

Washington State Register

January 19, 2005

OLYMPIA, WASHINGTON

ISSUE 05-02



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 January 2005 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of January 2005 is 4.442%.

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

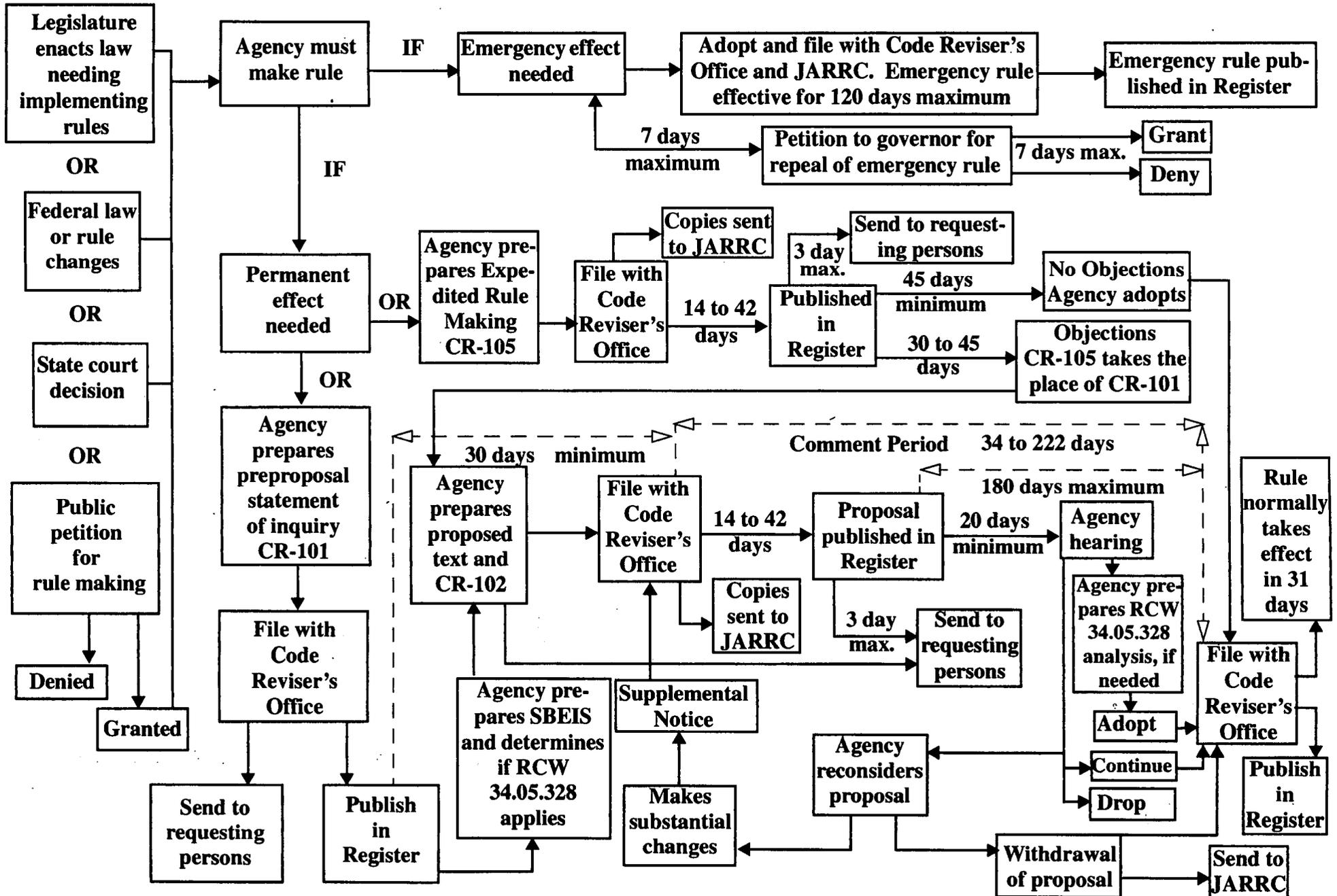
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 05-02-004**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed December 22, 2004, 3:02 p.m.]

Subject of Possible Rule Making: Chapter 16-730 WAC, Asparagus equipment leasing program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.04.402, ESHB 2459 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed in order to implement budget direction from the legislature to assist in maintaining a viable asparagus industry in this state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies that regulate this subject.

