185	REP	02-18-026
246-229-0060	NEW	02-14-050	246-327-035	REP-P	02-12-103	246-331-990	REP-P	02-12-103
246-229-0070	NEW-P	02-07-021	246-327-035	REP	02-18-026	246-331-990	REP	02-18-026
246-229-0070	NEW	02-14-050	246-327-065	REP-P	02-12-103	246-333-010	REP-X	02-10-132
246-229-0080	NEW-P	02-07-021	246-327-065	REP	02-18-026	246-333-010	REP	02-15-164
246-229-0080	NEW	02-14-050	246-327-077	REP-P	02-12-103	246-333-020	REP-X	02-10-132
246-229-0090	NEW-P	02-07-021	246-327-077	REP	02-18-026	246-333-020	REP	02-15-164
246-229-0090	NEW	02-14-050	246-327-085	REP-P	02-12-103	246-333-030	REP-X	02-10-132
246-229-0100	NEW-P	02-07-021	246-327-085	REP	02-18-026	246-333-030	REP	02-15-164
246-229-0100	NEW	02-14-050	246-327-090	REP-P	02-12-103	246-333-040	REP-X	02-10-132
246-229-020	REP-P	02-07-021	246-327-090	REP	02-18-026	246-333-040	REP	02-15-164
246-229-020	REP	02-14-050	246-327-095	REP-P	02-12-103	246-335-001	NEW-P	02-12-103
246-229-030	REP-P	02-07-021	246-327-095	REP	02-18-026	246-335-001	NEW	02-18-026
246-229-030	REP	02-14-050	246-327-105	REP-P	02-12-103	246-335-010	NEW-P	02-12-103
246-229-050	REP-P	02-07-021	246-327-105	REP	02-18-026	246-335-010	NEW	02-18-026
246-229-050	REP	02-14-050	246-327-115	REP-P	02-12-103	246-335-015	NEW-P	02-12-103
246-229-060	REP-P	02-07-021	246-327-115	REP	02-18-026	246-335-015	NEW	02-18-026
246-229-060	REP	02-14-050	246-327-125	REP-P	02-12-103	246-335-020	NEW-P	02-12-103

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-335-020	NEW	02-18-026	246-335-175	NEW	02-18-026	246-336-085	REP	02-18-026
246-335-025	NEW-P	02-12-103	246-335-180	NEW-P	02-12-103	246-336-095	REP-P	02-12-103
246-335-025	NEW	02-18-026	246-335-180	NEW	02-18-026	246-336-095	REP	02-18-026
246-335-030	NEW-P	02-12-103	246-335-185	NEW-P	02-12-103	246-336-100	REP-P	02-12-103
246-335-030	NEW	02-18-026	246-335-185	NEW	02-18-026	246-336-100	REP	02-18-026
246-335-035	NEW-P	02-12-103	246-335-190	NEW-P	02-12-103	246-336-105	REP-P	02-12-103
246-335-035	NEW	02-18-026	246-335-190	NEW	02-18-026	246-336-105	REP	02-18-026
246-335-040	NEW-P	02-12-103	246-335-195	NEW-P	02-12-103	246-336-115	REP-P	02-12-103
246-335-040	NEW	02-18-026	246-335-195	NEW	02-18-026	246-336-115	REP	02-18-026
246-335-045	NEW-P	02-12-103	246-335-200	NEW-P	02-12-103	246-336-125	REP-P	02-12-103
246-335-045	NEW	02-18-026	246-335-200	NEW	02-18-026	246-336-125	REP	02-18-026
246-335-050	NEW-P	02-12-103	246-335-205	NEW-P	02-12-103	246-336-135	REP-P	02-12-103
246-335-050	NEW	02-18-026	246-335-205	NEW	02-18-026	246-336-135	REP	02-18-026
246-335-055	NEW-P	02-12-103	246-335-210	NEW-P	02-12-103	246-336-165	REP-P	02-12-103
246-335-055	NEW	02-18-026	246-335-210	NEW	02-18-026	246-336-165	REP	02-18-026
246-335-060	NEW-P	02-12-103	246-335-220	NEW-P	02-12-103	246-336-990	REP-P	02-12-103
246-335-060	NEW	02-18-026	246-335-220	NEW	02-18-026	246-336-990	REP	02-18-026
246-335-065	NEW-P	02-12-103	246-335-225	NEW-P	02-12-103	246-338-020	PREP	02-03-138
246-335-065	NEW	02-18-026	246-335-225	NEW	02-18-026	246-338-020	AMD-P	02-09-026
246-335-070	NEW-P	02-12-103	246-335-230	NEW-P	02-12-103	246-338-020	AMD	02-12-105
246-335-070	NEW	02-18-026	246-335-230	NEW	02-18-026	246-338-990	PREP	02-03-138
246-335-075	NEW-P	02-12-103	246-335-235	NEW-P	02-12-103	246-338-990	AMD-P	02-09-026
246-335-075	NEW	02-18-026	246-335-235	NEW	02-18-026	246-338-990	AMD	02-12-105
246-335-080	NEW-P	02-12-103	246-335-240	NEW-P	02-12-103	246-360-990	AMD-P	02-12-104
246-335-080	NEW	02-18-026	246-335-240	NEW	02-18-026	246-360-990	AMD	02-18-115
246-335-085	NEW-P	02-12-103	246-335-245	NEW-P	02-12-103	246-361-010	AMD-X	02-17-054
246-335-085	NEW	02-18-026	246-335-245	NEW	02-18-026	246-361-025	AMD-X	02-17-054
246-335-090	NEW-P	02-12-103	246-335-250	NEW-P	02-12-103	246-380-990	AMD-P	02-13-059
246-335-090	NEW	02-18-026	246-335-250	NEW	02-18-026	246-388	PREP	02-08-017
246-335-095	NEW-P	02-12-103	246-335-255	NEW-P	02-12-103	246-388-001	REP-P	02-13-075
246-335-095	NEW	02-18-026	246-335-255	NEW	02-18-026	246-388-001	REP	02-17-001
246-335-100	NEW-P	02-12-103	246-335-260	NEW-P	02-12-103	246-388-010	REP-P	02-13-075
246-335-100	NEW	02-18-026	246-335-260	NEW	02-18-026	246-388-010	REP	02-17-001
246-335-105	NEW-P	02-12-103	246-335-265	NEW-P	02-12-103	246-388-020	REP-P	02-13-075
246-335-105	NEW	02-18-026	246-335-265	NEW	02-18-026	246-388-020	REP	02-17-001
246-335-110	NEW-P	02-12-103	246-335-270	NEW-P	02-12-103	246-388-030	REP-P	02-13-075
246-335-110	NEW	02-18-026	246-335-270	NEW	02-18-026	246-388-030	REP	02-17-001
246-335-115	NEW-P	02-12-103	246-335-275	NEW-P	02-12-103	246-388-040	REP-P	02-13-075
246-335-115	NEW	02-18-026	246-335-275	NEW	02-18-026	246-388-040	REP	02-17-001
246-335-120	NEW-P	02-12-103	246-335-280	NEW-P	02-12-103	246-388-050	REP-P	02-13-075
246-335-120	NEW	02-18-026	246-335-280	NEW	02-18-026	246-388-050	REP	02-17-001
246-335-125	NEW-P	02-12-103	246-335-285	NEW-P	02-12-103	246-388-060	REP-P	02-13-075
246-335-125	NEW	02-18-026	246-335-285	NEW	02-18-026	246-388-060	REP	02-17-001
246-335-130	NEW-P	02-12-103	246-335-290	NEW-P	02-12-103	246-388-070	REP-P	02-13-075
246-335-130	NEW	02-18-026	246-335-290	NEW	02-18-026	246-388-070	REP	02-17-001
246-335-135	NEW-P	02-12-103	246-335-295	NEW-P	02-12-103	246-388-072	REP-P	02-13-075
246-335-135	NEW	02-18-026	246-335-295	NEW	02-18-026	246-388-072	REP	02-17-001
246-335-140	NEW-P	02-12-103	246-335-990	NEW-P	02-12-103	246-388-080	REP-P	02-13-075
246-335-140	NEW	02-18-026	246-335-990	NEW	02-18-026	246-388-080	REP	02-17-001
246-335-145	NEW-P	02-12-103	246-336-010	REP-P	02-12-103	246-388-090	REP-P	02-13-075
246-335-145	NEW	02-18-026	246-336-010	REP	02-18-026	246-388-090	REP	02-17-001
246-335-150	NEW-P	02-12-103	246-336-025	REP-P	02-12-103	246-388-100	REP-P	02-13-075
246-335-150	NEW	02-18-026	246-336-025	REP	02-18-026	246-388-100	REP	02-17-001
246-335-155	NEW-P	02-12-103	246-336-030	REP-P	02-12-103	246-388-110	REP-P	02-13-075
246-335-155	NEW	02-18-026	246-336-030	REP	02-18-026	246-388-110	REP	02-17-001
246-335-160	NEW-P	02-12-103	246-336-035	REP-P	02-12-103	246-388-120	REP-P	02-13-075
246-335-160	NEW	02-18-026	246-336-035	REP	02-18-026	246-388-120	REP	02-17-001
246-335-165	NEW-P	02-12-103	246-336-065	REP-P	02-12-103	246-388-130	REP-P	02-13-075
246-335-165	NEW	02-18-026	246-336-065	REP	02-18-026	246-388-130	REP	02-17-001
246-335-170	NEW-P	02-12-103	246-336-077	REP-P	02-12-103	246-388-140	REP-P	02-13-075
246-335-170	NEW	02-18-026	246-336-077	REP	02-18-026	246-388-140	REP	02-17-001
246-335-175	NEW-P	02-12-103	246-336-085	REP-P	02-12-103	246-388-150	REP-P	02-13-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-388-150	REP	02-17-001	246-388-990	REP	02-17-001	246-809-610	NEW	02-11-108
246-388-160	REP-P	02-13-075	246-455	PREP	02-18-114	246-809-620	NEW	02-11-108
246-388-160	REP	02-17-001	246-491-001	NEW-P	02-16-100	246-809-630	NEW	02-11-108
246-388-170	REP-P	02-13-075	246-491-010	NEW-P	02-16-100	246-809-640	NEW	02-11-108
246-388-170	REP	02-17-001	246-491-029	AMD-P	02-16-100	246-809-650	NEW	02-11-108
246-388-180	REP-P	02-13-075	246-491-039	AMD-P	02-16-100	246-810-320	REP	02-09-041
246-388-180	REP	02-17-001	246-491-149	AMD-P	02-16-100	246-810-321	REP	02-09-041
246-388-190	REP-P	02-13-075	246-562-080	PREP	02-12-100	246-810-332	REP	02-09-041
246-388-190	REP	02-17-001	246-562-080	AMD-P	02-15-161	246-810-340	REP	02-09-041
246-388-200	REP-P	02-13-075	246-562-080	AMD	02-19-084	246-810-520	REP	02-09-041
246-388-200	REP	02-17-001	246-562-160	AMD-P	02-15-161	246-810-521	REP	02-09-041
246-388-210	REP-P	02-13-075	246-562-160	AMD	02-19-084	246-810-532	REP	02-09-041
246-388-210	REP	02-17-001	246-650	PREP	02-03-136	246-810-540	REP	02-09-041
246-388-220	REP-P	02-13-075	246-650	PREP-W	02-04-024	246-810-600	REP	02-11-108
246-388-220	REP	02-17-001	246-760-001	AMD-P	02-15-163	246-810-610	REP	02-11-108
246-388-230	REP-P	02-13-075	246-760-020	AMD-P	02-15-163	246-810-620	REP	02-11-108
246-388-230	REP	02-17-001	246-760-030	AMD-P	02-15-163	246-810-630	REP	02-11-108
246-388-240	REP-P	02-13-075	246-760-040	AMD-P	02-15-163	246-810-640	REP	02-11-108
246-388-240	REP	02-17-001	246-760-050	AMD-P	02-15-163	246-810-650	REP	02-11-108
246-388-250	REP-P	02-13-075	246-760-060	AMD-P	02-15-163	246-810-660	REP	02-11-108
246-388-250	REP	02-17-001	246-760-070	AMD-P	02-15-163	246-810-720	REP	02-09-041
246-388-260	REP-P	02-13-075	246-760-080	AMD-P	02-15-163	246-810-721	REP	02-09-041
246-388-260	REP	02-17-001	246-760-090	AMD-P	02-15-163	246-810-732	REP	02-09-041
246-388-270	REP-P	02-13-075	246-760-100	AMD-P	02-15-163	246-810-740	REP	02-09-041
246-388-270	REP	02-17-001	246-762-001	AMD-P	02-15-162	246-811	PREP-W	02-11-105
246-388-280	REP-P	02-13-075	246-762-010	AMD-P	02-15-162	246-811-081	NEW	02-07-083
246-388-280	REP	02-17-001	246-762-020	AMD-P	02-15-162	246-811-082	NEW	02-07-083
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246-388-310	REP	02-17-001	246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084
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246-388-320	REP	02-17-001	246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084
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246-388-330	REP	02-17-001	246-790-070	AMD-P	02-07-020	246-814-010	NEW-P	02-16-101
246-388-340	REP-P	02-13-075	246-790-070	AMD	02-11-107	246-814-020	NEW-P	02-16-101
246-388-340	REP	02-17-001	246-790-080	AMD-P	02-07-020	246-814-030	NEW-P	02-16-101
246-388-350	REP-P	02-13-075	246-790-080	AMD	02-11-107	246-814-040	NEW-P	02-16-101
246-388-350	REP	02-17-001	246-790-085	AMD-P	02-07-020	246-814-990	NEW-P	02-16-101
246-388-360	REP-P	02-13-075	246-790-085	AMD	02-11-107	246-815-020	PREP	02-19-083
246-388-360	REP	02-17-001	246-790-090	AMD-P	02-07-020	246-815-050	PREP	02-19-083
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246-388-370	REP	02-17-001	246-790-100	AMD-P	02-07-020	246-815-110	PREP	02-19-083
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246-388-380	REP	02-17-001	246-790-120	AMD-P	02-07-020	246-817-110	PREP	02-15-160
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246-388-410	REP-P	02-13-075	246-808-320	REP-W	02-11-105	246-824-020	AMD	02-18-025
246-388-410	REP	02-17-001	246-808-330	REP-W	02-11-105	246-824-070	AMD-P	02-13-062
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246-851-330	AMD	02-10-065	246-976-886	NEW	02-12-107	251-14-030	REP	02-15-048
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296- 150C	PREP	02-04-106	296- 17-90442	REP-P	02-17-105	296- 24-12519	REP-X	02-17-107
296- 150F	PREP	02-04-106	296- 17-90445	AMD-P	02-17-105	296- 24-12521	REP-X	02-17-107
296- 150M	PREP	02-04-106	296- 17-90446	NEW-P	02-17-105	296- 24-12523	REP-X	02-17-107
296- 150P	PREP	02-04-106	296- 17-90447	AMD-P	02-17-105	296- 24-14001	AMD-X	02-05-077
296- 150R	PREP	02-04-106	296- 17-90448	REP-P	02-17-105	296- 24-14001	AMD	02-12-098
296- 150V	PREP	02-04-106	296- 17-90451	REP-P	02-17-105	296- 24-145	PREP	02-09-088
296- 17	PREP	02-07-102	296- 17-90453	NEW-P	02-17-105	296- 24-145	REP-P	02-13-118
296- 17	PREP	02-13-117	296- 17-90463	REP-P	02-17-105	296- 24-14501	REP-P	02-13-118
296- 17-35203	AMD-P	02-03-123	296- 17-90466	REP-P	02-17-105	296- 24-14503	REP-P	02-13-118
296- 17-35203	AMD	02-09-093	296- 17-90469	REP-P	02-17-105	296- 24-14505	REP-P	02-13-118
296- 17-52140	AMD-P	02-03-123	296- 17-90472	REP-P	02-17-105	296- 24-14507	REP-P	02-13-118
296- 17-52140	AMD	02-09-093	296- 17-90475	REP-P	02-17-105	296- 24-14509	REP-P	02-13-118
296- 17-52141	AMD-P	02-03-123	296- 17-90478	REP-P	02-17-105	296- 24-14511	REP-P	02-13-118
296- 17-52141	AMD	02-09-093	296- 17-90481	REP-P	02-17-105	296- 24-14513	REP-P	02-13-118
296- 17-52150	AMD-P	02-03-123	296- 17-90484	AMD-P	02-17-105	296- 24-14515	REP-P	02-13-118
296- 17-52150	AMD	02-09-093	296- 17-90486	NEW-P	02-17-105	296- 24-14517	REP-P	02-13-118
296- 17-52151	AMD-P	02-03-123	296- 17-90490	AMD-P	02-17-105	296- 24-14519	REP-P	02-13-118
296- 17-52151	AMD	02-09-093	296- 17-90491	REP-P	02-17-105	296- 24-23003	AMD-X	02-05-077
296- 17-855	AMD-P	02-19-101	296- 17-90492	AMD-P	02-19-101	296- 24-23003	AMD	02-12-098
296- 17-875	AMD-P	02-19-101	296- 17-90493	AMD-P	02-19-101	296- 24-405	REP-P	02-07-100
296- 17-880	AMD-P	02-19-101	296- 17-90494	AMD-P	02-19-101	296- 24-405	REP	02-15-102
296- 17-885	AMD-P	02-19-101	296- 17-90495	AMD-P	02-19-101	296- 24-40501	REP-P	02-07-100
296- 17-890	AMD-P	02-19-101	296- 17-90496	AMD-P	02-19-101	296- 24-40501	REP	02-15-102
296- 17-895	AMD-P	02-19-101	296- 17-90497	AMD-P	02-19-101	296- 24-40503	REP-P	02-07-100
296- 17-89502	AMD-P	02-19-101	296- 17-920	AMD-P	02-19-101	296- 24-40503	REP	02-15-102
296- 17-90100	REP-P	02-19-101	296- 20-01002	AMD-P	02-16-086	296- 24-40505	REP-P	02-07-100
296- 17-90110	REP-P	02-19-101	296- 20-02001	REP-X	02-14-149	296- 24-40505	REP	02-15-102
296- 17-90120	REP-P	02-19-101	296- 200A	PREP	02-04-106	296- 24-40507	REP-P	02-07-100
296- 17-90130	REP-P	02-19-101	296- 20-135	AMD-P	02-05-076	296- 24-40507	REP	02-15-102
296- 17-90140	REP-P	02-19-101	296- 20-135	AMD	02-10-129	296- 24-40509	REP-P	02-07-100
296- 17-90150	REP-P	02-19-101	296- 20-19000	NEW-P	02-16-086	296- 24-40509	REP	02-15-102
296- 17-90401	AMD-P	02-17-105	296- 20-19010	NEW-P	02-16-086	296- 24-40511	REP-P	02-07-100
296- 17-90402	AMD-P	02-17-105	296- 20-19020	NEW-P	02-16-086	296- 24-40511	REP	02-15-102
296- 17-90403	REP-P	02-17-105	296- 20-19030	NEW-P	02-16-086	296- 24-40513	REP-P	02-07-100
296- 17-90404	NEW-P	02-17-105	296- 23-170	REP-X	02-14-149	296- 24-40513	REP	02-15-102
296- 17-90405	NEW-P	02-17-105	296- 23-175	REP-X	02-14-149	296- 24-40515	REP-P	02-07-100
296- 17-90406	REP-P	02-17-105	296- 23-185	REP-X	02-14-149	296- 24-40515	REP	02-15-102
296- 17-90407	NEW-P	02-17-105	296- 23-220	AMD-P	02-05-076	296- 24-51009	AMD-X	02-05-077
296- 17-90408	REP-P	02-17-105	296- 23-220	AMD	02-10-129	296- 24-51009	AMD	02-12-098
296- 17-90409	AMD-P	02-17-105	296- 23-225	REP-X	02-14-149	296- 24-51011	AMD-X	02-05-077
296- 17-90410	NEW-P	02-17-105	296- 23-230	AMD-P	02-05-076	296- 24-51011	AMD	02-12-098
296- 17-90411	NEW-P	02-17-105	296- 23-230	AMD	02-10-129	296- 24-51015	AMD-X	02-05-077
296- 17-90412	REP-P	02-17-105	296- 24	PREP	02-04-107	296- 24-51015	AMD	02-12-098
296- 17-90413	NEW-P	02-17-105	296- 24	PREP	02-04-108	296- 24-60205	AMD-X	02-05-077
296- 17-90414	NEW-P	02-17-105	296- 24	PREP	02-09-091	296- 24-60205	AMD	02-12-098
296- 17-90415	REP-P	02-17-105	296- 24-012	AMD-X	02-05-077	296- 24-63499	AMD-X	02-05-077
296- 17-90418	REP-P	02-17-105	296- 24-012	AMD	02-12-098	296- 24-63499	AMD	02-12-098
296- 17-90421	AMD-P	02-17-105	296- 24-102	REP-X	02-08-080	296- 24-67513	AMD-X	02-05-077
296- 17-90422	NEW-P	02-17-105	296- 24-102	REP	02-16-087	296- 24-67513	AMD	02-12-098
296- 17-90424	REP-P	02-17-105	296- 24-10203	REP-X	02-08-080	296- 24-67515	AMD-X	02-05-077
296- 17-90425	NEW-P	02-17-105	296- 24-10203	REP	02-16-087	296- 24-67515	AMD	02-12-098
296- 17-90427	REP-P	02-17-105	296- 24-125	REP-X	02-17-107	296- 27-01113	AMD-X	02-17-104
296- 17-90428	NEW-P	02-17-105	296- 24-12501	REP-X	02-17-107	296- 27-01117	AMD-X	02-17-104
296- 17-90430	REP-P	02-17-105	296- 24-12503	REP-X	02-17-107	296- 27-01119	AMD-X	02-17-104
296- 17-90431	NEW-P	02-17-105	296- 24-12504	REP-X	02-17-107	296- 28-001	REP-P	02-07-101
296- 17-90433	REP-P	02-17-105	296- 24-12505	REP-X	02-17-107	296- 28-001	REP	02-17-106
296- 17-90434	REP-P	02-17-105	296- 24-12507	REP-X	02-17-107	296- 28-005	REP-P	02-07-101
296- 17-90436	REP-P	02-17-105	296- 24-12509	REP-X	02-17-107	296- 28-005	REP	02-17-106
296- 17-90437	NEW-P	02-17-105	296- 24-12511	REP-X	02-17-107	296- 28-010	REP-P	02-07-101
296- 17-90438	NEW-P	02-17-105	296- 24-12513	REP-X	02-17-107	296- 28-010	REP	02-17-106

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-28-015	REP-P	02-07-101	296-52-477	REP	02-03-125	296-52-63010	NEW	02-03-125
296-28-015	REP	02-17-106	296-52-481	REP	02-03-125	296-52-63015	NEW-W	02-06-102
296-28-020	REP-P	02-07-101	296-52-485	REP	02-03-125	296-52-63020	NEW	02-03-125
296-28-020	REP	02-17-106	296-52-487	REP	02-03-125	296-52-63025	NEW	02-03-125
296-28-025	REP-P	02-07-101	296-52-489	REP	02-03-125	296-52-63030	NEW	02-03-125
296-28-025	REP	02-17-106	296-52-493	REP	02-03-125	296-52-64005	NEW	02-03-125
296-28-030	REP-P	02-07-101	296-52-497	REP	02-03-125	296-52-64010	NEW-W	02-06-102
296-28-030	REP	02-17-106	296-52-501	REP	02-03-125	296-52-64015	NEW-W	02-06-102
296-28-035	REP-P	02-07-101	296-52-505	REP	02-03-125	296-52-64020	NEW	02-03-125
296-28-035	REP	02-17-106	296-52-509	REP	02-03-125	296-52-64025	NEW-W	02-06-102
296-28-040	REP-P	02-07-101	296-52-510	REP	02-03-125	296-52-64030	NEW	02-03-125
296-28-040	REP	02-17-106	296-52-550	REP	02-03-125	296-52-64035	NEW	02-03-125
296-28-045	REP-P	02-07-101	296-52-552	REP	02-03-125	296-52-64040	NEW	02-03-125
296-28-045	REP	02-17-106	296-52-555	REP	02-03-125	296-52-64045	NEW	02-03-125
296-28-050	REP-P	02-07-101	296-52-600	NEW-W	02-06-102	296-52-64050	NEW	02-03-125
296-28-050	REP	02-17-106	296-52-60005	NEW	02-03-125	296-52-64055	NEW	02-03-125
296-30	PREP	02-18-092	296-52-60010	NEW	02-03-125	296-52-64060	NEW-W	02-06-102
296-32	AMD-S	02-10-025	296-52-60015	NEW	02-03-125	296-52-64065	NEW	02-03-125
296-32	AMD-W	02-15-132	296-52-60020	NEW	02-03-125	296-52-64070	NEW-W	02-06-102
296-32-240	AMD-P	02-05-080	296-52-60020	AMD-X	02-15-165	296-52-64075	NEW	02-03-125
296-32-240	AMD-W	02-15-132	296-52-60025	NEW-W	02-06-102	296-52-64080	NEW	02-03-125
296-32-250	AMD-X	02-05-077	296-52-60030	NEW	02-03-125	296-52-64085	NEW	02-03-125
296-32-250	AMD	02-12-098	296-52-60035	NEW	02-03-125	296-52-64090	NEW	02-03-125
296-32-280	AMD-X	02-05-077	296-52-60040	NEW-W	02-06-102	296-52-64095	NEW	02-03-125
296-32-280	AMD	02-12-098	296-52-60045	NEW	02-03-125	296-52-64100	NEW	02-03-125
296-33-010	NEW	02-06-024	296-52-60050	NEW	02-03-125	296-52-650	NEW	02-03-125
296-400A	PREP	02-04-106	296-52-60055	NEW	02-03-125	296-52-65005	NEW	02-03-125
296-401B	PREP	02-04-106	296-52-60060	NEW	02-03-125	296-52-65010	NEW	02-03-125
296-401B	PREP	02-15-167	296-52-60065	NEW	02-03-125	296-52-65015	NEW	02-03-125
296-402A	PREP	02-15-167	296-52-60070	NEW-W	02-06-102	296-52-65020	NEW	02-03-125
296-45	AMD-S	02-10-025	296-52-60075	NEW	02-03-125	296-52-65025	NEW	02-03-125
296-45	AMD-W	02-15-132	296-52-60080	NEW	02-03-125	296-52-65030	NEW	02-03-125
296-45-52530	AMD-P	02-05-080	296-52-60085	NEW	02-03-125	296-52-660	NEW	02-03-125
296-45-52530	AMD-W	02-15-132	296-52-60090	NEW	02-03-125	296-52-66005	NEW	02-03-125
296-46A	PREP	02-04-106	296-52-60095	NEW	02-03-125	296-52-66010	NEW	02-03-125
296-46A	PREP	02-15-167	296-52-60100	NEW	02-03-125	296-52-66015	NEW	02-03-125
296-46A-910	AMD-P	02-09-095	296-52-60105	NEW	02-03-125	296-52-66020	NEW	02-03-125
296-46A-910	AMD	02-12-022	296-52-60110	NEW-W	02-06-102	296-52-66025	NEW-W	02-06-102
296-46A-915	AMD-P	02-09-095	296-52-60115	NEW	02-03-125	296-52-66030	NEW	02-03-125
296-46A-915	AMD	02-12-022	296-52-60120	NEW	02-03-125	296-52-66035	NEW	02-03-125
296-46A-950	AMD-P	02-18-093	296-52-60125	NEW	02-03-125	296-52-66040	NEW	02-03-125
296-52	AMD	02-03-125	296-52-60130	NEW	02-03-125	296-52-66045	NEW	02-03-125
296-52-401	REP	02-03-125	296-52-60130	AMD-X	02-15-165	296-52-66050	NEW	02-03-125
296-52-405	REP	02-03-125	296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125
296-52-409	REP	02-03-125	296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125
296-52-413	REP	02-03-125	296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102
296-52-417	REP	02-03-125	296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125
296-52-419	REP	02-03-125	296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102
296-52-421	REP	02-03-125	296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125
296-52-423	REP	02-03-125	296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125
296-52-425	REP	02-03-125	296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125
296-52-429	REP	02-03-125	296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125
296-52-433	REP	02-03-125	296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125
296-52-437	REP	02-03-125	296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125
296-52-441	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67065	AMD-X	02-15-165
296-52-461	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67080	NEW	02-03-125

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-67085	NEW	02-03-125	296-52-69040	NEW	02-03-125	296-52-71090	NEW	02-03-125
296-52-67090	NEW	02-03-125	296-52-69045	NEW	02-03-125	296-52-71095	NEW	02-03-125
296-52-67095	NEW	02-03-125	296-52-69050	NEW	02-03-125	296-52-71100	NEW	02-03-125
296-52-67100	NEW	02-03-125	296-52-69055	NEW	02-03-125	296-52-71105	NEW	02-03-125
296-52-67105	NEW	02-03-125	296-52-69060	NEW	02-03-125	296-52-720	NEW	02-03-125
296-52-67110	NEW	02-03-125	296-52-69065	NEW	02-03-125	296-52-725	NEW	02-03-125
296-52-67115	NEW	02-03-125	296-52-69070	NEW	02-03-125	296-62	PREP	02-04-107
296-52-67120	NEW-W	02-06-102	296-52-69075	NEW-W	02-06-102	296-62	PREP	02-10-130
296-52-67125	NEW	02-03-125	296-52-69080	NEW	02-03-125	296-62	PREP	02-13-114
296-52-67130	NEW	02-03-125	296-52-69085	NEW	02-03-125	296-62	PREP	02-13-116
296-52-67135	NEW	02-03-125	296-52-69090	NEW	02-03-125	296-62-054	AMD-P	02-18-094
296-52-67140	NEW	02-03-125	296-52-69095	NEW	02-03-125	296-62-055	NEW-P	02-18-094
296-52-67145	NEW	02-03-125	296-52-69095	AMD-X	02-15-165	296-62-05510	NEW-P	02-18-094
296-52-67150	NEW-W	02-06-102	296-52-69100	NEW-W	02-06-102	296-62-05520	NEW-P	02-18-094
296-52-67155	NEW-W	02-06-102	296-52-69105	NEW	02-03-125	296-62-060	AMD-P	02-09-092
296-52-67160	NEW	02-03-125	296-52-69110	NEW	02-03-125	296-62-060	AMD	02-16-047
296-52-67160	AMD-X	02-15-165	296-52-69115	NEW	02-03-125	296-62-070	AMD-P	02-09-092
296-52-67165	NEW	02-03-125	296-52-69120	NEW	02-03-125	296-62-070	AMD	02-16-047
296-52-67170	NEW	02-03-125	296-52-69125	NEW	02-03-125	296-62-071	PREP	02-11-140
296-52-67175	NEW-W	02-06-102	296-52-69125	AMD-X	02-15-165	296-62-07302	AMD-X	02-05-077
296-52-67180	NEW	02-03-125	296-52-69130	NEW-X	02-15-165	296-62-07302	AMD	02-12-098
296-52-67185	NEW	02-03-125	296-52-700	NEW	02-03-125	296-62-07304	AMD-X	02-05-077
296-52-67190	NEW	02-03-125	296-52-70005	NEW	02-03-125	296-62-07304	AMD	02-12-098
296-52-67195	NEW	02-03-125	296-52-70010	NEW	02-03-125	296-62-07312	AMD-X	02-05-077
296-52-67200	NEW	02-03-125	296-52-70010	AMD-X	02-15-165	296-62-07312	AMD	02-12-098
296-52-67205	NEW-W	02-06-102	296-52-70015	NEW	02-03-125	296-62-07314	AMD-X	02-05-077
296-52-67210	NEW	02-03-125	296-52-70020	NEW	02-03-125	296-62-07314	AMD	02-12-098
296-52-67215	NEW	02-03-125	296-52-70025	NEW	02-03-125	296-62-07421	AMD-X	02-05-077
296-52-67220	NEW	02-03-125	296-52-70030	NEW	02-03-125	296-62-07421	AMD	02-12-098
296-52-67225	NEW	02-03-125	296-52-70035	NEW	02-03-125	296-62-07501	AMD-X	02-05-077
296-52-67230	NEW	02-03-125	296-52-70040	NEW	02-03-125	296-62-07501	AMD	02-12-098
296-52-67235	NEW	02-03-125	296-52-70045	NEW	02-03-125	296-62-07527	AMD-X	02-05-077
296-52-67240	NEW	02-03-125	296-52-70050	NEW	02-03-125	296-62-07527	AMD	02-12-098
296-52-67245	NEW	02-03-125	296-52-70055	NEW	02-03-125	296-62-07540	AMD-X	02-05-077
296-52-67250	NEW-W	02-06-102	296-52-70060	NEW	02-03-125	296-62-07540	AMD	02-12-098
296-52-68005	NEW-W	02-06-102	296-52-70065	NEW	02-03-125	296-62-080	AMD-P	02-09-092
296-52-68010	NEW	02-03-125	296-52-70070	NEW	02-03-125	296-62-080	AMD	02-16-047
296-52-68015	NEW	02-03-125	296-52-70075	NEW-W	02-06-102	296-62-11021	AMD-P	02-07-100
296-52-68020	NEW	02-03-125	296-52-70080	NEW	02-03-125	296-62-11021	AMD	02-15-102
296-52-68025	NEW	02-03-125	296-52-70085	NEW	02-03-125	296-62-130	AMD-P	02-09-092
296-52-68030	NEW	02-03-125	296-52-710	NEW	02-03-125	296-62-130	AMD	02-16-047
296-52-68035	NEW-W	02-06-102	296-52-710	AMD-X	02-15-165	296-62-14105	AMD-X	02-05-077
296-52-68040	NEW	02-03-125	296-52-71005	NEW-W	02-06-102	296-62-14105	AMD	02-12-098
296-52-68045	NEW	02-03-125	296-52-71010	NEW-W	02-06-102	296-62-14110	AMD-X	02-05-077
296-52-68050	NEW	02-03-125	296-52-71015	NEW	02-03-125	296-62-14110	AMD	02-12-098
296-52-68055	NEW	02-03-125	296-52-71020	NEW	02-03-125	296-62-14155	AMD-X	02-05-077
296-52-68060	NEW	02-03-125	296-52-71020	AMD-X	02-15-165	296-62-14155	AMD	02-12-098