Process for Developing New Rule: Rules developed with agency staff and industry advisory group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Wright, Program Coordinator, Washington State Department of Agriculture, P.O. Box 42580, Olympia, WA 98504, gwright@agr.wa.gov, (360) 902-1918, fax (360) 902-2092.

December 22, 2004
William E. Brookreson
Deputy Director

WSR 05-02-008**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed December 23, 2004, 3:37 p.m.]

Subject of Possible Rule Making: WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider a possible rule amendment to include specific reference to an employer of a registered lobbyist in the instruction section of PDC Form L-7.

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

Process for Developing New Rule: At its meeting on January 25, 2005, the commission is expected to discuss and possibly adopt proposed amendatory language to the above-mentioned rule. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by January 24, 2005, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, January 17, 2005, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting the PDC Director of Public Outreach Doug Ellis at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

December 23, 2004

Vicki Rippie

Executive Director

WSR 05-02-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed December 27, 2004, 1:32 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-492-0070 How are my WASHCAP food benefits calculated?, to be consistent with a federal waiver amendment effective January 1, 2005, regarding how WASHCAP benefits are calculated.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change is necessary to comply with a federal waiver amendment regarding benefit calculations for WASHCAP recipients. Specifically, the department is amending the utility allowance methodology used to calculate WASHCAP benefit amounts. The change will bring the department into compliance with the demonstration project cost-neutrality provisions stipulated in the federal waiver.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98404-5470, phone (360) 725-4615, fax (360) 413-3493, e-mail henrira@dshs.wa.gov.

December 21, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PREPROPOSAL

WSR 05-02-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 30, 2004, 3:57 p.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, to be consistent with a federal waiver amendment effective January 1, 2005, regarding the criteria for WASHCAP-eligible clients to opt-in or -out of the demonstration project.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change is necessary to comply with a federal waiver amendment regarding opt-out criteria for WASHCAP recipients. Specifically, the department is amending the criteria for WASHCAP-eligible clients to opt-in or -out of WASHCAP. The change brings the department into compliance with the demonstration project cost-neutrality provisions stipulated in the federal waiver.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rebecca Henrie, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4615, fax (360) 413-3493, e-mail henrira@dshs.wa.gov.

December 29, 2004

Jim Schnellman

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

WSR 05-02-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 5, 2005, 2:20 p.m.]

Subject of Possible Rule Making: Adjusting the maximum bid price for a commercial sea cucumber license under the sea cucumber license reduction program (WAC 220-95-110).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.70.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Members of the Sea Urchin/Sea Cucumber Advisory Board (seven member board

made up of current license holders in the fishery) have recommended that the maximum bid price for a sea cucumber license be adjusted upward. An increase in the maximum bid price may hasten the goal of the program. A surplus of funds currently exists in the license buyback fund account to facilitate an increased amount.

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 Frank Hawley, Licensing Division Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2453. Contact by February 17, 2005. Expected filing date is on or after February 18, 2005.

January 3, 2005

Evan Jacoby

Rules Coordinator

WSR 05-02-051
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed January 4, 2005, 9:05 a.m.]

Subject of Possible Rule Making: WAC 4-25-530 Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.105(3), 18.04.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The CPA examination providers, the American Institute of Certified Public Accountants (AICPA), the National Association of State Boards of Accountancy (NASBA) and Prometric, have notified of a forthcoming increase to all CPA exam fees. The board must therefore increase the fees it charges for the administration of the CPA examination to adequately pay all costs.

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 Dana M. McInturff, CPA, CFE, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail webmaster@cpaboard.wa.gov.

December 30, 2004

Dana M. McInturff

Executive Director

WSR 05-02-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
INFORMATION SERVICES

[Filed January 4, 2005, 9:28 a.m.]

Subject of Possible Rule Making: The practice and procedure by which the Department of Information Services and the Information Services Board organize their public records

and make those public records available to the public for inspection and copying.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250, 42.17.260(7), 42.17.290, 42.17.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are currently codified at chapter 143-06 WAC. Those rules are out-of-date. The Department of Information Services intends to amend these rules to make them easier to understand and provide clear instructions as to how the public may view and/or obtain copies of public records of the Department of Information Services or the Information Services Board.