296-52-68060	AMD-X	02-15-165	296-52-71025	NEW	02-03-125	296-62-14171	AMD-X	02-05-077
296-52-68065	NEW	02-03-125	296-52-71030	NEW-W	02-06-102	296-62-14171	AMD	02-12-098
296-52-68070	NEW-W	02-06-102	296-52-71035	NEW	02-03-125	296-62-410	REP	02-11-141
296-52-68075	NEW	02-03-125	296-52-71040	NEW	02-03-125	296-62-41001	REP	02-11-141
296-52-68080	NEW	02-03-125	296-52-71040	AMD-X	02-15-165	296-62-41003	REP	02-11-141
296-52-68085	NEW	02-03-125	296-52-71045	NEW	02-03-125	296-62-41010	REP	02-11-141
296-52-69005	NEW	02-03-125	296-52-71045	AMD-X	02-15-165	296-62-41011	REP	02-11-141
296-52-69010	NEW	02-03-125	296-52-71050	NEW-W	02-06-102	296-62-41013	REP	02-11-141
296-52-69010	AMD-X	02-15-165	296-52-71055	NEW	02-03-125	296-62-41015	REP	02-11-141
296-52-69015	NEW	02-03-125	296-52-71060	NEW	02-03-125	296-62-41017	REP	02-11-141
296-52-69015	AMD-X	02-15-165	296-52-71065	NEW	02-03-125	296-62-41019	REP	02-11-141
296-52-69020	NEW	02-03-125	296-52-71070	NEW-W	02-06-102	296-62-41020	REP	02-11-141
296-52-69025	NEW	02-03-125	296-52-71075	NEW	02-03-125	296-62-41021	REP	02-11-141
296-52-69030	NEW	02-03-125	296-52-71080	NEW	02-03-125	296-62-41023	REP	02-11-141
296-52-69035	NEW	02-03-125	296-52-71085	NEW-W	02-06-102	296-62-41025	REP	02-11-141

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296-62-41030	REP	02-11-141	296-96-01015	REP	02-12-022	296-150M-0020	AMD	02-03-048
296-62-41031	REP	02-11-141	296-96-01025	AMD-P	02-09-095	296-150M-0020	AMD-E	02-14-073
296-62-41033	REP	02-11-141	296-96-01025	AMD	02-12-022	296-150M-0049	NEW	02-03-048
296-62-41035	REP	02-11-141	296-96-01027	AMD-P	02-09-095	296-150M-0049	AMD-E	02-14-073
296-62-41040	REP	02-11-141	296-96-01027	AMD	02-12-022	296-150M-0050	AMD-E	02-14-073
296-62-41041	REP	02-11-141	296-96-01030	AMD-P	02-09-095	296-150M-0051	NEW-E	02-14-073
296-62-41042	REP	02-11-141	296-96-01030	AMD	02-12-022	296-150M-0140	AMD	02-03-048
296-62-41043	REP	02-11-141	296-96-01035	AMD-P	02-09-095	296-150M-0302	NEW	02-03-048
296-62-41044	REP	02-11-141	296-96-01035	AMD	02-12-022	296-150M-0304	NEW-W	02-09-070
296-62-41045	REP	02-11-141	296-96-01040	AMD-P	02-09-095	296-150M-0320	AMD-E	02-14-073
296-62-41046	REP	02-11-141	296-96-01040	AMD	02-12-022	296-150M-0322	NEW-E	02-14-073
296-62-41047	REP	02-11-141	296-96-01045	AMD-P	02-09-095	296-150M-3000	AMD-E	02-14-073
296-62-41060	REP	02-11-141	296-96-01045	AMD	02-12-022	296-150P-3000	AMD-P	02-09-095
296-62-41061	REP	02-11-141	296-96-01050	AMD-P	02-09-095	296-150P-3000	AMD	02-12-022
296-62-41063	REP	02-11-141	296-96-01050	AMD	02-12-022	296-150R-3000	AMD-P	02-09-095
296-62-41080	REP	02-11-141	296-96-01055	AMD-P	02-09-095	296-150R-3000	AMD	02-12-022
296-62-41081	REP	02-11-141	296-96-01055	AMD	02-12-022	296-150T-3000	AMD-P	02-09-095
296-62-41082	REP	02-11-141	296-96-01060	AMD-P	02-09-095	296-150T-3000	AMD	02-12-022
296-62-41084	REP	02-11-141	296-96-01060	AMD	02-12-022	296-150V-0800	AMD-P	02-09-095
296-62-41085	REP	02-11-141	296-96-01065	AMD-P	02-09-095	296-150V-0800	AMD	02-12-022
296-62-41086	REP	02-11-141	296-96-01065	AMD	02-12-022	296-150V-3000	AMD-P	02-09-095
296-67-053	AMD-X	02-15-166	296-104	PREP	02-04-105	296-150V-3000	AMD	02-12-022
296-67-291	AMD-X	02-15-166	296-104	PREP	02-08-090	296-155	PREP	02-09-091
296-78-56501	AMD	02-03-124	296-104-010	AMD-P	02-17-120	296-155	AMD-S	02-10-025
296-78-56505	AMD	02-03-124	296-104-020	AMD-P	02-17-120	296-155	AMD-W	02-15-132
296-78-71015	AMD-P	02-07-100	296-104-021	NEW-P	02-17-120	296-155-110	AMD-P	02-05-080
296-78-71015	AMD	02-15-102	296-104-050	AMD-P	02-17-120	296-155-110	AMD-W	02-15-132
296-79-140	AMD-X	02-05-077	296-104-055	AMD-P	02-09-094	296-155-165	AMD-P	02-05-080
296-79-140	AMD	02-12-098	296-104-055	AMD	02-12-021	296-155-165	AMD-W	02-15-132
296-86A-010	REP-P	02-09-095	296-104-060	AMD-P	02-09-094	296-155-200	AMD-P	02-05-080
296-86A-010	REP	02-12-022	296-104-060	AMD	02-12-021	296-155-200	AMD-W	02-15-132
296-86A-020	REP-P	02-09-095	296-104-060	AMD-P	02-17-120	296-155-24525	AMD-X	02-05-077
296-86A-020	REP	02-12-022	296-104-125	AMD-P	02-17-120	296-155-24525	AMD	02-12-098
296-86A-025	REP-P	02-09-095	296-104-140	AMD-P	02-17-120	296-155-441	AMD-X	02-05-077
296-86A-025	REP	02-12-022	296-104-145	AMD-P	02-17-120	296-155-441	AMD	02-12-098
296-86A-028	REP-P	02-09-095	296-104-150	AMD-P	02-17-120	296-155-525	AMD-X	02-05-077
296-86A-028	REP	02-12-022	296-104-151	AMD-P	02-17-120	296-155-525	AMD	02-12-098
296-86A-030	REP-P	02-09-095	296-104-155	AMD-P	02-17-120	296-155-530	AMD-X	02-05-077
296-86A-030	REP	02-12-022	296-104-170	AMD-P	02-17-120	296-155-530	AMD	02-12-098
296-86A-040	REP-P	02-09-095	296-104-200	AMD-P	02-17-120	296-155-601	NEW-P	02-05-080
296-86A-040	REP	02-12-022	296-104-230	AMD-P	02-17-120	296-155-601	NEW-W	02-15-132
296-86A-060	REP-P	02-09-095	296-104-240	REP-P	02-17-120	296-155-602	NEW-P	02-05-080
296-86A-060	REP	02-12-022	296-104-256	RECOD-P	02-17-120	296-155-602	NEW-W	02-15-132
296-86A-065	REP-P	02-09-095	296-104-260	A/R-P	02-17-120	296-155-603	NEW-P	02-05-080
296-86A-065	REP	02-12-022	296-104-265	RECOD-P	02-17-120	296-155-603	NEW-W	02-15-132
296-86A-070	REP-P	02-09-095	296-104-270	A/R-P	02-17-120	296-155-604	NEW-P	02-05-080
296-86A-070	REP	02-12-022	296-104-273	A/R-P	02-17-120	296-155-604	NEW-W	02-15-132
296-86A-073	REP-P	02-09-095	296-104-300	RECOD-P	02-17-120	296-155-605	AMD-P	02-05-080
296-86A-073	REP	02-12-022	296-104-305	RECOD-P	02-17-120	296-155-605	AMD-W	02-15-132
296-86A-074	REP-P	02-09-095	296-104-307	RECOD-P	02-17-120	296-155-606	NEW-P	02-05-080
296-86A-074	REP	02-12-022	296-104-310	RECOD-P	02-17-120	296-155-606	NEW-W	02-15-132
296-86A-075	REP-P	02-09-095	296-104-320	RECOD-P	02-17-120	296-155-607	NEW-P	02-05-080
296-86A-075	REP	02-12-022	296-104-502	AMD-P	02-17-120	296-155-607	NEW-W	02-15-132
296-86A-080	REP-P	02-09-095	296-104-700	AMD-P	02-09-094	296-155-608	NEW-P	02-05-080
296-86A-080	REP	02-12-022	296-104-700	AMD	02-12-021	296-155-608	NEW-W	02-15-132
296-96	PREP	02-04-106	296-104-700	AMD-P	02-17-120	296-155-609	NEW-P	02-05-080
296-96	PREP	02-09-090	296-130	PREP	02-11-139	296-155-609	NEW-W	02-15-132
296-96-01010	AMD-P	02-09-095	296-150C-0800	AMD-P	02-09-095	296-155-610	AMD-P	02-05-080
296-96-01010	AMD	02-12-022	296-150C-0800	AMD	02-12-022	296-155-610	AMD-W	02-15-132
296-96-01012	NEW-P	02-09-095	296-150C-3000	AMD-P	02-09-095	296-155-611	NEW-P	02-05-080
296-96-01012	NEW	02-12-022	296-150C-3000	AMD	02-12-022	296-155-611	NEW-W	02-15-132
296-96-01015	REP-P	02-09-095	296-150F-3000	AMD-E	02-14-073	296-155-612	NEW-P	02-05-080

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296-155-612	NEW-W	02-15-132	296-305-04001	AMD-X	02-05-077	296-401B-700	AMD-P	02-09-095
296-155-615	AMD-P	02-05-080	296-305-04001	AMD	02-12-098	296-401B-700	AMD	02-12-022
296-155-615	AMD-W	02-15-132	296-305-05003	AMD-X	02-05-077	296-402A-040	AMD-P	02-09-097
296-155-655	AMD-P	02-05-080	296-305-05003	AMD	02-12-098	296-402A-410	AMD-P	02-09-097
296-155-655	AMD-W	02-15-132	296-305-05011	AMD-X	02-15-166	296-402A-630	AMD-P	02-09-097
296-155-66405	AMD-X	02-05-077	296-307	PREP	02-04-107	296-403-010	REP-P	02-09-097
296-155-66405	AMD	02-12-098	296-307-039	AMD-X	02-05-077	296-403-020	REP-P	02-09-097
296-155-66411	AMD-X	02-05-077	296-307-039	AMD	02-12-098	296-403-030	REP-P	02-09-097
296-155-66411	AMD	02-12-098	296-307-08009	AMD-X	02-05-077	296-403-040	REP-P	02-09-097
296-155-700	REP-P	02-06-114	296-307-08009	AMD	02-12-098	296-403-050	REP-P	02-09-097
296-155-700	REP	02-13-115	296-307-14520	PREP	02-07-103	296-403-060	REP-P	02-09-097
296-155-701	NEW-P	02-06-114	296-307-16303	AMD-X	02-17-109	296-403-070	REP-P	02-09-097
296-155-701	NEW	02-13-115	296-307-452	NEW	02-11-141	296-403-080	REP-P	02-09-097
296-155-702	NEW-P	02-06-114	296-307-45210	NEW	02-11-141	296-403-090	REP-P	02-09-097
296-155-702	NEW	02-13-115	296-307-45220	NEW	02-11-141	296-403-100	REP-P	02-09-097
296-155-703	NEW-P	02-06-114	296-307-45230	NEW	02-11-141	296-403-110	REP-P	02-09-097
296-155-703	NEW	02-13-115	296-307-45240	NEW	02-11-141	296-403-120	REP-P	02-09-097
296-155-704	NEW-P	02-06-114	296-307-45400	NEW	02-11-141	296-403-130	REP-P	02-09-097
296-155-704	NEW	02-13-115	296-307-45410	NEW	02-11-141	296-403-140	REP-P	02-09-097
296-155-705	REP-P	02-06-114	296-307-45420	NEW	02-11-141	296-403-150	REP-P	02-09-097
296-155-705	REP	02-13-115	296-307-45430	NEW	02-11-141	296-403-160	REP-P	02-09-097
296-155-706	NEW-P	02-06-114	296-307-45440	NEW	02-11-141	296-403A-100	NEW-P	02-09-097
296-155-706	NEW	02-13-115	296-307-45450	NEW	02-11-141	296-403A-110	NEW-P	02-09-097
296-155-707	NEW-P	02-06-114	296-307-45600	NEW	02-11-141	296-403A-120	NEW-P	02-09-097
296-155-707	NEW	02-13-115	296-307-45610	NEW	02-11-141	296-403A-130	NEW-P	02-09-097
296-155-708	NEW-P	02-06-114	296-307-45620	NEW	02-11-141	296-403A-140	NEW-P	02-09-097
296-155-708	NEW	02-13-115	296-307-45800	NEW	02-11-141	296-403A-150	NEW-P	02-09-097
296-155-709	NEW-P	02-06-114	296-307-46000	NEW	02-11-141	296-403A-160	NEW-P	02-09-097
296-155-709	NEW	02-13-115	296-400A	PREP	02-09-089	296-403A-170	NEW-P	02-09-097
296-155-710	REP-P	02-06-114	296-400A	AMD-P	02-09-096	296-403A-180	NEW-P	02-09-097
296-155-710	REP	02-13-115	296-400A	AMD	02-14-074	296-403A-190	NEW-P	02-09-097
296-155-711	NEW-P	02-06-114	296-400A-005	AMD-P	02-09-096	296-403A-195	NEW-P	02-09-097
296-155-711	NEW	02-13-115	296-400A-005	AMD	02-14-074	296-403A-200	NEW-P	02-09-097
296-155-714	NEW-P	02-06-114	296-400A-020	AMD-P	02-09-096	296-403A-210	NEW-P	02-09-097
296-155-714	NEW	02-13-115	296-400A-020	AMD	02-14-074	296-403A-220	NEW-P	02-09-097
296-155-715	REP-P	02-06-114	296-400A-025	AMD-P	02-09-096	296-403A-230	NEW-P	02-09-097
296-155-715	REP	02-13-115	296-400A-026	AMD-P	02-09-096	296-403A-240	NEW-P	02-09-097
296-155-716	NEW-P	02-06-114	296-400A-030	AMD-P	02-09-096	296-800	PREP	02-04-107
296-155-716	NEW	02-13-115	296-400A-030	AMD	02-14-074	296-800-110	AMD-P	02-09-092
296-155-717	NEW-P	02-06-114	296-400A-031	AMD-P	02-09-096	296-800-110	AMD	02-16-047
296-155-717	NEW	02-13-115	296-400A-031	AMD	02-14-074	296-800-11040	NEW-P	02-09-092
296-155-720	REP-P	02-06-114	296-400A-035	AMD-P	02-09-096	296-800-11040	NEW	02-16-047
296-155-720	REP	02-13-115	296-400A-035	AMD	02-14-074	296-800-11045	NEW-P	02-09-092
296-155-72401	NEW-P	02-06-114	296-400A-045	AMD-P	02-09-096	296-800-11045	NEW	02-16-047
296-155-72401	NEW-W	02-13-115	296-400A-045	AMD	02-14-074	296-800-130	AMD-P	02-09-092
296-155-72402	NEW-P	02-06-114	296-400A-070	AMD-P	02-09-096	296-800-130	AMD	02-16-047
296-155-72402	NEW-W	02-13-115	296-400A-070	AMD	02-14-074	296-800-13005	REP-P	02-09-092
296-155-72403	NEW-P	02-06-114	296-400A-100	AMD-P	02-09-096	296-800-13005	REP	02-16-047
296-155-72403	NEW-W	02-13-115	296-400A-100	AMD	02-14-074	296-800-13010	REP-P	02-09-092
296-155-72404	NEW-P	02-06-114	296-400A-120	AMD-P	02-09-096	296-800-13010	REP	02-16-047
296-155-72404	NEW-W	02-13-115	296-400A-120	AMD	02-14-074	296-800-13015	REP-P	02-09-092
296-155-72405	NEW-P	02-06-114	296-400A-121	AMD-P	02-09-096	296-800-13015	REP	02-16-047
296-155-72405	NEW-W	02-13-115	296-400A-121	AMD	02-14-074	296-800-13020	NEW-P	02-09-092
296-155-72406	NEW-P	02-06-114	296-400A-122	NEW-P	02-09-096	296-800-13020	NEW	02-16-047
296-155-72406	NEW-W	02-13-115	296-400A-122	NEW	02-14-074	296-800-13025	NEW-P	02-09-092
296-155-960	AMD-X	02-05-077	296-400A-130	AMD-P	02-09-096	296-800-13025	NEW	02-16-047
296-155-960	AMD	02-12-098	296-400A-130	AMD	02-14-074	296-800-13030	NEW-P	02-09-092
296-200A-080	AMD-P	02-09-095	296-400A-140	AMD-P	02-09-096	296-800-13035	NEW-P	02-09-092
296-200A-080	AMD	02-12-022	296-400A-140	AMD	02-14-074	296-800-13040	NEW-P	02-09-092
296-200A-900	AMD-P	02-09-095	296-400A-430	NEW-P	02-09-096	296-800-150	AMD-P	02-09-092
296-200A-900	AMD	02-12-022	296-400A-430	NEW	02-14-074	296-800-150	AMD	02-16-047
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296-800-15030	NEW	02-16-047	296-824-12030	NEW	02-11-141	296-833-30020	NEW-X	02-17-107
296-800-15035	NEW-P	02-09-092	296-824-12030	AMD-X	02-15-166	296-833-400	NEW-X	02-17-107
296-800-15035	NEW	02-16-047	296-824-12040	NEW	02-11-141	296-833-40005	NEW-X	02-17-107