Process for Developing New Rule: The Department of Information Services welcomes the public's input prior to publication of the proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the formulation of the amended rules by submitting written comments or proposed language by fax, electronic mail or United States mail to Brian Jensen, Public Disclosure Officer, Washington State Department of Information Services, 1110 Jefferson Street S.E., P.O. Box 42445, Olympia, WA 98504-2445, phone (360) 902-2299, fax (360) 586-5885, e-mail brianj@dis.wa.gov. Interested parties may telephone the individual listed above to discuss the amended rules and may request to set up an in-person meeting.

January 4, 2005

Brian Jensen
Rules Coordinator

WSR 05-02-065

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Alcohol and Substance Abuse)

[Filed January 4, 2005, 10:54 a.m.]

Subject of Possible Rule Making: Chapter 388-800 WAC, Chemical dependency assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and chapter 74.50 RCW re: Alcoholism and Drug Addiction Treatment and Support Act (ADATSA).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to this chapter include:

- Clarification of specific language and to update technical changes;
- Update cross references to other DSHS WACs on patient eligibility standards; and
- Clarify definitions and process of secondary ADATSA clients.

The Division of Alcohol and Substance Abuse (DASA) staff will work closely with Economic Services Administration and other DSHS divisions that are affected by chapter 388-800 WAC.

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

Process for Developing New Rule: DASA will develop the proposed rule by inviting input, review and comment on draft materials from the ADATSA Standing Communications Committee (stakeholder group), Association of County and Human Services and other stakeholders. DASA will also hold public meetings to solicit comments on proposed changes before submitting the CR-102 proposed rule. DASA will distribute the proposed rule to individuals on its mailing list, and to anyone requesting a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emilio Vela, Jr., Treatment and Prevention Policy Analyst, Division of Alcohol and Substance Abuse, Department of Social and Health Services, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 438-8095, fax (360) 438-8078, e-mail velaem@dshs.wa.gov.

January 3, 2005

Brian H. Lindgren, Administrator
Rules and Policies Assistance Unit

WSR 05-02-066

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 4, 2005, 10:57 a.m.]

The Aging and Disability Services Administration would like to withdraw the following preproposal statement of inquiry: WSR 04-24-047, filed on November 29, 2004.

Brian Lindgren, Administrator
Rules and Policies Assistance Unit

WSR 05-02-067

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 4, 2005, 11:00 a.m.]

Subject of Possible Rule Making: Chapter 388-827 WAC, State supplementary payment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of these rules is to expand the population eligible to receive the state supplementary payment (SSP) administered by the Division of Developmental Disabilities to include supplemental security income (SSI) recipients who are under age eighteen at the time of their initial comprehensive assessment and reporting evaluation (CARE) assessment and received Medicaid per-

sonal care between September 2003 and August 2004. These amendments also limit the receipt of SSP to certain individuals who received SSI prior to June 30, 2003, and limits the amount of SSP to former family support recipients to the rate in effect at the time the funding source was converted to SSP. State agencies affected include DSHS Aging and Disability Services Administration and Economic Services Administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Social Security Administration (SSA) is responsible for approval of plans for state's that administer the state supplementary payment program. The state has requested approval from SSA to expand the SSP eligible population.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, DSHS Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3416, fax (360) 407-0955, e-mail BRINKSC@DSHS.WA.GOV.

January 3, 2005

Brian H. Lindgren, Administrator
Rules and Policies Assistance Unit

WSR 05-02-068
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed January 4, 2005, 11:02 a.m.]

The Medical Assistance Administration would like to withdraw the following three preproposal statement of inquiries: WSR 02-24-070, filed on December 3, 2002; WSR 03-08-023, filed on March 26, 2003; and WSR 03-08-083, filed on April 1, 2003.

Brian H. Lindgren, Administrator
Rules and Policies Assistance Unit

WSR 05-02-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES
[Filed January 4, 2005, 4:32 p.m.]

Subject of Possible Rule Making: Chapter 332-130 WAC, Minimum standards for land boundary surveys and

geodetic control surveys and guidelines or the preparation of land descriptions and chapter 332-120 WAC, Survey monuments—Removal or destruction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.030, 58.24.040, 58.09.050, and 58.17-160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For clarification and to bring existing rules up to date with current technology.

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

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gwen Roy, PLS, Manager, Public Land Survey Office, Department of Natural Resources, P.O. Box 47060, Olympia, WA 98504-7060, phone (360) 902-1197, fax (360) 902-1191, gwen.roy@wadnr.gov.

December 29, 2004

James A. Hurst
for Bruce Mackey
Lands Steward

WSR 05-02-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed January 5, 2005, 9:59 a.m.]

Subject of Possible Rule Making: Small game, deer, elk, bighorn sheep, mountain goat, and moose seasons and permit levels; auctions, raffles, and incentive tags; game management unit boundaries; special closures and firearm restriction areas; carcass importation; definition of eastern and western Washington.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by February 23, 2005, rule proposal filing expected to be March 2, 2005.

January 5, 2005
Evan Jacoby
Rules Coordinator

WSR 05-02-001**PROPOSED RULES****SECRETARY OF STATE**

(Address Confidentiality Program)

[Filed December 22, 2004, 12:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-21-004.

Title of Rule and Other Identifying Information: Address confidentiality program (ACP).

Hearing Location(s): Washington State Library, Conference Room 221, 6880 Capitol Boulevard S.E., Tumwater, WA, on March 2, 2005, at 9:30 a.m.

Date of Intended Adoption: April 1, 2005.

Submit Written Comments to: Margaret McKinney, P.O. Box 257, Olympia, WA 98507-0257, e-mail mmckinney@secstate.wa.gov, fax (360) 586-4388, by March 2, 2005.

Assistance for Persons with Disabilities: Contact Margaret McKinney by March 2, 2005, TTY (800) 644-9677.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 434-840-005(3), proposed change includes stalking victims to become compliant with chapter 40.24 RCW. Also more accurately describes the role of the ACP application assistant; WAC 434-840-005(6), defines address to mean residential address; WAC 434-840-005(7), corrects citation to newly recodified Title 29A RCW; WAC 434-840-005(10), defines residential address; WAC 434-840-020(3), places in administrative rule what has always been possible, but many agencies did not know; WAC 434-840-030(1), more accurately describes renewal form as an application; WAC 434-840-030(2), removes subsection (c) so as to bring the ACP into compliance with the public law (P.L.) (Help America Vote Act (HAVA)); WAC 434-840-040(1), gives the Secretary of State authority to cancel a participant who requests cancellation but does not return their authorization card; WAC 434-840-040(2), allows the Secretary of State to cancel a participant for whom the program has lost contact; WAC 434-840-040(3), recognizes that ACP participants move several times, not just from the address they include on the original application. Also makes ACP notification of a change of address less restrictive (from seven days prior to the move to two days). Also brings administrative rule into compliance with RCW 40.24.040; WAC 434-840-040(4), requires the Secretary of State to send a notice of cancellation regardless of the reason for the cancellation; WAC 434-840-040(5), removes unnecessary procedures for notifying the Department of Health and county auditors when a program participant is cancelled. Also brings WAC into compliance with P.L. 107-252 (HAVA); WAC 434-840-080(2), clarifies service of process procedures and states the ACP legal mailing address; WAC 434-840-110(2), place in administrative rule, procedures that have always been in place, but many agencies did not know; WAC 434-840-310, brings ACP into compliance with P.L. 107-252 (HAVA); WAC 434-840-310(2), clarifies who in the county elections department can serve ACP participants; WAC 434-840-320, bring ACP into compliance with P.L. 107-252 (HAVA); and WAC 434-840-330, corrects a grammatical error.

Reasons Supporting Proposal: (1) To comply with the Federal Help America Vote Act; (2) to correct references to Title 29A RCW; and (3) to clarify, streamline, and simplify agency procedure.

Statutory Authority for Adoption: RCW 40.24.090.

Statute Being Implemented: Chapter 40.24 RCW.

Rule is necessary because of federal law, Help America Vote Act (P.L. 107-252).

Name of Proponent: Margaret McKinney, ACP Program Manager, public.

Name of Agency Personnel Responsible for Drafting and Implementation: Margaret McKinney, P.O. Box 257, Olympia, WA 98507-0257, (360) 704-5243; and Enforcement: Sam Reed, P.O. Box 257, Olympia, WA 98507-0257, (360) 753-2972.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Washington's address confidentiality program (ACP) affects only state and local government agencies. Small businesses do not have to comply with chapter 40.24 RCW or with chapter 434-840 WAC. The proposed revisions to chapter 434-840 WAC do not involve nor affect small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Margaret McKinney, P.O. Box 257, Olympia, WA 98507-0257, phone (360) 753-2972, fax (360) 586-4388, e-mail mmckinney@secstate.wa.gov.