296-800-15040	NEW-P	02-09-092	296-824-12040	AMD-X	02-15-166	296-833-40010	NEW-X	02-17-107
296-800-15040	NEW	02-16-047	296-824-12050	NEW	02-11-141	296-833-500	NEW-X	02-17-107
296-800-16050	AMD-P	02-09-092	296-824-12050	AMD-X	02-15-166	296-833-50005	NEW-X	02-17-107
296-800-16050	AMD	02-16-047	296-824-12060	NEW	02-11-141	296-833-50010	NEW-X	02-17-107
296-800-16070	AMD-P	02-09-092	296-824-12060	AMD-X	02-15-166	296-833-600	NEW-X	02-17-107
296-800-16070	AMD	02-16-047	296-824-13010	NEW	02-11-141	296-833-60005	NEW-X	02-17-107
296-800-170	AMD-P	02-09-092	296-824-13010	AMD-X	02-15-166	296-833-60010	NEW-X	02-17-107
296-800-170	AMD	02-16-047	296-824-13020	NEW	02-11-141	296-835-100	NEW-P	02-07-100
296-800-17020	AMD-P	02-09-092	296-824-13020	AMD-X	02-15-166	296-835-100	NEW	02-15-102
296-800-17020	AMD	02-16-047	296-824-13030	NEW	02-11-141	296-835-110	NEW-P	02-07-100
296-800-17025	AMD-P	02-09-092	296-824-13030	AMD-X	02-15-166	296-835-110	NEW	02-15-102
296-800-17025	AMD	02-16-047	296-824-14010	NEW	02-11-141	296-835-11005	NEW-P	02-07-100
296-800-17030	AMD-P	02-09-092	296-824-14010	AMD-X	02-15-166	296-835-11005	NEW	02-15-102
296-800-17030	AMD	02-16-047	296-824-15010	NEW	02-11-141	296-835-11010	NEW-P	02-07-100
296-800-18010	AMD-P	02-09-092	296-824-15010	AMD-X	02-15-166	296-835-11010	NEW	02-15-102
296-800-18010	AMD	02-16-047	296-824-200	NEW-X	02-15-166	296-835-11015	NEW-P	02-07-100
296-800-18015	AMD-P	02-09-092	296-824-20005	NEW-X	02-15-166	296-835-11015	NEW	02-15-102
296-800-18015	AMD	02-16-047	296-824-300	NEW-X	02-15-166	296-835-11020	NEW-P	02-07-100
296-800-20005	AMD-P	02-09-092	296-824-30005	NEW-X	02-15-166	296-835-11020	NEW	02-15-102
296-800-20005	AMD	02-16-047	296-824-400	NEW-X	02-15-166	296-835-11025	NEW-P	02-07-100
296-800-23010	AMD-P	02-09-092	296-824-40005	NEW-X	02-15-166	296-835-11025	NEW	02-15-102
296-800-23010	AMD	02-16-047	296-824-40010	NEW-X	02-15-166	296-835-11030	NEW-P	02-07-100
296-800-23020	AMD-P	02-09-092	296-824-500	NEW-X	02-15-166	296-835-11030	NEW	02-15-102
296-800-23020	AMD	02-16-047	296-824-50005	NEW-X	02-15-166	296-835-11035	NEW-P	02-07-100
296-800-25015	AMD-P	02-09-092	296-824-50010	NEW-X	02-15-166	296-835-11035	NEW	02-15-102
296-800-25015	AMD	02-16-047	296-824-50015	NEW-X	02-15-166	296-835-11040	NEW-P	02-07-100
296-800-28040	AMD-P	02-09-092	296-824-50020	NEW-X	02-15-166	296-835-11040	NEW	02-15-102
296-800-28040	AMD	02-16-047	296-824-50025	NEW-X	02-15-166	296-835-11045	NEW-P	02-07-100
296-800-28045	AMD-P	02-09-092	296-824-50030	NEW-X	02-15-166	296-835-11045	NEW	02-15-102
296-800-28045	AMD	02-16-047	296-824-600	NEW-X	02-15-166	296-835-11050	NEW-P	02-07-100
296-800-32025	AMD-P	02-09-092	296-824-60005	NEW-X	02-15-166	296-835-11050	NEW	02-15-102
296-800-32025	AMD	02-16-047	296-824-60010	NEW-X	02-15-166	296-835-120	NEW-P	02-07-100
296-800-35030	AMD-P	02-09-092	296-824-60015	NEW-X	02-15-166	296-835-120	NEW	02-15-102
296-800-35030	AMD	02-16-047	296-824-700	NEW-X	02-15-166	296-835-12005	NEW-P	02-07-100
296-800-35040	AMD-P	02-09-092	296-824-70005	NEW-X	02-15-166	296-835-12005	NEW	02-15-102
296-800-35040	AMD	02-16-047	296-824-800	NEW-X	02-15-166	296-835-12010	NEW-P	02-07-100
296-800-35056	AMD-P	02-09-092	296-832-100	NEW	02-16-087	296-835-12010	NEW	02-15-102
296-800-35056	AMD	02-16-047	296-832-10000	NEW-X	02-08-080	296-835-12015	NEW-P	02-07-100
296-800-35076	AMD-P	02-09-092	296-832-10005	NEW-X	02-08-080	296-835-12015	NEW	02-15-102
296-800-35076	AMD	02-16-047	296-832-10010	NEW-X	02-08-080	296-835-12020	NEW-P	02-07-100
296-800-370	AMD-P	02-09-092	296-832-10015	NEW-X	02-08-080	296-835-12020	NEW	02-15-102
296-800-370	AMD	02-16-047	296-832-10020	NEW-X	02-08-080	296-835-12025	NEW-P	02-07-100
296-817	PREP	02-13-114	296-832-10025	NEW-X	02-08-080	296-835-12025	NEW	02-15-102
296-824-100	NEW	02-11-141	296-832-200	NEW	02-16-087	296-835-12030	NEW-P	02-07-100
296-824-100	AMD-X	02-15-166	296-832-20005	NEW	02-16-087	296-835-12035	NEW-P	02-07-100
296-824-110	NEW	02-11-141	296-832-20010	NEW	02-16-087	296-835-12035	NEW	02-15-102
296-824-110	AMD-X	02-15-166	296-832-300	NEW	02-16-087	296-835-12040	NEW-P	02-07-100
296-824-11010	NEW	02-11-141	296-832-30005	NEW	02-16-087	296-835-12040	NEW	02-15-102
296-824-11010	AMD-X	02-15-166	296-832-30010	NEW	02-16-087	296-835-12045	NEW-P	02-07-100
296-824-11020	NEW	02-11-141	296-832-30015	NEW	02-16-087	296-835-12045	NEW	02-15-102
296-824-11020	AMD-X	02-15-166	296-833-100	NEW-X	02-17-107	296-835-12050	NEW-P	02-07-100
296-824-11050	NEW	02-11-141	296-833-10010	NEW-X	02-17-107	296-835-12050	NEW	02-15-102
296-824-11050	AMD-X	02-15-166	296-833-200	NEW-X	02-17-107	296-835-12055	NEW-P	02-07-100
296-824-11060	NEW	02-11-141	296-833-20005	NEW-X	02-17-107	296-835-12055	NEW	02-15-102
296-824-11060	AMD-X	02-15-166	296-833-20010	NEW-X	02-17-107	296-835-12060	NEW-P	02-07-100
296-824-12010	NEW	02-11-141	296-833-300	NEW-X	02-17-107	296-835-12060	NEW	02-15-102
296-824-12010	AMD-X	02-15-166	296-833-30005	NEW-X	02-17-107	296-835-12065	NEW-P	02-07-100
296-824-12020	NEW	02-11-141	296-833-30010	NEW-X	02-17-107	296-835-12065	NEW	02-15-102
296-824-12020	AMD-X	02-15-166	296-833-30015	NEW-X	02-17-107	296-835-130	NEW-P	02-07-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-835-130	NEW	02-15-102	296-878-15015	NEW-P	02-13-118	308-13-005	AMD	02-07-047
296-835-13005	NEW-P	02-07-100	296-878-15020	NEW-P	02-13-118	308-13-020	AMD-P	02-04-113
296-835-13005	NEW	02-15-102	296-878-15025	NEW-P	02-13-118	308-13-020	AMD	02-07-047
296-835-13010	NEW-P	02-07-100	296-878-160	NEW-P	02-13-118	308-13-024	AMD-P	02-04-113
296-835-13010	NEW	02-15-102	296-878-16005	NEW-P	02-13-118	308-13-024	AMD	02-07-047
296-835-13015	NEW-P	02-07-100	296-878-170	NEW-P	02-13-118	308-13-036	NEW-P	02-04-113
296-835-13015	NEW	02-15-102	296-878-17005	NEW-P	02-13-118	308-13-036	NEW	02-07-047
296-835-13020	NEW-P	02-07-100	296-878-180	NEW-P	02-13-118	308-13-050	AMD-P	02-04-113
296-835-13020	NEW	02-15-102	296-878-18005	NEW-P	02-13-118	308-13-050	AMD	02-07-047
296-835-13025	NEW-P	02-07-100	296-878-18010	NEW-P	02-13-118	308-13-100	AMD-P	02-04-113
296-835-13025	NEW	02-15-102	296-878-18015	NEW-P	02-13-118	308-13-100	AMD	02-07-047
296-835-13030	NEW-P	02-07-100	296-878-18020	NEW-P	02-13-118	308-13-150	PREP	02-08-033
296-835-13030	NEW	02-15-102	296-878-190	NEW-P	02-13-118	308-13-150	AMD-P	02-12-077
296-835-140	NEW-P	02-07-100	296-878-19005	NEW-P	02-13-118	308-13-150	AMD	02-16-018
296-835-140	NEW	02-15-102	296-878-19010	NEW-P	02-13-118	308-14-085	AMD-P	02-08-074
296-839-100	NEW-P	02-18-094	296-878-200	NEW-P	02-13-118	308-14-085	AMD-W	02-11-057
296-839-200	NEW-P	02-18-094	296-878-20005	NEW-P	02-13-118	308-14-090	REP-P	02-08-074
296-839-20005	NEW-P	02-18-094	296-878-20010	NEW-P	02-13-118	308-14-090	REP-W	02-11-057
296-839-20010	NEW-P	02-18-094	296-878-20015	NEW-P	02-13-118	308-14-100	AMD-P	02-08-074
296-839-300	NEW-P	02-18-094	296-878-210	NEW-P	02-13-118	308-14-100	AMD-W	02-11-057
296-839-30005	NEW-P	02-18-094	296-878-21005	NEW-P	02-13-118	308-14-120	AMD-P	02-08-074
296-839-30010	NEW-P	02-18-094	296-878-220	NEW-P	02-13-118	308-14-120	AMD-W	02-11-057
296-839-30015	NEW-P	02-18-094	308-08-085	AMD-X	02-14-001	308-14-130	AMD-P	02-08-074
296-839-400	NEW-P	02-18-094	308-08-085	AMD	02-19-035	308-14-130	AMD-W	02-11-057
296-839-40005	NEW-P	02-18-094	308-08-600	AMD	02-11-011	308-14-135	AMD-P	02-08-074
296-839-500	NEW-P	02-18-094	308-12-010	AMD-P	02-04-114	308-14-135	AMD-W	02-11-057
296-860-100	NEW-P	02-07-101	308-12-010	AMD	02-11-082	308-14-210	AMD-P	02-08-074
296-860-100	NEW	02-17-106	308-12-031	AMD-P	02-04-114	308-14-210	AMD-W	02-11-057
296-860-10005	NEW-P	02-07-101	308-12-031	AMD	02-11-082	308-15-040	PREP	02-05-079
296-860-10010	NEW-P	02-07-101	308-12-050	AMD-P	02-04-114	308-15-040	AMD-P	02-09-011
296-860-10020	NEW-P	02-07-101	308-12-050	AMD	02-11-082	308-15-040	AMD-W	02-16-095
296-860-10025	NEW-P	02-07-101	308-12-081	AMD-P	02-04-114	308-15-140	PREP	02-05-079
296-860-10030	NEW-P	02-07-101	308-12-081	AMD	02-11-082	308-15-140	NEW-P	02-09-011
296-860-10040	NEW-P	02-07-101	308-12-085	AMD-P	02-04-114	308-15-140	NEW-S	02-16-096
296-860-10050	NEW-P	02-07-101	308-12-085	AMD	02-11-082	308-17-150	AMD-P	02-03-130
296-860-10060	NEW-P	02-07-101	308-12-115	AMD-P	02-04-114	308-17-150	AMD	02-11-098
296-860-10070	NEW-P	02-07-101	308-12-115	AMD	02-11-082	308-17-310	PREP	02-07-069
296-860-10100	NEW-P	02-07-101	308-12-150	AMD-P	02-04-114	308-17-320	PREP	02-07-069
296-860-200	NEW	02-17-106	308-12-150	AMD	02-11-082	308-18-150	AMD-P	02-02-096
296-860-20010	NEW	02-17-106	308-12-210	AMD-P	02-04-114	308-18-150	AMD	02-07-068
296-860-20020	NEW	02-17-106	308-12-210	AMD	02-11-082	308-19-130	AMD-P	02-02-095
296-860-20030	NEW	02-17-106	308-12-220	AMD-P	02-04-114	308-19-130	AMD	02-07-067
296-860-20040	NEW	02-17-106	308-12-220	AMD	02-11-082	308-19-240	AMD-P	02-02-095
296-860-20050	NEW	02-17-106	308-12-230	AMD-P	02-04-114	308-19-240	AMD	02-07-067
296-860-20060	NEW	02-17-106	308-12-230	AMD	02-11-082	308-20-010	AMD	02-04-012
296-860-20070	NEW	02-17-106	308-12-240	AMD-P	02-04-114	308-20-030	REP	02-04-012
296-860-20080	NEW	02-17-106	308-12-240	AMD	02-11-082	308-20-040	AMD	02-04-012
296-860-300	NEW	02-17-106	308-12-320	AMD-P	02-04-114	308-20-045	REP	02-04-012
296-878-100	NEW-P	02-13-118	308-12-320	AMD	02-11-082	308-20-080	AMD	02-04-012
296-878-10005	NEW-P	02-13-118	308-12-321	REP-P	02-04-114	308-20-090	AMD	02-04-012
296-878-110	NEW-P	02-13-118	308-12-321	REP	02-11-082	308-20-105	AMD	02-04-012
296-878-11005	NEW-P	02-13-118	308-12-322	REP-P	02-04-114	308-20-107	AMD	02-04-012
296-878-120	NEW-P	02-13-118	308-12-322	REP	02-11-082	308-20-110	AMD	02-04-012
296-878-12005	NEW-P	02-13-118	308-12-323	REP-P	02-04-114	308-20-120	AMD	02-04-012
296-878-130	NEW-P	02-13-118	308-12-323	REP	02-11-082	308-20-122	NEW	02-04-012
296-878-13005	NEW-P	02-13-118	308-12-324	REP-P	02-04-114	308-20-130	REP	02-04-012
296-878-13010	NEW-P	02-13-118	308-12-324	REP	02-11-082	308-20-150	REP	02-04-012
296-878-140	NEW-P	02-13-118	308-12-325	REP-P	02-04-114	308-20-155	REP	02-04-012
296-878-14005	NEW-P	02-13-118	308-12-325	REP	02-11-082	308-20-171	REP	02-04-012
296-878-150	NEW-P	02-13-118	308-12-330	NEW-P	02-04-114	308-20-172	REP	02-04-012
296-878-15005	NEW-P	02-13-118	308-12-330	NEW	02-11-082	308-20-210	AMD-P	02-04-088
296-878-15010	NEW-P	02-13-118	308-13-005	AMD-P	02-04-113	308-20-210	AMD	02-09-040

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-20-310	REP	02-04-012	308-48-760	REP-P	02-14-059	308-61-115	AMD-P	02-16-067
308-20-590	REP	02-04-012	308-48-760	REP	02-19-019	308-61-125	AMD-P	02-16-067
308-47-010	NEW-P	02-14-059	308-48-770	REP-P	02-14-059	308-61-135	AMD-P	02-16-067
308-47-010	NEW	02-19-019	308-48-770	REP	02-19-019	308-61-145	AMD-P	02-16-067
308-47-020	NEW-P	02-14-059	308-49-150	AMD-P	02-14-059	308-61-158	AMD-P	02-16-067
308-47-020	NEW	02-19-019	308-49-150	AMD	02-19-019	308-61-168	AMD-P	02-16-067
308-47-030	NEW-P	02-14-059	308-49-164	AMD-P	02-14-059	308-61-175	AMD-P	02-16-067
308-47-030	NEW	02-19-019	308-49-164	AMD	02-19-019	308-61-190	AMD-P	02-16-067
308-47-040	NEW-P	02-14-059	308-49-170	AMD-P	02-14-059	308-63	PREP	02-13-012
308-47-040	NEW	02-19-019	308-49-170	AMD	02-19-019	308-63-090	AMD-E	02-13-005
308-47-050	NEW-P	02-14-059	308-49-210	NEW-P	02-14-059	308-63-090	AMD-P	02-16-057
308-47-050	NEW	02-19-019	308-49-210	NEW	02-19-019	308-63-090	AMD	02-19-036
308-47-060	NEW-P	02-14-059	308-56A	PREP	02-15-077	308-66	PREP	02-04-059
308-47-060	NEW	02-19-019	308-56A-030	PREP	02-05-019	308-66	PREP	02-12-096
308-47-070	NEW-P	02-14-059	308-56A-040	PREP	02-05-019	308-66-110	AMD-P	02-09-057
308-47-070	NEW	02-19-019	308-56A-056	PREP	02-05-019	308-66-110	AMD	02-12-062
308-48-010	AMD-P	02-14-059	308-56A-060	PREP	02-05-019	308-66-120	AMD-P	02-09-057
308-48-010	AMD	02-19-019	308-56A-070	PREP	02-05-015	308-66-120	AMD	02-12-062
308-48-015	NEW-P	02-14-059	308-56A-075	PREP	02-05-015	308-90-040	AMD	02-05-073
308-48-015	NEW-W	02-19-047	308-56A-110	PREP	02-05-019	308-90-070	AMD	02-05-073
308-48-031	AMD-P	02-14-059	308-56A-115	PREP	02-05-019	308-90-080	AMD	02-05-073