December 20, 2004

Margaret McKinney

Program Manager

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-840-005 Definitions. For the purposes of this chapter:

(1) "Address confidentiality program (ACP)" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides advocacy, counseling, referral, or shelter services to victims of sexual assault (~~(or)~~), domestic violence, or stalking who has been designated by the respective agency, and has been accepted (~~(and registered)~~) by the secretary of state to assist individuals (~~(in)~~) with threat assessment, safety planning, determining whether the program's services can help keep the victim safe, and the completion and submission of ((program participation)) the ACP application(s).

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secre-

tary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual residential address the agency is ~~((unable to fulfill))~~ incapable of fulfilling its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29A.04.163, with ongoing absentee ballot voter status, as provided under RCW ~~((29A.40.040))~~ 29A.40.140.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation.

(10) "Residential address" means the physical location where the participant resides for which the participant is requesting confidentiality.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the substitute mailing address as it appears on the authorization card, in lieu of her or his actual location.

(3) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant. The agency official may call the program to verify an individual's current participation status in the program.

(4) An agency shall accept the substitute mailing address unless the agency has received a written exemption from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program certification by filing with the address confidentiality program: (a) Her or his current authorization card; (b) a properly completed ~~((certification))~~ renewal application form; and (c) a new authorization card form. The program participant shall provide all the information required on the ~~((certification))~~ renewal application form and date and sign the form.

(2) The address confidentiality program shall: (a) Certify a program participant, who has filed a properly completed ~~((certification))~~ renewal application form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature ~~((; (c) if the participant is a protected records voter, notify in writing the authorized personnel of the appropriate county auditor's office; and (d) if the participant has a protected marriage license, notify in writing the authorized personnel of the department of health and the appropriate county auditor's office))~~.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program: Written notification of withdrawal and her or his current authorization card. Certification shall be terminated on the date of receipt of this notification. If the program participant requests cancellation but does not return her or his current authorization card and/or does not submit written notification of the request, the secretary of state may, at his/her discretion, cancel program participation based solely on the verbal request.

(2) The address confidentiality program shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program has determined that false information was used in the application process; or (c) the program participant ~~((obtains a legal name change))~~ fails to respond to the program's request for verification of the participant's residential address.

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address ~~((listed))~~ on ~~((the application))~~ file, and has not provided ~~((seven))~~ at least two days' prior notice in writing of a change of address; ~~((or))~~ (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable, refused, or unclaimed; or (c) the program participant obtains a legal change of identity.

(4) ~~((If termination is a result of subsection (2) or (3) of this section;))~~ The address confidentiality program shall send written notification of the termination to the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropri-

ate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

~~((a) If the terminated participant had a protected marriage record, the address confidentiality program shall notify in writing authorized personnel of the department of health and the appropriate county auditor's office of the participant's termination.~~

~~(b) If the terminated participant was a protected records voter, the address confidentiality program shall notify in writing authorized personnel of the county auditor's office of the participant's termination.~~)

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) identification of the individuals who will have access to the record; (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption for the agency. When granting an exemption, the secretary may include: (a) An agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date

after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption for that record, the agency shall immediately provide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons ~~((therefor))~~ **therefore**.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the secretary of state at his/her office in ~~((the Legislative Building,))~~ Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately forward a copy to the program participant at the participant's current mailing address shown on the records.

(4) The secretary of state shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the

time the records are filed and maintained by the county auditor or county recording officer. The authorized personnel may call the program to verify an individual's current participation status in the program.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-310 Protected records voter application. (1) A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall: (a) Present her or his program authorization card; (b) cancel any previously existing voter registration; and (c) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

(2) The program participant shall disclose to the authorized personnel the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

(3) An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election. An application for protected records voter status and an absentee ballot to be mailed to the substitute mailing address shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be maintained in a manner ensuring that these records are accessible only to authorized personnel. ~~((A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to))~~ Location information (including, but not limited to, residential address, county, precinct, taxing district, legislative or congressional district) for a protected records voter shall not be ((publicly accessible regardless)) maintained on any voter registration data base and shall not be publicly accessible regardless of the type of records management system except as provided by RCW 40.24.060.