308-48-031	AMD	02-19-019	308-56A-140	PREP	02-05-018	308-90-090	AMD	02-05-073
308-48-040	AMD-P	02-14-059	308-56A-150	PREP	02-05-018	308-90-100	AMD	02-05-073
308-48-040	AMD	02-19-019	308-56A-160	PREP	02-05-018	308-90-110	AMD	02-05-073
308-48-050	AMD-P	02-14-059	308-56A-200	PREP	02-05-018	308-90-130	AMD	02-05-073
308-48-050	AMD	02-19-019	308-56A-210	PREP	02-05-019	308-90-140	AMD	02-05-073
308-48-060	AMD-P	02-14-059	308-56A-210	PREP	02-14-002	308-90-150	AMD	02-05-073
308-48-060	AMD	02-19-019	308-56A-215	PREP	02-05-018	308-90-160	AMD	02-05-073
308-48-070	REP-P	02-14-059	308-56A-250	PREP	02-05-016	308-91-030	PREP	02-12-124
308-48-070	REP	02-19-019	308-56A-265	PREP	02-05-016	308-91-040	PREP	02-12-124
308-48-085	AMD-P	02-14-059	308-56A-270	PREP	02-05-016	308-91-050	PREP	02-12-124
308-48-085	AMD	02-19-019	308-56A-275	PREP	02-05-016	308-91-060	PREP	02-12-124
308-48-100	REP-P	02-14-059	308-56A-295	PREP	02-05-019	308-91-080	PREP	02-12-124
308-48-100	REP	02-19-019	308-56A-300	PREP	02-05-014	308-91-090	PREP	02-12-124
308-48-145	AMD-P	02-14-059	308-56A-305	PREP	02-05-014	308-91-095	PREP	02-12-124
308-48-145	AMD	02-19-019	308-56A-310	PREP	02-05-014	308-91-120	PREP	02-12-124
308-48-180	AMD-P	02-14-059	308-56A-315	PREP	02-05-014	308-91-130	PREP	02-12-124
308-48-180	AMD	02-19-019	308-56A-320	PREP	02-05-014	308-91-140	PREP	02-12-124
308-48-185	REP-P	02-14-059	308-56A-325	PREP	02-05-014	308-91-150	PREP	02-12-124
308-48-185	REP	02-19-019	308-56A-330	PREP	02-05-014	308-91-171	PREP	02-12-124
308-48-200	AMD-P	02-14-059	308-56A-460	PREP	02-08-005	308-91-172	PREP	02-12-124
308-48-200	AMD	02-19-019	308-56A-460	AMD-E	02-13-005	308-93	PREP	02-11-097
308-48-210	AMD-P	02-14-059	308-56A-460	AMD-P	02-15-034	308-93	PREP	02-15-117
308-48-210	AMD	02-19-019	308-56A-460	AMD	02-19-016	308-93-230	AMD	02-04-001
308-48-350	AMD-P	02-14-059	308-56A-500	AMD-P	02-07-035	308-93-230	PREP	02-11-097
308-48-350	AMD	02-19-019	308-56A-500	AMD-E	02-13-005	308-93-241	PREP	02-08-006
308-48-520	AMD-P	02-14-059	308-56A-500	AMD-W	02-13-025	308-93-241	AMD-P	02-18-012
308-48-520	AMD	02-19-019	308-56A-500	AMD-P	02-15-034	308-93-242	PREP	02-08-006
308-48-600	AMD-P	02-14-059	308-56A-500	AMD	02-19-016	308-93-242	AMD-P	02-18-012
308-48-600	AMD	02-19-019	308-56A-525	PREP	02-15-077	308-93-243	PREP	02-08-006
308-48-700	REP-P	02-14-059	308-56A-525	NEW-P	02-18-013	308-93-243	AMD-P	02-18-012
308-48-700	REP	02-19-019	308-56A-530	NEW-P	02-07-035	308-93-244	PREP	02-08-006
308-48-710	REP-P	02-14-059	308-56A-530	NEW-E	02-13-005	308-93-244	AMD-P	02-18-012
308-48-710	REP	02-19-019	308-56A-530	NEW-W	02-13-025	308-93-250	REP	02-04-001
308-48-720	REP-P	02-14-059	308-56A-530	NEW-P	02-15-034	308-93-270	AMD	02-04-001
308-48-720	REP	02-19-019	308-56A-530	NEW	02-19-016	308-93-275	NEW	02-04-001
308-48-730	REP-P	02-14-059	308-56A-640	PREP	02-05-013	308-93-276	PREP	02-15-117
308-48-730	REP	02-19-019	308-56A-640	PREP	02-05-017	308-93-276	NEW-P	02-18-014
308-48-740	REP-P	02-14-059	308-61	PREP	02-12-095	308-93-280	AMD	02-04-001
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308- 96A-062	AMD-P	02-12-064	308-103-030	NEW	02-11-011	314- 02-050	REP-W	02-17-086
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308- 96A-064	AMD	02-17-024	308-103-070	NEW	02-11-011	314- 02-115	AMD-W	02-17-086
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308- 96A-073	AMD-P	02-12-078	308-103-090	NEW	02-11-011	314- 02-125	AMD-W	02-17-086
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356-30-331	AMD-P	02-04-080	356-56-070	NEW-P	02-12-120	365-220-125	NEW	02-07-026
356-30-331	AMD	02-07-050	356-56-070	NEW	02-15-043	365-220-130	NEW	02-07-026
356-42-010	AMD-E	02-12-052	356-56-125	REP-E	02-13-055	365-220-135	NEW	02-07-026
356-42-010	AMD-P	02-12-111	356-56-125	REP-P	02-13-129	365-220-140	NEW	02-07-026
356-42-010	AMD	02-15-048	356-56-125	REP	02-17-116	365-220-145	NEW	02-07-026
356-42-020	REP-E	02-12-052	356-60-010	NEW-E	02-13-056	365-220-150	NEW	02-07-026
356-42-020	REP-P	02-12-111	356-60-010	NEW-P	02-13-131	365-220-155	NEW	02-07-026
356-42-020	REP	02-15-048	356-60-010	NEW	02-17-114	365-220-160	NEW	02-07-026
356-42-030	REP-E	02-12-052	356-60-020	NEW-E	02-13-056	365-220-165	NEW	02-07-026
356-42-030	REP-P	02-12-111	356-60-020	NEW-P	02-13-131	365-220-170	NEW	02-07-026
356-42-030	REP	02-15-048	356-60-020	NEW	02-17-114	365-220-175	NEW	02-07-026
356-42-040	REP-E	02-12-052	356-60-030	NEW-E	02-13-056	365-220-180	NEW	02-07-026
356-42-040	REP-P	02-12-111	356-60-030	NEW-P	02-13-131	365-220-185	NEW	02-07-026
356-42-040	REP	02-15-048	356-60-030	NEW	02-17-114	365-220-190	NEW	02-07-026
356-42-042	AMD-E	02-12-052	356-60-040	NEW-E	02-13-056	371-08-320	AMD	02-06-011
356-42-042	AMD-P	02-12-111	356-60-040	NEW-P	02-13-131	371-08-450	AMD	02-06-012
356-42-042	AMD	02-15-048	356-60-040	NEW	02-17-114	371-08-485	AMD	02-06-013
356-42-045	AMD-E	02-12-052	356-60-050	NEW-E	02-13-056	388-01-015	NEW-P	02-03-119
356-42-045	AMD-P	02-12-111	356-60-050	NEW-P	02-13-131	388-01-015	NEW	02-15-119
			356-60-050	NEW	02-17-114	388-02-0005	AMD-P	02-17-090

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-02-0010	AMD-P	02-17-090	388-14A-3810	PREP	02-13-042	388-15-053	NEW	02-15-098
388-02-0015	AMD-P	02-17-090	388-14A-3810	AMD-E	02-13-043	388-15-053	NEW	02-17-045
388-02-0025	AMD-P	02-17-090	388-14A-3925	AMD-P	02-03-096	388-15-057	NEW-P	02-03-118
388-02-0215	AMD-P	02-17-090	388-14A-3925	AMD	02-06-098	388-15-057	NEW	02-15-098
388-02-0524	NEW-P	02-17-092	388-14A-4000	PREP	02-03-010	388-15-057	NEW	02-17-045
388-02-0525	AMD-P	02-17-092	388-14A-4300	PREP	02-03-010	388-15-061	NEW-P	02-03-118
388-02-0527	NEW-P	02-17-092	388-14A-4301	PREP	02-03-010	388-15-061	NEW	02-15-098
388-02-0530	AMD-P	02-17-092	388-14A-4302	PREP	02-03-010	388-15-061	NEW	02-17-045
388-02-0535	REP-P	02-17-091	388-14A-4303	PREP	02-03-010	388-15-065	NEW-P	02-03-118
388-02-0540	AMD-P	02-17-092	388-14A-4304	PREP	02-03-010	388-15-065	NEW	02-15-098
388-02-0545	AMD-P	02-17-092	388-14A-5520	AMD-P	02-03-096	388-15-065	NEW	02-17-045
388-02-0550	AMD-P	02-17-092	388-14A-5520	AMD	02-06-098	388-15-069	NEW-P	02-03-118
388-02-0555	AMD-P	02-17-092	388-14A-5525	AMD-P	02-03-096	388-15-069	NEW	02-15-098
388-02-0560	AMD-P	02-17-092	388-14A-5525	AMD	02-06-098	388-15-069	NEW	02-17-045
388-02-0570	AMD-P	02-17-092	388-14A-5530	AMD-P	02-03-096	388-15-073	NEW-P	02-03-118
388-02-0575	AMD-P	02-17-092	388-14A-5530	AMD	02-06-098	388-15-073	NEW	02-15-098
388-02-0580	AMD-P	02-17-092	388-15	AMD-P	02-03-118	388-15-073	NEW	02-17-045
388-02-0585	AMD-P	02-17-092	388-15	AMD	02-15-098	388-15-077	NEW-P	02-03-118
388-02-0595	AMD-P	02-17-092	388-15	AMD	02-17-045	388-15-077	NEW	02-15-098
388-02-0600	AMD-P	02-17-091	388-15-001	NEW-P	02-03-118	388-15-077	NEW	02-17-045
388-02-0605	AMD-P	02-17-091	388-15-001	NEW	02-15-098	388-15-081	NEW-P	02-03-118
388-02-0610	AMD-P	02-17-091	388-15-001	NEW	02-17-045	388-15-081	NEW	02-15-098
388-02-0615	AMD-P	02-17-091	388-15-005	NEW-P	02-03-118	388-15-081	NEW	02-17-045
388-02-0620	AMD-P	02-17-091	388-15-005	NEW	02-15-098	388-15-085	NEW-P	02-03-118
388-02-0625	AMD-P	02-17-091	388-15-005	NEW	02-17-045	388-15-085	NEW	02-15-098
388-02-0630	AMD-P	02-17-091	388-15-009	NEW-P	02-03-118	388-15-085	NEW	02-17-045
388-02-0635	AMD-P	02-17-091	388-15-009	NEW	02-15-098	388-15-089	NEW-P	02-03-118
388-02-0640	AMD-P	02-17-091	388-15-009	NEW	02-17-045	388-15-089	NEW	02-15-098
388-02-0645	AMD-P	02-17-091	388-15-011	NEW-P	02-03-118	388-15-089	NEW	02-17-045
388-02-0650	AMD-P	02-17-091	388-15-011	NEW	02-15-098	388-15-093	NEW-P	02-03-118
388-14A-2000	PREP	02-03-010	388-15-011	NEW	02-17-045	388-15-093	NEW	02-15-098
388-14A-2025	PREP	02-03-010	388-15-013	NEW-P	02-03-118	388-15-093	NEW	02-17-045
388-14A-2080	PREP	02-03-010	388-15-013	NEW	02-15-098	388-15-097	NEW-P	02-03-118
388-14A-2105	AMD	02-07-091	388-15-013	NEW	02-17-045	388-15-097	NEW	02-15-098
388-14A-2107	NEW	02-07-091	388-15-017	NEW-P	02-03-118	388-15-097	NEW	02-17-045
388-14A-2110	AMD	02-07-091	388-15-017	NEW	02-15-098	388-15-101	NEW-P	02-03-118
388-14A-2112	NEW	02-07-091	388-15-017	NEW	02-17-045	388-15-101	NEW	02-15-098
388-14A-2114	NEW	02-07-091	388-15-021	NEW-P	02-03-118	388-15-101	NEW	02-17-045
388-14A-2115	AMD	02-07-091	388-15-021	NEW	02-15-098	388-15-105	NEW-P	02-03-118
388-14A-2116	NEW	02-07-091	388-15-021	NEW	02-17-045	388-15-105	NEW	02-15-098
388-14A-2120	AMD	02-07-091	388-15-025	NEW-P	02-03-118	388-15-105	NEW	02-17-045
388-14A-2125	AMD	02-07-091	388-15-025	NEW	02-15-098	388-15-109	NEW-P	02-03-118
388-14A-2130	NEW	02-07-091	388-15-025	NEW	02-17-045	388-15-109	NEW	02-15-098
388-14A-2135	NEW	02-07-091	388-15-029	NEW-P	02-03-118	388-15-109	NEW	02-17-045
388-14A-2140	NEW	02-07-091	388-15-029	NEW	02-15-098	388-15-113	NEW-P	02-03-118
388-14A-3100	PREP	02-13-042	388-15-029	NEW	02-17-045	388-15-113	NEW	02-15-098
388-14A-3100	AMD-E	02-13-043	388-15-033	NEW-P	02-03-118	388-15-113	NEW	02-17-045
388-14A-3102	PREP	02-13-042	388-15-033	NEW	02-15-098	388-15-117	NEW-P	02-03-118
388-14A-3102	AMD-E	02-13-043	388-15-033	NEW	02-17-045	388-15-117	NEW	02-15-098
388-14A-3110	PREP	02-13-042	388-15-037	NEW-P	02-03-118	388-15-117	NEW	02-17-045
388-14A-3110	AMD-E	02-13-043	388-15-037	NEW	02-15-098	388-15-121	NEW-P	02-03-118
388-14A-3115	PREP	02-13-042	388-15-037	NEW	02-17-045	388-15-121	NEW	02-15-098
388-14A-3115	AMD-E	02-13-043	388-15-041	NEW-P	02-03-118	388-15-121	NEW	02-17-045
388-14A-3120	PREP	02-13-042	388-15-041	NEW	02-15-098	388-15-125	NEW-P	02-03-118
388-14A-3120	AMD-E	02-13-043	388-15-041	NEW	02-17-045	388-15-125	NEW	02-15-098
388-14A-3122	NEW-E	02-13-043	388-15-045	NEW-P	02-03-118	388-15-125	NEW	02-17-045
388-14A-3130	AMD-P	02-03-096	388-15-045	NEW	02-15-098	388-15-129	NEW-P	02-03-118
388-14A-3130	AMD	02-06-098	388-15-045	NEW	02-17-045	388-15-129	NEW	02-15-098
388-14A-3370	PREP	02-13-042	388-15-049	NEW-P	02-03-118	388-15-129	NEW	02-17-045
388-14A-3370	AMD-E	02-13-043	388-15-049	NEW	02-15-098	388-15-130	REP-P	02-03-118
388-14A-3800	PREP	02-03-010	388-15-049	NEW	02-17-045	388-15-130	REP	02-15-098
388-14A-3810	PREP	02-03-010	388-15-053	NEW-P	02-03-118	388-15-130	REP	02-17-045

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-15-131	REP-P	02-03-118	388-15-660	PREP	02-15-056	388-71-05929	NEW	02-10-117
388-15-131	REP	02-15-098	388-15-660	PREP-W	02-15-058	388-71-05930	NEW	02-10-117
388-15-131	REP	02-17-045	388-15-661	PREP	02-15-056	388-71-05931	NEW	02-10-117
388-15-132	REP-P	02-03-118	388-15-661	PREP-W	02-15-058	388-71-05932	NEW	02-10-117
388-15-132	REP	02-15-098	388-15-662	PREP	02-15-056	388-71-05933	NEW	02-10-117
388-15-132	REP	02-17-045	388-15-662	PREP-W	02-15-058	388-71-05934	NEW	02-10-117
388-15-133	NEW-P	02-03-118	388-15-880	PREP-W	02-05-064	388-71-05935	NEW	02-10-117
388-15-133	NEW	02-15-098	388-15-890	PREP-W	02-05-064	388-71-05936	NEW	02-10-117
388-15-133	NEW	02-17-045	388-27-0225	AMD-P	02-15-136	388-71-05937	NEW	02-10-117
388-15-134	REP-P	02-03-118	388-27-0375	AMD-P	02-15-136	388-71-05938	NEW	02-10-117
388-15-134	REP	02-15-098	388-71	PREP	02-11-064	388-71-05939	NEW	02-10-117
388-15-134	REP	02-17-045	388-71	PREP	02-15-056	388-71-05940	NEW	02-10-117
388-15-135	NEW-P	02-03-118	388-71	PREP-W	02-15-058	388-71-05941	NEW	02-10-117
388-15-135	NEW	02-15-098	388-71	AMD-P	02-16-080	388-71-05942	NEW	02-10-117
388-15-135	NEW	02-17-045	388-71-0194	NEW-P	02-16-080	388-71-05943	NEW	02-10-117
388-15-141	NEW-P	02-03-118	388-71-0202	NEW-P	02-16-080	388-71-05944	NEW	02-10-117
388-15-141	NEW	02-15-098	388-71-0203	NEW-P	02-16-080	388-71-05945	NEW	02-10-117
388-15-141	NEW	02-17-045	388-71-0205	NEW-P	02-16-080	388-71-05946	NEW	02-10-117
388-15-194	PREP-W	02-05-066	388-71-0410	PREP	02-04-096	388-71-05947	NEW	02-10-117
388-15-194	REP-P	02-16-080	388-71-0410	PREP-W	02-05-066	388-71-05948	NEW	02-10-117
388-15-202	PREP	02-04-096	388-71-0410	AMD-P	02-16-080	388-71-05949	NEW-S	02-11-129
388-15-202	PREP-W	02-05-064	388-71-0430	PREP	02-04-096	388-71-05949	NEW	02-15-064
388-15-202	PREP-W	02-05-065	388-71-0430	AMD-P	02-16-080	388-71-05950	NEW	02-10-117