AMENDATORY SECTION (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

WAC 434-840-330 Mailing protected records voter ballots. At least twenty days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the substitute mailing address.

The county authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.

WSR 05-02-059
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed January 4, 2005, 9:50 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Land use ordinance.

Hearing Location(s): Troutdale Conference Center, 223 Buxton, Troutdale, OR, on March 8, 2005, at 9:00 a.m. (Note this is the beginning of the commission's regular meeting. The actual hearing time may be later.)

Date of Intended Adoption: March 8, 2005.

Submit Written Comments to: Martha J. Bennett, Executive Director, P.O. Box 730, White Salmon, WA 98672, e-mail crgc@gorge.net, fax (509) 493-2229, by March 1, 2005.

Assistance for Persons with Disabilities: Contact Nancy Andring by March 1, 2005, (509) 493-3323.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to implement the management plan for the Columbia River Gorge National scenic area that the gorge commission adopted revisions to on April 27, 2004. The land use ordinance will be effective in any gorge county that does not have an effective land use ordinance implementing the management plan. The substantive standards are identical to the substantive standards in the management plan as revised. The procedural requirements for issuing land use decisions are similar to those contained in the current land use ordinance (Commission Rule 350-80). This rule will replace Commission Rule 350-80 in its entirety.

Reasons Supporting Proposal: The land use ordinance is necessary to implement the management plan in gorge counties that do not have a land use ordinance that implements the management plan. The gorge commission is required to implement a land use ordinance for these counties pursuant to sections 7(c) and 8(l) the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544e(c) and 544f(l)) and the Columbia River Gorge Compact (RCW 43.97.015 and ORS 196.150).

Statutory Authority for Adoption: RCW 43.97.015; ORS 196.150 and 16 U.S.C. 544e(c) and 544f(l).

Statute Being Implemented: RCW 43.97.015; ORS 196.150 and 16 U.S.C. 544e(c) and 544f(l).

Rule is necessary because of federal law, [see above].

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The gorge commission authorized filing this notice of proposed rule making on December 14, 2004, after reviewing the outline for the rule, the text of the proposed procedures section, and a staff report stating that the substantive requirements would be identical to the management plan as revised. The gorge commission is especially interested in comments on the procedures and ensuring consistency between the substantive provisions of this rule and the management plan as revised. Implementation and enforcement of this rule is anticipated to be substantially similar to imple-

mentation of the current gorge commission land use ordinance (Commission Rule 350-80).

Name of Proponent: Columbia River Gorge Commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Martha J. Bennett, Executive Director, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule is procedural in nature implementing substantive rules that are already adopted.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt from this requirement pursuant to RCW 34.05.328(5). The gorge commission is not applying this section voluntarily.

January 3, 2005

Nancy A. Andring
Rules Coordinator

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 05-04 issue of the Register.

WSR 05-02-060

WITHDRAWAL OF PROPOSED RULES HEALTH CARE AUTHORITY

(By the Code Reviser's Office)

[Filed January 4, 2005, 10:00 a.m.]

WAC 182-08-120, 182-16-040 and 182-16-050, proposed by the Health Care Authority in WSR 04-13-156 appearing in issue 04-13 of the State Register, which was distributed on July 7, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 05-02-061

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

(By the Code Reviser's Office)

[Filed January 4, 2005, 10:01 a.m.]

WAC 357-01-255, proposed by the Department of Personnel in WSR 04-13-179 appearing in issue 04-13 of the State Register, which was distributed on July 7, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 05-02-062

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF PERSONNEL

(By the Code Reviser's Office)

[Filed January 4, 2005, 10:02 a.m.]

WAC 357-43-045, proposed by the Department of Personnel in WSR 04-13-191 appearing in issue 04-13 of the State Register, which was distributed on July 7, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 05-02-063

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 4, 2005, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-166 and 04-08-069.

Title of Rule and Other Identifying Information: The Division of Child Support (DCS) is amending WAC 388-14A-5000 How does the division of child support distribute support payments?, 388-14A-5001 What procedures does DCS follow to distribute support payments?, 388-14A-5005 How does DCS distribute intercepted federal income tax refunds?, 388-14A-5008 Can the noncustodial parent prepay support? and new sections WAC 388-14A-5009 What happens when an employer or other entity withholds too much support from the noncustodial parent based on a DCS withholding order? and 388-14A-5010 How does the division of child support handle intercepted federal income tax refunds from a joint tax return?, regarding distribution of child support payments; DCS seeks to clarify that the date of collection is the date that DCS receives a payment; DCS seeks to clarify its ability to delay distribution of part of a payment based on the interception of an IRS tax refund based on a joint tax return; and DCS seeks to clarify how it handles payments when the employer withholds too much.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on February 8, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 9, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., February 8, 2005.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by February 4, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS seeks to clarify existing rules regarding distribution to make it clear

PROPOSED

that the date of collection is the date of receipt of payment. The IRS (Internal Revenue Service intercepts tax refunds of noncustodial parents who owe back child support; some of these refunds are from joint returns and the noncustodial parent's spouse may be entitled to some or all of the tax refund; when the IRS is required to return the intercepted refund to the "injured spouse," this can result in an overpayment of support, which can create a hardship for the custodial parent. By holding onto refunds for a period not to exceed six months, DCS will be better able to determine which refunds are subject to an injured spouse claim and thus avoid overpayments.

Statutory Authority for Adoption: RCW 26.23.035, 74.08.090, 74.20A.310.

Statute Being Implemented: RCW 26.23.035, 74.08.-090, 74.20A.188, 74.20A.310, 45 C.F.R. 303.72 (h)(5).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

January 3, 2005

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-5000 How does the division of child support distribute support payments? (1) Under state and federal law, the division of child support (DCS) distributes support money it collects or receives to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) DCS distributes support based on the date of collection. DCS considers the date of collection to be the date that

DCS receives the payment, no matter when the payment was withheld from the noncustodial parent (NCP).

(3) If DCS is unable to distribute support money because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the money in accordance with chapter 63.29 RCW, the uniform unclaimed property act.

~~((3))~~ (4) WAC 388-14A-5000 and sections WAC 388-14A-5001 through 388-14A-5008 contain the rules for distribution of support money by DCS.

~~((4))~~ (5) DCS changes the distribution rules based on changes in federal statutes and regulations.

AMENDATORY SECTION (Amending WSR 01-24-078, filed 12/3/01, effective 1/3/02)

WAC 388-14A-5001 What procedures does DCS follow to distribute support payments? When distributing support money, the division of child support (DCS) does the following:

(1) Records payments in exact amounts of dollars and cents;

(2) Distributes support money within two days of the date DCS receives the money, unless DCS is unable to distribute the payment for one or more of the following reasons:

(a) The location of the payee is unknown;

(b) DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;

(c) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how DCS should distribute the money.

(d) DCS receives prepaid support money and is holding for distribution in future months under subsection (2)(e) of this section;

(e) DCS mails a notice of intent to distribute support money to the custodial parent (CP) under WAC 388-14A-5050;

(f) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the payment, but may delay disbursement of that amount until a future payment is received which increases the amount of the payment to the family to at least one dollar. If no future payments are received which increase the payment to the family of at least one dollar, DCS transfers the amount to the department of revenue under RCW 63.29.130. This subsection does not apply to disbursements which can be made by electronic funds transfer (EFT), or to refunds of intercepted federal income tax refunds; or

(g) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of DCS.

(3) Distribute support money based on the date DCS receives the money, except as provided under WAC 388-14A-5005. DCS distributes support based on the date of collection. DCS considers the date of collection to be the date that DCS receives the payment, no matter when the payment was withheld from the noncustodial parent (NCP).

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5005 How does DCS distribute intercepted federal income tax refunds? (1) The division of child support (DCS) applies intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

((1)) (a) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and

((2)) (b) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and

((3)) (c) Third, to support debts that are not assigned to the department; and

((4)) (d) To support debts only, not to current and future support obligations. DCS must refund any excess to the noncustodial parent (NCP).