388-15-202	PREP-W	02-05-066	388-71-0435	PREP	02-04-096	388-71-05951	NEW	02-10-117
388-15-202	REP-P	02-16-080	388-71-0435	AMD-P	02-16-080	388-71-05952	NEW	02-10-117
388-15-203	PREP	02-04-096	388-71-0440	PREP	02-04-096	388-71-05953	NEW-W	02-10-036
388-15-203	PREP-W	02-05-065	388-71-0440	PREP-W	02-05-066	388-71-0600	PREP	02-04-096
388-15-203	PREP-W	02-05-066	388-71-0440	AMD-P	02-19-024	388-71-0600	AMD-P	02-16-080
388-15-203	REP-P	02-16-080	388-71-0445	PREP	02-04-096	388-71-0805	PREP	02-18-082
388-15-204	PREP	02-04-096	388-71-0445	PREP-W	02-05-066	388-71-0810	PREP	02-18-082
388-15-204	PREP-W	02-05-066	388-71-0445	AMD-P	02-16-080	388-71-0815	PREP	02-18-082
388-15-204	REP-P	02-16-080	388-71-0450	PREP	02-04-096	388-71-0820	PREP	02-04-096
388-15-205	PREP-W	02-05-065	388-71-0450	AMD-P	02-16-080	388-71-0820	AMD-P	02-12-067
388-15-205	PREP-W	02-05-066	388-71-0500	PREP	02-04-096	388-71-0820	AMD	02-15-138
388-15-205	REP-P	02-16-080	388-71-0500	AMD	02-10-117	388-71-0820	PREP	02-18-082
388-15-207	PREP-W	02-05-064	388-71-0500	AMD-P	02-16-080	388-71-0840	PREP	02-18-082
388-15-214	PREP-W	02-05-064	388-71-0515	PREP	02-04-096	388-76-535	AMD-P	02-03-117
388-15-215	PREP-W	02-05-064	388-71-0515	AMD-P	02-16-080	388-76-535	AMD	02-15-081
388-15-219	PREP-W	02-05-064	388-71-0520	AMD	02-10-117	388-76-540	PREP	02-04-096
388-15-600	PREP-W	02-05-064	388-71-0525	REP	02-10-117	388-76-540	AMD-P	02-16-080
388-15-620	PREP-W	02-05-064	388-71-0530	REP	02-10-117	388-76-570	AMD-S	02-11-032
388-15-630	PREP-W	02-05-064	388-71-0535	REP	02-10-117	388-76-570	AMD	02-15-065
388-15-650	PREP	02-15-056	388-71-0540	AMD	02-10-117	388-76-59100	REP-S	02-11-032
388-15-650	PREP-W	02-15-058	388-71-05910	NEW	02-10-117	388-76-59100	REP	02-15-065
388-15-651	PREP	02-15-056	388-71-05911	NEW	02-10-117	388-76-59110	REP-S	02-11-032
388-15-651	PREP-W	02-15-058	388-71-05912	NEW	02-10-117	388-76-59110	REP	02-15-065
388-15-652	PREP	02-15-056	388-71-05913	NEW	02-10-117	388-76-59120	REP-S	02-11-032
388-15-652	PREP-W	02-15-058	388-71-05914	NEW	02-10-117	388-76-59120	REP	02-15-065
388-15-653	PREP	02-15-056	388-71-05915	NEW	02-10-117	388-76-61510	AMD-P	02-03-117
388-15-653	PREP-W	02-15-058	388-71-05916	NEW	02-10-117	388-76-61510	AMD	02-15-081
388-15-654	PREP	02-15-056	388-71-05917	NEW	02-10-117	388-76-640	REP-P	02-03-117
388-15-654	PREP-W	02-15-058	388-71-05918	NEW	02-10-117	388-76-640	REP-S	02-14-161
388-15-655	PREP	02-15-056	388-71-05919	NEW	02-10-117	388-76-64005	NEW-P	02-03-117
388-15-655	PREP-W	02-15-058	388-71-05920	NEW	02-10-117	388-76-64005	NEW-S	02-14-161
388-15-656	PREP	02-15-056	388-71-05921	NEW	02-10-117	388-76-64010	NEW-P	02-03-117
388-15-656	PREP-W	02-15-058	388-71-05922	NEW	02-10-117	388-76-64010	NEW-S	02-14-161
388-15-657	PREP	02-15-056	388-71-05923	NEW	02-10-117	388-76-64015	NEW-P	02-03-117
388-15-657	PREP-W	02-15-058	388-71-05924	NEW	02-10-117	388-76-64015	NEW-S	02-14-161
388-15-658	PREP	02-15-056	388-71-05925	NEW	02-10-117	388-76-64020	NEW-P	02-03-117
388-15-658	PREP-W	02-15-058	388-71-05926	NEW	02-10-117	388-76-64020	NEW-S	02-14-161
388-15-659	PREP	02-15-056	388-71-05927	NEW	02-10-117	388-76-64025	NEW-P	02-03-117
388-15-659	PREP-W	02-15-058	388-71-05928	NEW	02-10-117	388-76-64025	NEW-S	02-14-161

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 76-64030	NEW-P	02-03-117	388- 97-35040	AMD-P	02-07-116	388- 98-003	REP	02-14-063
388- 76-64030	NEW-S	02-14-161	388- 97-35040	AMD	02-14-063	388- 98-010	REP-P	02-07-116
388- 76-64035	NEW-P	02-03-117	388- 97-550	PREP	02-11-126	388- 98-010	REP	02-14-063
388- 76-64035	NEW-S	02-14-161	388- 97-550	AMD-E	02-14-082	388- 98-015	REP-P	02-07-116
388- 76-64040	NEW-S	02-14-161	388- 97-550	AMD-P	02-17-094	388- 98-015	REP	02-14-063
388- 76-64045	NEW-S	02-14-161	388- 97-555	PREP	02-11-126	388- 98-020	REP-P	02-07-116
388- 76-64050	NEW-S	02-14-161	388- 97-555	AMD-E	02-14-082	388- 98-020	REP	02-14-063
388- 76-64055	NEW-S	02-14-161	388- 97-555	AMD-P	02-17-094	388- 98-300	REP-P	02-07-116
388- 76-655	AMD-S	02-11-032	388- 97-565	AMD-P	02-07-116	388- 98-300	REP	02-14-063
388- 76-655	AMD	02-15-065	388- 97-565	AMD	02-14-063	388- 98-320	REP-P	02-07-116
388- 76-660	AMD-S	02-11-032	388- 97-570	AMD-P	02-07-116	388- 98-320	REP	02-14-063
388- 76-660	AMD	02-15-065	388- 97-570	PREP	02-11-066	388- 98-330	REP-P	02-07-116
388- 76-710	AMD-P	02-03-117	388- 97-570	AMD	02-14-063	388- 98-330	REP	02-14-063
388- 76-710	AMD	02-15-081	388- 97-575	AMD-P	02-07-116	388- 98-340	REP-P	02-07-116
388- 76-765	REP-P	02-15-135	388- 97-575	AMD	02-14-063	388- 98-340	REP	02-14-063
388- 76-76505	NEW-P	02-15-135	388- 97-580	AMD-P	02-07-116	388- 98-700	REP-P	02-07-116
388- 76-76510	NEW-P	02-15-135	388- 97-580	AMD	02-14-063	388- 98-700	REP	02-14-063
388- 76-76515	NEW-P	02-15-135	388- 97-585	AMD-P	02-07-116	388- 98-750	REP-P	02-07-116
388- 76-76520	NEW-P	02-15-135	388- 97-585	AMD	02-14-063	388- 98-750	REP	02-14-063
388- 78A-050	AMD-S	02-11-031	388- 97-595	AMD-P	02-07-116	388- 98-810	REP-P	02-07-116
388- 78A-050	AMD	02-15-066	388- 97-595	AMD	02-14-063	388- 98-810	REP	02-14-063
388- 78A-060	AMD-W	02-11-059	388- 97-605	NEW-P	02-07-116	388- 98-830	REP-P	02-07-116
388- 78A-265	PREP	02-09-047	388- 97-605	NEW	02-14-063	388- 98-830	REP	02-14-063
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388- 97-076	AMD	02-14-063	388- 97-660	NEW-P	02-07-116	388-110-210	REP-P	02-16-080
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388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066	388-112-0360	NEW	02-15-066
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388-112-0130	NEW	02-15-065	388-112-0285	NEW	02-15-066	388-148-0065	AMD-E	02-14-042
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388-112-0145	NEW	02-15-065	388-112-0300	NEW	02-15-066	388-148-0220	PREP	02-06-083
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388-112-0150	NEW	02-15-065	388-112-0305	NEW	02-15-066	388-148-0260	PREP	02-06-083
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388-530-1450	AMD	02-17-023	388-535-1100	AMD	02-13-074	388-550-2590	NEW	02-14-162
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415-108-445	AMD	02-18-045	415-110-0111	REP-P	02-15-153	415-112-0160	PREP	02-06-041
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415-108-465	AMD	02-03-120	415-110-060	NEW-P	02-10-098	415-112-0161	PREP	02-06-041
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415-110-0104	PREP	02-06-041	415-112-0156	PREP	02-05-025	415-112-413	AMD	02-03-120
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415-110-0108	PREP	02-06-041	415-112-0157	PREP	02-05-025	415-113-030	PREP	02-06-041
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415-110-0109	PREP	02-06-041	415-112-0158	PREP	02-05-025	415-113-0301	REP-P	02-15-153
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415-113-0303	PREP	02-06-041	434-215-012	AMD-P	02-11-133	434-236-160	DECOD	02-09-007
415-113-0303	REP-P	02-15-153	434-215-012	AMD-E	02-14-088	434-236-170	DECOD	02-09-007
415-113-0303	REP	02-18-046	434-215-012	AMD	02-15-156	434-236-180	AMD-P	02-03-133
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415-113-0306	PREP	02-06-041	434-215-080	NEW-P	02-11-133	434-238-020	RECOD	02-09-007
415-113-0306	REP-P	02-15-153	434-215-080	NEW-E	02-14-088	434-238-025	RECOD	02-09-007
415-113-0306	REP	02-18-046	434-215-080	NEW	02-15-156	434-238-030	RECOD	02-09-007
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415-113-0307	REP-P	02-15-153	434-215-090	NEW-E	02-14-088	434-238-060	RECOD	02-09-007
415-113-0307	REP	02-18-046	434-215-090	NEW	02-15-156	434-238-070	RECOD	02-09-007
415-113-0308	PREP	02-06-041	434-215-110	NEW-P	02-11-133	434-238-080	RECOD	02-09-007
415-113-0308	REP-P	02-15-153	434-215-110	NEW-E	02-14-088	434-238-090	RECOD	02-09-007
415-113-0308	REP	02-18-046	434-215-110	NEW	02-15-156	434-238-100	RECOD	02-09-007
415-113-0309	PREP	02-06-041	434-228-005	DECOD	02-09-007	434-238-110	RECOD	02-09-007
415-113-0309	REP-P	02-15-153	434-228-012	DECOD	02-09-007	434-238-120	RECOD	02-09-007
415-113-0309	REP	02-18-046	434-228-020	DECOD	02-09-007	434-238-140	RECOD	02-09-007
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434-240-250	AMD	02-07-028	434-334-020	DECOD	02-09-007	458- 12-280	REP	02-19-004
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434-253-043	NEW	02-07-029	434-334-040	DECOD	02-09-007	458- 16-560	PREP	02-07-077
434-253-045	NEW-P	02-03-134	434-334-045	DECOD	02-09-007	458- 16-560	NEW-P	02-11-051
434-253-045	NEW	02-07-029	434-334-050	DECOD	02-09-007	458- 16-560	NEW	02-15-020
434-253-047	NEW-P	02-03-134	434-334-055	DECOD	02-09-007	458- 18-220	AMD	02-03-039
434-253-047	NEW	02-07-029	434-334-060	DECOD	02-09-007	458- 18-220	AMD-X	02-19-096
434-253-049	NEW-P	02-03-134	434-334-063	DECOD	02-09-007	458- 19-005	PREP	02-10-110
434-253-049	NEW	02-07-029	434-334-065	DECOD	02-09-007	458- 19-005	AMD-P	02-16-055
434-261-005	AMD-P	02-03-134	434-334-070	DECOD	02-09-007	458- 19-010	PREP	02-10-110
434-261-005	AMD	02-07-029	434-334-075	DECOD	02-09-007	458- 19-010	AMD-P	02-16-055
434-261-070	AMD-P	02-03-134	434-334-082	DECOD	02-09-007	458- 19-010	PREP	02-10-110
434-261-070	AMD	02-07-029	434-334-085	DECOD	02-09-007	458- 19-015	PREP	02-10-110
434-261-075	NEW-P	02-03-134	434-334-090	DECOD	02-09-007	458- 19-015	REP-P	02-16-055
434-261-075	NEW	02-07-029	434-334-095	DECOD	02-09-007	458- 19-020	PREP	02-10-110
434-261-085	NEW-P	02-03-134	434-334-100	DECOD	02-09-007	458- 19-020	AMD-P	02-16-055
434-261-085	NEW	02-07-029	434-334-105	DECOD	02-09-007	458- 19-025	PREP	02-10-110
434-262-020	AMD-P	02-03-133	434-334-110	DECOD	02-09-007	458- 19-025	AMD-P	02-16-055
434-262-020	AMD	02-07-028	434-334-120	DECOD	02-09-007	458- 19-030	PREP	02-10-110
434-262-150	AMD-P	02-03-134	434-334-125	DECOD	02-09-007	458- 19-030	AMD-P	02-16-055
434-262-150	AMD	02-07-029	434-334-127	DECOD	02-09-007	458- 19-035	PREP	02-10-110
434-332-010	REP-X	02-09-008	434-334-130	DECOD	02-09-007	458- 19-035	AMD-P	02-16-055
434-332-010	REP	02-13-097	434-334-135	DECOD	02-09-007	458- 19-040	PREP	02-10-110
434-333-010	RECOD	02-09-007	434-334-140	DECOD	02-09-007	458- 19-040	AMD-P	02-16-055
434-333-015	RECOD	02-09-007	434-334-145	DECOD	02-09-007	458- 19-045	PREP	02-10-110
434-333-020	RECOD	02-09-007	434-334-150	DECOD	02-09-007	458- 19-045	AMD-P	02-16-055
434-333-025	RECOD	02-09-007	434-334-155	DECOD	02-09-007	458- 19-050	PREP	02-10-110
434-333-030	RECOD	02-09-007	434-334-160	DECOD	02-09-007	458- 19-050	AMD-P	02-16-055
434-333-035	RECOD	02-09-007	434-334-165	DECOD	02-09-007	458- 19-055	PREP	02-10-110
434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007	458- 19-055	AMD-P	02-16-055
434-333-045	RECOD	02-09-007	434-334-175	DECOD	02-09-007	458- 19-060	PREP	02-10-110
434-333-050	RECOD	02-09-007	434-670-010	NEW-X	02-17-009	458- 19-060	AMD-P	02-16-055
434-333-055	RECOD	02-09-007	434-670-020	NEW-X	02-17-009	458- 19-065	PREP	02-10-110
434-333-060	RECOD	02-09-007	434-670-030	NEW-X	02-17-009	458- 19-065	AMD-P	02-16-055
434-333-063	RECOD	02-09-007	434-670-040	NEW-X	02-17-009	458- 19-070	PREP	02-10-110
434-333-065	RECOD	02-09-007	434-670-050	NEW-X	02-17-009	458- 19-070	AMD-P	02-16-055
434-333-070	RECOD	02-09-007	434-670-060	NEW-X	02-17-009	458- 19-075	PREP	02-10-110
434-333-075	RECOD	02-09-007	434-670-070	NEW-X	02-17-009	458- 19-075	AMD-P	02-16-055
434-333-082	RECOD	02-09-007	434-670-080	NEW-X	02-17-009	458- 19-080	PREP	02-10-110
434-333-085	RECOD	02-09-007	434-670-090	NEW-X	02-17-009	458- 19-080	AMD-P	02-16-055
434-333-090	RECOD	02-09-007	446- 20-285	PREP	02-19-052	458- 19-085	PREP	02-10-110
434-333-095	RECOD	02-09-007	456- 09-950	AMD-P	02-09-029	458- 19-085	NEW-P	02-16-055
434-333-100	RECOD	02-09-007	456- 09-950	AMD	02-14-034	458- 19-550	PREP	02-10-110
434-333-105	RECOD	02-09-007	456- 10-750	AMD-P	02-09-029	458- 19-550	AMD-P	02-16-055
434-333-110	RECOD	02-09-007	456- 10-750	AMD	02-14-034	458- 20-122	PREP	02-11-123
434-333-120	RECOD	02-09-007	458- 12-090	REP-P	02-09-020	458- 20-135	PREP	02-11-148
434-333-125	RECOD	02-09-007	458- 12-090	REP-S	02-14-056	458- 20-141	PREP	02-15-185
434-333-127	RECOD	02-09-007	458- 12-090	REP	02-19-004	458- 20-151	PREP	02-04-054
434-333-130	RECOD	02-09-007	458- 12-135	REP-X	02-09-018	458- 20-151	AMD-P	02-16-015
434-333-135	RECOD	02-09-007	458- 12-135	REP	02-14-011	458- 20-165	AMD-P	02-17-079
434-333-140	RECOD	02-09-007	458- 12-140	AMD-P	02-09-019	458- 20-17803	NEW-E	02-12-063
434-333-145	RECOD	02-09-007	458- 12-140	AMD	02-14-011	458- 20-17803	PREP	02-15-184
434-333-150	RECOD	02-09-007	458- 12-270	REP-P	02-09-020	458- 20-185	PREP	02-13-081
434-333-155	RECOD	02-09-007	458- 12-270	REP-S	02-14-056	458- 20-185	AMD-E	02-13-082
434-333-160	RECOD	02-09-007	458- 12-270	REP	02-19-004	458- 20-192	AMD-X	02-10-033
434-333-165	RECOD	02-09-007	458- 12-275	REP-P	02-09-020	458- 20-192	AMD	02-14-133
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458-20-210	PREP	02-11-123	460-12A-010	NEW	02-10-103	478-108-010	AMD-E	02-06-042
458-20-217	AMD-X	02-11-044	460-16A-205	PREP	02-15-069	478-108-010	AMD	02-08-023
458-20-217	AMD	02-15-158	460-16A-205	AMD-P	02-19-092	478-108-010	AMD-P	02-08-066
458-20-24003	PREP	02-15-078	460-21B-060	AMD-X	02-14-057	478-108-010	AMD-C	02-13-066
458-20-252	PREP	02-06-030	460-21B-060	AMD	02-19-093	478-108-010	AMD	02-15-174
458-20-260	AMD-W	02-02-088	460-22B-090	AMD-X	02-14-057	478-116-131	PREP	02-06-045
458-20-260	AMD-P	02-06-032	460-22B-090	AMD	02-19-093	478-116-131	AMD-P	02-10-080
458-20-260	AMD	02-16-016	460-24A-145	AMD-X	02-14-057	478-116-131	AMD-E	02-11-045
458-20-265	PREP	02-06-030	460-24A-145	AMD	02-19-093	478-116-131	AMD-C	02-15-012
458-29A-400	PREP	02-08-067	461-08-320	AMD	02-06-008	478-117-005	NEW-P	02-03-085
458-29A-400	AMD-P	02-13-106	461-08-355	AMD	02-06-009	478-117-005	NEW-E	02-04-087
458-29A-400	AMD	02-18-036	461-08-500	AMD	02-06-010	478-117-005	NEW	02-08-023
458-30-200	AMD-X	02-15-107	461-08-505	AMD	02-06-010	478-117-010	NEW-P	02-03-085
458-30-210	AMD-X	02-15-107	465-10-010	NEW-X	02-13-092	478-117-010	NEW-E	02-04-087
458-30-232	AMD-X	02-15-107	465-10-020	NEW-X	02-13-092	478-117-010	NEW	02-08-023
458-30-262	AMD	02-03-040	465-10-030	NEW-X	02-13-092	478-117-020	NEW-P	02-03-085
458-30-262	AMD-X	02-19-095	465-10-040	NEW-X	02-13-092	478-117-020	NEW-E	02-04-087
458-30-275	AMD-X	02-15-107	465-10-050	NEW-X	02-13-092	478-117-020	NEW	02-08-023
458-30-325	AMD-X	02-15-107	465-10-060	NEW-X	02-13-092	478-117-020	NEW-P	02-03-085
458-30-500	AMD-X	02-15-107	465-10-070	NEW-X	02-13-092	478-117-030	NEW-E	02-04-087
458-30-590	AMD	02-03-041	465-10-080	NEW-X	02-13-092	478-117-030	NEW	02-08-023
458-30-700	NEW	02-05-043	465-10-090	NEW-X	02-13-092	478-117-040	NEW-P	02-03-085
458-30-700	AMD-X	02-15-107	465-10-100	NEW-X	02-13-092	478-117-040	NEW-E	02-04-087
458-40-610	PREP	02-08-068	465-10-110	NEW-X	02-13-092	478-117-040	NEW	02-08-023
458-40-610	AMD-P	02-15-079	465-20-010	NEW-X	02-13-093	478-117-050	NEW-P	02-03-085
458-40-660	PREP	02-06-031	465-20-020	NEW-X	02-13-093	478-117-050	NEW-E	02-04-087
458-40-660	AMD-P	02-10-136	465-20-030	NEW-X	02-13-093	478-117-050	NEW	02-08-023
458-40-660	AMD	02-14-019	465-30-010	NEW-X	02-13-094	478-117-060	NEW-P	02-03-085
458-40-660	PREP	02-17-078	465-40-010	NEW-X	02-13-095	478-117-060	NEW-E	02-04-087
458-53-030	PREP	02-06-108	468-06-040	AMD	02-10-021	478-117-060	NEW	02-08-023
458-53-030	AMD-P	02-10-032	468-38-075	AMD-P	02-03-049	478-117-070	NEW-P	02-03-085
458-53-030	AMD	02-14-031	468-38-075	AMD	02-06-106	478-117-070	NEW-E	02-04-087
458-53-050	PREP	02-06-108	468-38-120	PREP	02-10-058	478-117-070	NEW	02-08-023
458-53-050	AMD-P	02-10-032	468-38-120	AMD-E	02-10-059	478-117-080	NEW-P	02-03-085
458-53-050	AMD	02-14-031	468-38-120	AMD-P	02-14-024	478-117-080	NEW-E	02-04-087
458-53-090	PREP	02-06-108	468-38-120	AMD	02-17-004	478-117-080	NEW	02-08-023
458-53-090	REP-P	02-10-032	468-38-340	AMD-E	02-15-110	478-117-090	NEW-P	02-03-085
458-53-090	REP	02-14-031	468-38-340	PREP	02-15-111	478-117-090	NEW-E	02-04-087
458-53-140	PREP	02-06-108	468-38-390	AMD-P	02-03-049	478-117-090	NEW	02-08-023
458-53-140	AMD-P	02-10-032	468-38-390	AMD	02-06-106	478-117-100	NEW-P	02-03-085
458-53-140	AMD	02-14-031	468-300-010	AMD-P	02-05-062	478-117-100	NEW-E	02-04-087
458-57-005	PREP	02-12-122	468-300-010	AMD	02-09-010	478-117-100	NEW	02-08-023
458-57-005	AMD-P	02-15-142	468-300-020	AMD-P	02-05-062	478-117-110	NEW-P	02-03-085
458-57-005	AMD	02-18-078	468-300-020	AMD	02-09-010	478-117-110	NEW-E	02-04-087
458-57-015	PREP	02-12-122	468-300-040	AMD-P	02-05-062	478-117-110	NEW	02-08-023
458-57-015	AMD-P	02-15-142	468-300-040	AMD	02-09-010	478-117-200	NEW-P	02-03-085
458-57-015	AMD	02-18-078	468-300-220	AMD-P	02-05-062	478-117-200	NEW-E	02-04-087
458-57-017	PREP	02-12-122	468-300-220	AMD	02-09-010	478-117-200	NEW	02-08-023
458-57-017	NEW-P	02-15-142	468-550	PREP	02-06-004	478-117-210	NEW-P	02-03-085
458-57-017	NEW	02-18-078	468-550-030	AMD-P	02-10-020	478-117-210	NEW-E	02-04-087
458-57-025	PREP	02-12-122	468-550-030	AMD	02-13-004	478-117-210	NEW	02-08-023
458-57-025	AMD-P	02-15-142	468-550-040	AMD-P	02-10-020	478-117-220	NEW-P	02-03-085
458-57-025	AMD	02-18-078	468-550-040	AMD	02-13-004	478-117-220	NEW-E	02-04-087
458-57-035	PREP	02-12-122	468-550-050	AMD-P	02-10-020	478-117-220	NEW	02-08-023
458-57-035	AMD-P	02-15-142	468-550-060	AMD-P	02-10-020	478-117-230	NEW-P	02-03-085
458-57-035	AMD	02-18-078	468-550-060	AMD	02-13-004	478-117-230	NEW-E	02-04-087
458-57-045	PREP	02-12-122	468-550-070	AMD-P	02-10-020	478-117-230	NEW	02-08-023
458-57-045	AMD-P	02-15-142	468-550-070	AMD	02-13-004	478-117-240	NEW-P	02-03-085
458-57-045	AMD	02-18-078	468-550-080	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087
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478-117-250	NEW-E	02-04-087	478-118-210	NEW-P	02-08-066	480- 70-411	AMD-P	02-17-088
478-117-250	NEW	02-08-023	478-118-210	NEW	02-15-174	480- 70-999	AMD-X	02-12-131
478-117-260	NEW-P	02-03-085	478-118-220	NEW-E	02-06-042	480- 70-999	AMD	02-18-033
478-117-260	NEW-E	02-04-087	478-118-220	NEW-P	02-08-066	480- 75	AMD-P	02-12-132
478-117-260	NEW	02-08-023	478-118-220	NEW	02-15-174	480- 75	AMD	02-18-032
478-117-270	NEW-P	02-03-085	478-118-230	NEW-E	02-06-042	480- 75-002	REP-P	02-12-132
478-117-270	NEW-E	02-04-087	478-118-230	NEW-P	02-08-066	480- 75-002	REP	02-18-032
478-117-270	NEW	02-08-023	478-118-230	NEW	02-15-174	480- 75-005	REP-P	02-12-132
478-117-280	NEW-P	02-03-085	478-118-240	NEW-E	02-06-042	480- 75-005	REP	02-18-032
478-117-280	NEW-E	02-04-087	478-118-240	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132
478-117-280	NEW	02-08-023	478-118-240	NEW	02-15-174	480- 75-010	REP	02-18-032
478-117-300	NEW-P	02-03-085	478-118-250	NEW-E	02-06-042	480- 75-100	NEW-P	02-12-132
478-117-300	NEW-E	02-04-087	478-118-250	NEW-P	02-08-066	480- 75-100	NEW	02-18-032
478-117-300	NEW	02-08-023	478-118-250	NEW	02-15-174	480- 75-200	NEW-P	02-12-132
478-117-310	NEW-P	02-03-085	478-118-260	NEW-E	02-06-042	480- 75-200	NEW	02-18-032
478-117-310	NEW-E	02-04-087	478-118-260	NEW-P	02-08-066	480- 75-210	NEW-P	02-12-132
478-117-310	NEW	02-08-023	478-118-260	NEW	02-15-174	480- 75-210	NEW	02-18-032
478-117-320	NEW-P	02-03-085	478-118-270	NEW-E	02-06-042	480- 75-220	NEW-P	02-12-132
478-117-320	NEW-E	02-04-087	478-118-270	NEW-P	02-08-066	480- 75-220	NEW	02-18-032
478-117-320	NEW	02-08-023	478-118-270	NEW	02-15-174	480- 75-223	REP-P	02-12-132
478-117-400	NEW-P	02-03-085	478-118-280	NEW-E	02-06-042	480- 75-223	REP	02-18-032
478-117-400	NEW-E	02-04-087	478-118-280	NEW-P	02-08-066	480- 75-230	REP-P	02-12-132
478-117-400	NEW	02-08-023	478-118-280	NEW	02-15-174	480- 75-230	REP	02-18-032
478-117-410	NEW-P	02-03-085	478-118-400	NEW-E	02-06-042	480- 75-240	NEW	02-03-016
478-117-410	NEW-E	02-04-087	478-118-400	NEW-P	02-08-066	480- 75-250	NEW-P	02-12-132
478-117-410	NEW	02-08-023	478-118-400	NEW	02-15-174	480- 75-250	NEW	02-18-032
478-118	PREP	02-04-037	478-118-410	NEW-E	02-06-042	480- 75-260	NEW-P	02-12-132
478-118	NEW-C	02-13-066	478-118-410	NEW-P	02-08-066	480- 75-260	NEW	02-18-032
478-118-010	NEW-E	02-06-042	478-118-410	NEW	02-15-174	480- 75-300	NEW-P	02-12-132
478-118-010	NEW-P	02-08-066	478-118-420	NEW-E	02-06-042	480- 75-300	NEW	02-18-032
478-118-010	NEW	02-15-174	478-118-420	NEW-P	02-08-066	480- 75-310	NEW-P	02-12-132
478-118-020	NEW-E	02-06-042	478-118-420	NEW	02-15-174	480- 75-310	NEW	02-18-032
478-118-020	NEW-P	02-08-066	478-118-500	NEW-E	02-06-042	480- 75-320	NEW-P	02-12-132
478-118-020	NEW	02-15-174	478-118-500	NEW-P	02-08-066	480- 75-320	NEW	02-18-032
478-118-030	NEW-E	02-06-042	478-118-500	NEW	02-15-174	480- 75-330	NEW-P	02-12-132
478-118-030	NEW-P	02-08-066	478-118-510	NEW-E	02-06-042	480- 75-330	NEW	02-18-032
478-118-030	NEW	02-15-174	478-118-510	NEW-P	02-08-066	480- 75-340	NEW-P	02-12-132
478-118-040	NEW-E	02-06-042	478-118-510	NEW	02-15-174	480- 75-340	NEW	02-18-032
478-118-040	NEW-P	02-08-066	478-136-012	AMD	02-06-020	480- 75-350	NEW-P	02-12-132
478-118-040	NEW	02-15-174	478-136-015	AMD	02-06-020	480- 75-350	NEW	02-18-032
478-118-050	NEW-E	02-06-042	478-136-030	AMD-E	02-03-102	480- 75-360	NEW-P	02-12-132
478-118-050	NEW-P	02-08-066	478-136-030	AMD	02-06-020	480- 75-360	NEW	02-18-032
478-118-050	NEW	02-15-174	478-160-125	AMD	02-06-021	480- 75-370	NEW-P	02-12-132
478-118-060	NEW-E	02-06-042	478-160-130	AMD	02-06-021	480- 75-370	NEW	02-18-032
478-118-060	NEW-P	02-08-066	478-160-140	AMD	02-06-021	480- 75-380	NEW-P	02-12-132
478-118-060	NEW	02-15-174	478-160-163	NEW	02-06-021	480- 75-380	NEW	02-18-032
478-118-070	NEW-E	02-06-042	478-160-175	AMD	02-06-021	480- 75-390	NEW-P	02-12-132
478-118-070	NEW-P	02-08-066	480- 14-999	AMD-X	02-12-131	480- 75-400	NEW-P	02-12-132
478-118-070	NEW	02-15-174	480- 14-999	AMD	02-18-033	480- 75-400	NEW	02-18-032
478-118-080	NEW-E	02-06-042	480- 15-999	AMD-X	02-12-131	480- 75-410	NEW-P	02-12-132
478-118-080	NEW-P	02-08-066	480- 15-999	AMD	02-18-033	480- 75-410	NEW	02-18-032
478-118-080	NEW	02-15-174	480- 30-999	AMD-X	02-12-131	480- 75-420	NEW-P	02-12-132
478-118-090	NEW-E	02-06-042	480- 30-999	AMD	02-18-033	480- 75-420	NEW	02-18-032
478-118-090	NEW-P	02-08-066	480- 31-999	AMD-X	02-12-131	480- 75-430	NEW-P	02-12-132
478-118-090	NEW	02-15-174	480- 31-999	AMD	02-18-033	480- 75-430	NEW	02-18-032
478-118-100	NEW-E	02-06-042	480- 40-999	AMD-X	02-12-131	480- 75-440	NEW-P	02-12-132
478-118-100	NEW-P	02-08-066	480- 40-999	AMD	02-18-033	480- 75-440	NEW	02-18-032
478-118-100	NEW	02-15-174	480- 62-240	AMD-X	02-12-131	480- 75-450	NEW-P	02-12-132
478-118-200	NEW-E	02-06-042	480- 62-240	AMD	02-18-033	480- 75-450	NEW	02-18-032
478-118-200	NEW-P	02-08-066	480- 62-999	AMD-X	02-12-131	480- 75-460	NEW-P	02-12-132
478-118-200	NEW	02-15-174	480- 62-999	AMD	02-18-033	480- 75-460	NEW	02-18-032

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 75-500	NEW-P	02-12-132	480- 80-140	REP	02-11-081	480-100-193	AMD	02-11-081
480- 75-500	NEW	02-18-032	480- 80-141	NEW	02-11-081	480-100-194	NEW	02-11-081
480- 75-510	NEW-P	02-12-132	480- 80-142	NEW	02-11-081	480-100-195	NEW	02-11-081
480- 75-510	NEW	02-18-032	480- 80-143	NEW	02-11-081	480-100-197	NEW	02-11-081
480- 75-520	NEW-P	02-12-132	480- 80-150	REP	02-11-081	480-100-198	NEW	02-11-081
480- 75-520	NEW	02-18-032	480- 80-160	REP	02-11-081	480-100-199	NEW	02-11-081
480- 75-530	NEW-P	02-12-132	480- 80-170	REP	02-11-081	480-100-203	AMD-X	02-12-131
480- 75-530	NEW	02-18-032	480- 80-180	REP	02-11-081	480-100-203	AMD	02-18-033
480- 75-540	NEW-P	02-12-132	480- 80-190	REP	02-11-081	480-100-208	AMD-X	02-12-131
480- 75-540	NEW	02-18-032	480- 80-200	REP	02-11-081	480-100-208	AMD	02-18-033
480- 75-550	NEW-P	02-12-132	480- 80-201	NEW	02-11-081	480-100-999	AMD-X	02-12-131
480- 75-550	NEW	02-18-032	480- 80-202	NEW	02-11-081	480-100-999	AMD	02-18-033
480- 75-600	NEW-P	02-12-132	480- 80-203	NEW	02-11-081	480-110	PREP	02-10-055
480- 75-600	NEW	02-18-032	480- 80-204	NEW	02-11-081	480-110-275	AMD-X	02-12-131
480- 75-610	NEW-P	02-12-132	480- 80-205	NEW	02-11-081	480-110-275	AMD	02-18-033
480- 75-610	NEW	02-18-032	480- 80-206	NEW	02-11-081	480-110-335	AMD-P	02-17-088
480- 75-620	NEW-P	02-12-132	480- 80-210	REP	02-11-081	480-110-485	AMD-X	02-12-131
480- 75-620	NEW	02-18-032	480- 80-220	REP	02-11-081	480-110-485	AMD	02-18-033
480- 75-630	NEW-P	02-12-132	480- 80-230	REP	02-11-081	480-110-999	NEW-X	02-12-131
480- 75-630	NEW	02-18-032	480- 80-240	REP	02-11-081	480-110-999	NEW	02-18-033
480- 75-640	NEW-P	02-12-132	480- 80-241	NEW	02-11-081	480-120-011	AMD-P	02-12-055
480- 75-640	NEW	02-18-032	480- 80-242	NEW	02-11-081	480-120-015	AMD-P	02-12-055
480- 75-650	NEW-P	02-12-132	480- 80-250	REP	02-11-081	480-120-017	NEW-P	02-12-055
480- 75-650	NEW	02-18-032	480- 80-260	REP	02-11-081	480-120-019	NEW-P	02-12-055
480- 75-660	NEW-P	02-12-132	480- 80-270	REP	02-11-081	480-120-021	AMD-P	02-12-055
480- 75-660	NEW	02-18-032	480- 80-280	REP	02-11-081	480-120-029	REP-P	02-12-055
480- 75-999	AMD-P	02-12-132	480- 80-290	REP	02-11-081	480-120-031	REP-P	02-12-055
480- 75-999	AMD	02-18-032	480- 80-300	REP	02-11-081	480-120-032	REP-P	02-12-055
480- 80-010	AMD	02-11-081	480- 80-310	REP	02-11-081	480-120-033	REP-P	02-12-055
480- 80-015	NEW	02-11-081	480- 80-320	REP	02-11-081	480-120-041	REP-P	02-12-055
480- 80-020	AMD	02-11-081	480- 80-325	REP	02-11-081	480-120-042	REP-P	02-12-055
480- 80-025	NEW	02-11-081	480- 80-326	REP	02-11-081	480-120-043	REP	02-11-081
480- 80-030	AMD	02-11-081	480- 80-330	REP	02-11-081	480-120-043	REP-P	02-12-055
480- 80-031	NEW	02-11-081	480- 80-335	REP	02-11-081	480-120-045	REP-P	02-12-055
480- 80-035	REP	02-11-081	480- 80-340	REP	02-11-081	480-120-046	REP-P	02-12-055
480- 80-040	REP	02-11-081	480- 80-350	REP	02-11-081	480-120-051	REP-P	02-12-055
480- 80-041	REP	02-11-081	480- 80-360	REP	02-11-081	480-120-052	REP	02-11-080
480- 80-045	REP	02-11-081	480- 80-370	REP	02-11-081	480-120-056	REP-P	02-12-055
480- 80-050	REP	02-11-081	480- 80-380	REP	02-11-081	480-120-057	REP-P	02-12-055
480- 80-060	REP	02-11-081	480- 90	PREP	02-10-055	480-120-058	REP	02-11-080
480- 80-070	REP	02-11-081	480- 90-113	AMD-P	02-17-088	480-120-061	AMD-P	02-12-055
480- 80-080	REP	02-11-081	480- 90-118	AMD-P	02-17-088	480-120-081	REP-P	02-12-055
480- 80-090	REP	02-11-081	480- 90-193	AMD	02-11-081	480-120-087	REP-P	02-12-055
480- 80-100	REP	02-11-081	480- 90-194	NEW	02-11-081	480-120-088	REP-P	02-12-055
480- 80-101	NEW	02-11-081	480- 90-195	NEW	02-11-081	480-120-089	REP-P	02-12-055
480- 80-102	NEW	02-11-081	480- 90-197	NEW	02-11-081	480-120-101	REP-P	02-12-055
480- 80-103	NEW	02-11-081	480- 90-198	NEW	02-11-081	480-120-102	NEW-P	02-12-055
480- 80-104	NEW	02-11-081	480- 90-199	NEW	02-11-081	480-120-103	NEW-P	02-12-055
480- 80-105	NEW	02-11-081	480- 90-203	AMD-X	02-12-131	480-120-104	NEW-P	02-12-055
480- 80-110	REP	02-11-081	480- 90-203	AMD	02-18-033	480-120-105	NEW-P	02-12-055
480- 80-111	NEW	02-11-081	480- 90-208	AMD-X	02-12-131	480-120-106	REP-P	02-12-055
480- 80-112	NEW	02-11-081	480- 90-208	AMD	02-18-033	480-120-107	NEW-P	02-12-055
480- 80-121	NEW	02-11-081	480- 90-999	AMD-X	02-12-131	480-120-108	NEW-P	02-12-055
480- 80-122	NEW	02-11-081	480- 90-999	AMD	02-18-033	480-120-112	NEW-P	02-12-055
480- 80-123	NEW	02-11-081	480- 93-240	NEW	02-03-016	480-120-116	REP-P	02-12-055
480- 80-124	NEW	02-11-081	480-100	PREP	02-10-055	480-120-121	REP-P	02-12-055
480- 80-125	REP	02-11-081	480-100-113	AMD-P	02-17-088	480-120-122	NEW-P	02-12-055
480- 80-130	REP	02-11-081	480-100-118	AMD-P	02-17-088	480-120-123	NEW-P	02-12-055
480- 80-131	NEW	02-11-081	480-100-148	PREP	02-10-055	480-120-124	NEW-P	02-12-055
480- 80-132	NEW	02-11-081	480-100-148	AMD-P	02-17-088	480-120-125	NEW-P	02-12-055
480- 80-133	NEW	02-11-081	480-100-163	AMD-X	02-12-131	480-120-126	REP-P	02-12-055
480- 80-134	NEW	02-11-081	480-100-163	AMD	02-18-033	480-120-127	NEW	02-11-080

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055	480-122-030	REP	02-03-017
480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055	480-122-040	REP	02-03-017
480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055	480-122-060	AMD	02-03-017
480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055	480-122-070	REP	02-03-017
480-120-136	REP-P	02-12-055	480-120-311	NEW-P	02-12-055	480-122-080	AMD	02-03-017
480-120-138	REP-P	02-12-055	480-120-312	NEW-P	02-12-055	480-122-090	REP	02-03-017
480-120-139	REP-P	02-12-055	480-120-321	NEW-P	02-12-055	495C-120-040	AMD	02-04-022
480-120-141	REP-P	02-12-055	480-120-322	NEW-P	02-12-055	495C-120-041	AMD	02-04-022
480-120-144	REP-P	02-08-081	480-120-323	NEW-P	02-12-055	504-15-060	REP-P	02-11-092
480-120-146	NEW-P	02-12-055	480-120-340	REP-P	02-12-055	504-15-060	REP	02-14-071
480-120-147	NEW-P	02-12-055	480-120-350	REP-P	02-12-055	504-15-100	AMD-P	02-11-092
480-120-148	NEW-P	02-12-055	480-120-401	NEW-P	02-12-055	504-15-100	AMD	02-14-071
480-120-151	REP-P	02-08-081	480-120-402	NEW-P	02-12-055	504-15-200	AMD-P	02-11-092
480-120-152	REP-P	02-08-081	480-120-411	NEW-P	02-12-055	504-15-200	AMD	02-14-071
480-120-153	REP-P	02-08-081	480-120-412	NEW-P	02-12-055	504-15-210	AMD-P	02-11-092
480-120-154	REP-P	02-08-081	480-120-414	NEW-P	02-12-055	504-15-210	AMD	02-14-071
480-120-161	NEW-P	02-12-055	480-120-436	NEW-P	02-12-055	504-15-460	AMD-P	02-11-092
480-120-162	NEW-P	02-12-055	480-120-437	NEW-P	02-12-055	504-15-460	AMD	02-14-071
480-120-163	NEW-P	02-12-055	480-120-438	NEW-P	02-12-055	504-15-540	AMD-P	02-11-092
480-120-164	NEW-P	02-12-055	480-120-439	NEW-P	02-12-055	504-15-540	AMD	02-14-071
480-120-165	NEW-P	02-12-055	480-120-440	NEW-P	02-12-055	504-15-580	AMD-P	02-11-092
480-120-166	NEW-P	02-12-055	480-120-450	NEW-P	02-12-055	504-15-580	AMD	02-14-071
480-120-167	NEW-P	02-12-055	480-120-451	NEW-P	02-12-055	504-15-600	AMD-P	02-11-092
480-120-171	NEW-P	02-12-055	480-120-452	NEW-P	02-12-055	504-15-600	AMD	02-14-071
480-120-172	NEW-P	02-12-055	480-120-500	REP-P	02-12-055	504-15-650	AMD-P	02-11-092
480-120-173	NEW-P	02-12-055	480-120-505	REP-P	02-12-055	504-15-650	AMD	02-14-071
480-120-174	NEW-P	02-12-055	480-120-510	REP-P	02-12-055	504-15-810	AMD-P	02-11-092
480-120-193	NEW	02-11-081	480-120-515	REP-P	02-12-055	504-15-810	AMD	02-14-071
480-120-194	NEW	02-11-081	480-120-520	REP-P	02-12-055	504-15-830	AMD-P	02-11-092
480-120-195	NEW	02-11-081	480-120-525	REP-P	02-12-055	504-15-830	AMD	02-14-071
480-120-196	NEW	02-11-081	480-120-530	REP-P	02-12-055	504-25-001	NEW-P	02-11-093
480-120-197	NEW	02-11-081	480-120-531	REP-P	02-12-055	504-25-001	NEW	02-15-075
480-120-198	NEW	02-11-081	480-120-535	REP-P	02-12-055	504-25-002	NEW-P	02-11-093
480-120-199	NEW	02-11-081	480-120-541	REP-P	02-12-055	504-25-002	NEW	02-15-075
480-120-201	NEW-P	02-08-081	480-120-542	REP-P	02-12-055	504-25-003	NEW-P	02-11-093
480-120-202	NEW-P	02-08-081	480-120-543	REP-P	02-12-055	504-25-003	NEW	02-15-075
480-120-203	NEW-P	02-08-081	480-120-544	REP-P	02-12-055	504-25-004	NEW-P	02-11-093
480-120-204	NEW-P	02-08-081	480-120-545	REP-P	02-12-055	504-25-004	NEW	02-15-075
480-120-205	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055	504-25-005	REP-P	02-11-093
480-120-206	NEW-P	02-08-081	480-121-010	REP	02-11-080	504-25-005	REP	02-15-075
480-120-207	NEW-P	02-08-081	480-121-011	NEW	02-11-080	504-25-010	REP-P	02-11-093
480-120-208	NEW-P	02-08-081	480-121-015	AMD	02-11-080	504-25-010	REP	02-15-075
480-120-209	NEW-P	02-08-081	480-121-016	NEW	02-11-080	504-25-011	NEW-P	02-11-093
480-120-211	NEW-P	02-08-081	480-121-017	NEW	02-11-080	504-25-011	NEW	02-15-075
480-120-212	NEW-P	02-08-081	480-121-018	NEW	02-11-080	504-25-012	NEW-P	02-11-093
480-120-213	NEW-P	02-08-081	480-121-020	AMD-S	02-07-041	504-25-012	NEW	02-15-075
480-120-214	NEW-P	02-08-081	480-121-020	AMD	02-11-080	504-25-013	NEW-P	02-11-093
480-120-215	NEW-P	02-08-081	480-121-023	REP	02-11-080	504-25-013	NEW	02-15-075
480-120-216	NEW-P	02-08-081	480-121-026	AMD	02-11-080	504-25-014	NEW-P	02-11-093
480-120-251	NEW-P	02-12-055	480-121-030	REP	02-11-080	504-25-014	NEW	02-15-075
480-120-252	NEW-P	02-12-055	480-121-040	AMD	02-11-080	504-25-015	AMD-P	02-11-093
480-120-253	NEW-P	02-12-055	480-121-050	REP	02-11-080	504-25-015	AMD	02-15-075
480-120-254	NEW-P	02-12-055	480-121-060	AMD	02-11-080	504-25-018	NEW-P	02-11-093
480-120-255	NEW-P	02-12-055	480-121-061	AMD	02-11-080	504-25-018	NEW	02-15-075
480-120-256	NEW-P	02-12-055	480-121-062	AMD	02-11-080	504-25-020	AMD-P	02-11-093
480-120-257	NEW-P	02-12-055	480-121-063	AMD-S	02-07-041	504-25-020	AMD	02-15-075
480-120-261	NEW-P	02-12-055	480-121-063	AMD	02-11-080	504-25-025	AMD-P	02-11-093
480-120-262	NEW-P	02-12-055	480-121-064	AMD	02-11-080	504-25-025	AMD	02-15-075
480-120-263	NEW-P	02-12-055	480-121-065	NEW	02-11-081	504-25-030	AMD-P	02-11-093
480-120-264	NEW	02-11-080	480-121-070	REP	02-11-080	504-25-030	AMD	02-15-075
480-120-265	NEW-P	02-12-055	480-122-010	AMD	02-03-017	504-25-035	AMD-P	02-11-093
480-120-301	NEW-P	02-12-055	480-122-020	AMD	02-03-017	504-25-035	AMD	02-15-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
504- 25-040	AMD-P	02-11-093	504- 25-221	NEW-P	02-11-093	516- 23-115	REP-P	02-16-088
504- 25-040	AMD	02-15-075	504- 25-221	NEW	02-15-075	516- 23-120	REP-P	02-16-088
504- 25-041	NEW-P	02-11-093	504- 25-222	NEW-P	02-11-093	516- 23-125	REP-P	02-16-088
504- 25-041	NEW	02-15-075	504- 25-222	NEW	02-15-075	516- 23-130	REP-P	02-16-088
504- 25-042	NEW-P	02-11-093	504- 25-223	NEW-P	02-11-093	516- 23-135	REP-P	02-16-088
504- 25-042	NEW	02-15-075	504- 25-223	NEW	02-15-075	516- 23-140	REP-P	02-16-088
504- 25-045	AMD-P	02-11-093	504- 25-224	NEW-P	02-11-093	516- 23-145	REP-P	02-16-088
504- 25-045	AMD	02-15-075	504- 25-224	NEW	02-15-075	516- 23-200	NEW-P	02-16-088
504- 25-050	AMD-P	02-11-093	504- 25-225	REP-P	02-11-093	516- 23-210	NEW-P	02-16-088
504- 25-050	AMD	02-15-075	504- 25-225	REP	02-15-075	516- 23-220	NEW-P	02-16-088
504- 25-055	AMD-P	02-11-093	504- 25-226	NEW-P	02-11-093	516- 23-230	NEW-P	02-16-088
504- 25-055	AMD	02-15-075	504- 25-226	NEW	02-15-075	516- 23-240	NEW-P	02-16-088
504- 25-060	AMD-P	02-11-093	504- 25-227	NEW-P	02-11-093	516- 23-250	NEW-P	02-16-088
504- 25-060	AMD	02-15-075	504- 25-227	NEW	02-15-075	516- 23-260	NEW-P	02-16-088
504- 25-065	AMD-P	02-11-093	504- 25-228	NEW-P	02-11-093	516- 23-270	NEW-P	02-16-088
504- 25-065	AMD	02-15-075	504- 25-228	NEW	02-15-075	516- 23-280	NEW-P	02-16-088
504- 25-075	AMD-P	02-11-093	504- 25-229	NEW-P	02-11-093	516- 23-290	NEW-P	02-16-088
504- 25-075	AMD	02-15-075	504- 25-229	NEW	02-15-075	516- 23-300	NEW-P	02-16-088
504- 25-080	AMD-P	02-11-093	504- 25-230	AMD-P	02-11-093	516- 23-310	NEW-P	02-16-088
504- 25-080	AMD	02-15-075	504- 25-230	AMD	02-15-075	516- 23-320	NEW-P	02-16-088
504- 25-085	AMD-P	02-11-093	504- 25-231	NEW-P	02-11-093	516- 23-330	NEW-P	02-16-088
504- 25-085	AMD	02-15-075	504- 25-231	NEW	02-15-075	516- 23-340	NEW-P	02-16-088
504- 25-090	AMD-P	02-11-093	504- 25-235	REP-P	02-11-093	516- 23-350	NEW-P	02-16-088
504- 25-090	AMD	02-15-075	504- 25-235	REP	02-15-075	516- 23-360	NEW-P	02-16-088
504- 25-095	AMD-P	02-11-093	504- 25-240	REP-P	02-11-093	516- 23-370	NEW-P	02-16-088
504- 25-095	AMD	02-15-075	504- 25-240	REP	02-15-075	516- 23-380	NEW-P	02-16-088
504- 25-100	AMD-P	02-11-093	504- 25-245	AMD-P	02-11-093	516- 23-390	NEW-P	02-16-088
504- 25-100	AMD	02-15-075	504- 25-245	AMD	02-15-075	516- 23-400	NEW-P	02-16-088
504- 25-115	AMD-P	02-11-093	516- 12-400	AMD	02-07-045	516- 23-410	NEW-P	02-16-088
504- 25-115	AMD	02-15-075	516- 12-420	AMD	02-07-045	516- 23-420	NEW-P	02-16-088
504- 25-120	AMD-P	02-11-093	516- 12-430	AMD	02-07-045	516- 23-430	NEW-P	02-16-088
504- 25-120	AMD	02-15-075	516- 12-440	AMD	02-07-045	516- 23-440	NEW-P	02-16-088
504- 25-125	AMD-P	02-11-093	516- 12-450	AMD	02-07-045	516- 23-450	NEW-P	02-16-088
504- 25-125	AMD	02-15-075	516- 12-460	AMD	02-07-045	516- 23-460	NEW-P	02-16-088
504- 25-130	AMD-P	02-11-093	516- 12-470	AMD	02-07-045	516- 23-470	NEW-P	02-16-088
504- 25-130	AMD	02-15-075	516- 12-480	AMD	02-07-045	516- 23-480	NEW-P	02-16-088
504- 25-135	AMD-P	02-11-093	516- 13-030	AMD	02-07-045	516- 23-490	NEW-P	02-16-088
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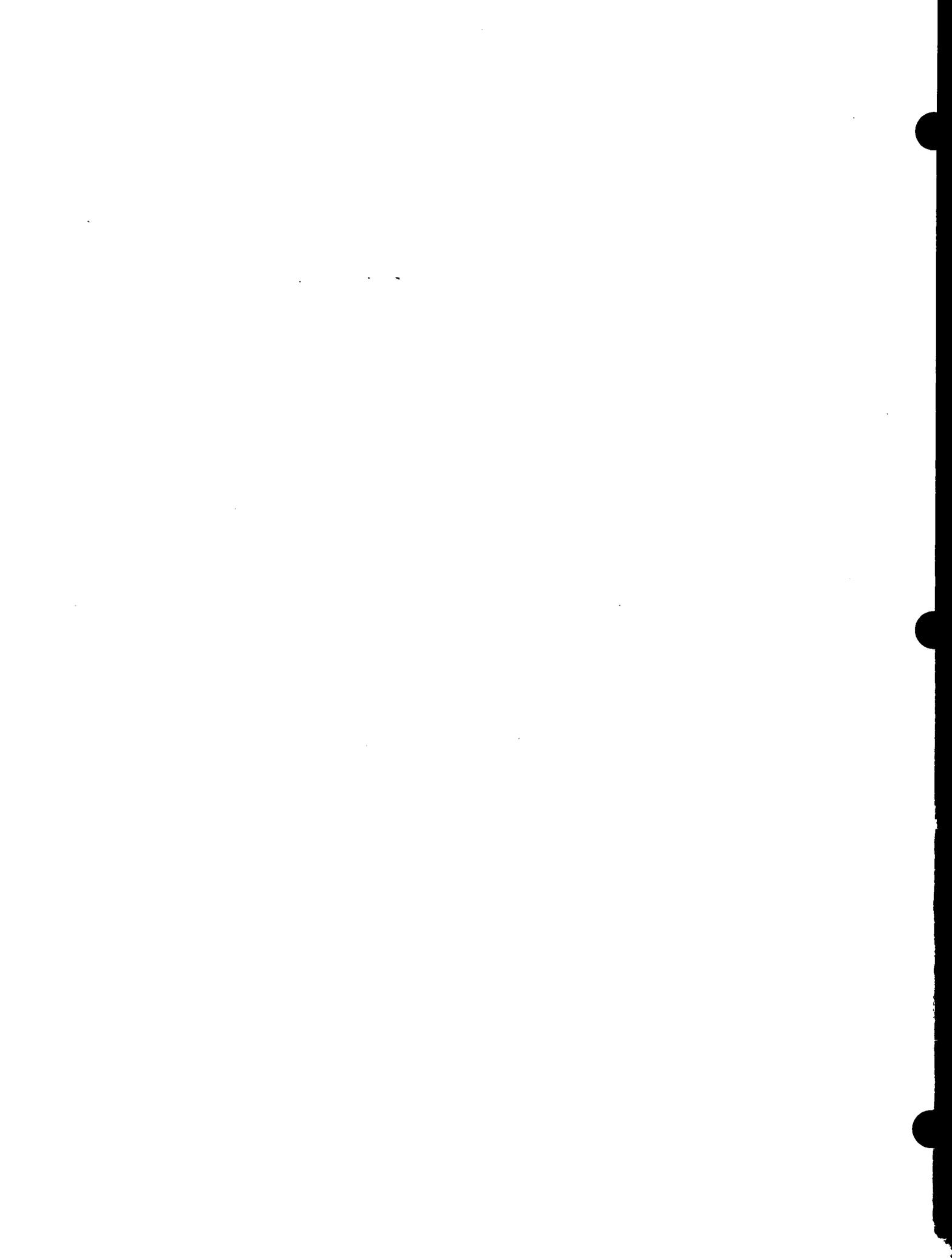
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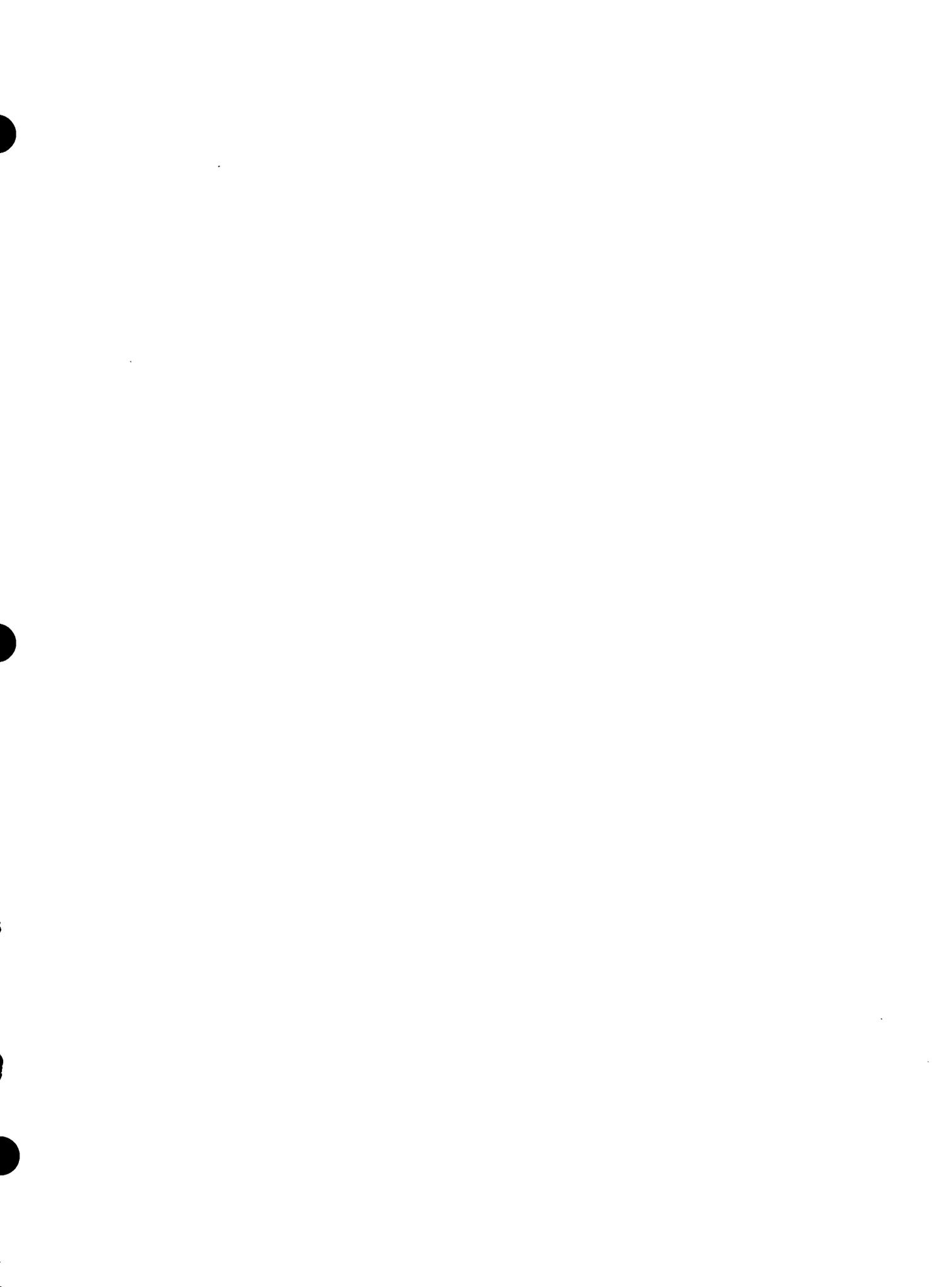
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