(3) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a payment on behalf of an NCP is from an intercepted refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

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 03-20-072, filed 9/29/03, effective 10/30/03)

WAC 388-14A-5008 Can the noncustodial parent prepay support? (1) If the division of child support (DCS) receives or collects support money representing payment on the required support obligation for future months, DCS must:

((1)) (a) Apply the support money to future months ~~(when)~~ only if the support debt is paid in full;

((2)) (b) Distribute the support money on a monthly basis when payments become due in the future; and

((3)) (c) Mail a notice to the last known address of the person entitled to receive support money.

(2) The notice in subsection (1)(c) above informs the person entitled to receive support money that:

(a) DCS received prepaid support money;

(b) DCS intends to distribute the prepaid money as support payments become due in the future; and

(c) The person may request a conference board under WAC 388-14A-6400 to determine if DCS should immediately distribute the prepaid support money.

(d) DCS does not mail the notice referred to in subsection ((3)) (1)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

NEW SECTION

WAC 388-14A-5009 What happens when an employer or other entity overcollects support from the noncustodial parent based on a DCS withholding order? (1) When an employer or other entity overcollects support from a noncustodial parent (NCP) based on a withholding order issued by the division of child support (DCS), DCS evaluates what to do with the overpayment on a case by case basis.

(2) Depending on the facts of the case and the wishes of the NCP, DCS may take one of the following actions:

(a) Refund the excess money to the NCP upon request;

(b) Hold the excess money in suspense to be applied to the next month's support obligation; or

(c) Any other action which comports with the requirements of this chapter and the federal regulations concerning distribution of support payments.

NEW SECTION

WAC 388-14A-5010 How does the division of child support handle intercepted federal income tax refunds from a joint return? (1) The division of child support (DCS) collects child support arrears through the interception of federal income tax refunds. This section deals with the issues that arise when the Secretary of the Treasury intercepts a refund based on a joint tax return filed by a noncustodial parent (NCP) and the NCP's spouse who does not owe child support.

(2) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a payment on behalf of an NCP is from an intercepted refund based on a joint return, DCS may delay distribution of that payment for up to six months in case the NCP's spouse is entitled to a share of the federal income tax refund.

(3) DCS distributes fifty percent of the payment according to WAC 388-14A-5005.

(4) DCS holds the other fifty percent of the payment in suspense until the earlier of the following:

(a) DCS is notified by OCSE or the Secretary of the Treasury whether DCS must pay back the unobligated spouse's portion of the refund; or

(b) For a period not to exceed six months from notification of the offset.

(5) When DCS holds part of a payment under subsection (4) of this section, DCS applies the remainder of the payment to the NCP's back support obligations if DCS is not required to return the unobligated spouse's portion of the refund. The CP may:

(a) Request that DCS apply the payment to the NCP's back support obligation sooner upon a showing of hardship to the CP; and

(b) Request a conference board if the CP disagrees with DCS' denial of a hardship claim.

WSR 05-02-069A

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed January 4, 2005, 2:15 p.m.]

The Department of Licensing hereby withdraws proposed rule WAC 308-56A-500 and 308-56A-530 filed with your office on November 3, 2004, as WSR 04-22-110.

Steve Boruchowitz
Vehicle Services Projects
and Planning Office

WSR 05-02-077
PROPOSED RULES
HORSE RACING COMMISSION

[Filed January 5, 2005, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-013.

Title of Rule and Other Identifying Information: A new section in chapter 260-72 WAC on the use of personal communication devices on the grounds.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by February 7, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To establish a new section in chapter 260-72 WAC governing the use of personal communication devices on the grounds of any race-track, which prohibits the use of personal communication devices in the jockey's quarters thirty minutes prior to the first live race and until the last race is final, and while on horseback on the racing surface, during live racing, except with the permission of the stewards. Personal communications devices, if used, shall be turned off or set to a silent mode when in the saddling enclosure, the receiving barn and the test barn when horses are present.

Reasons Supporting Proposal: To protect the integrity of horse racing and to ensure the safety of the participants and horses.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; **Implementation and Enforcement:** Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 4, 2005
 R. M. Leichner
 Executive Secretary

NEW SECTION

WAC 260-72-050 Use of personal communication devices on the grounds. (1) The use of personal communication devices is not allowed by any licensee, except with prior approval or in the case of an emergency, in the jockey's quar-

ters thirty minutes prior to the first live race and until the final live race on the card is official.

(2) No licensee shall use a personal communication device while on horseback on the racing surface, during live racing, except with permission of the board of stewards.

(3) The use of audible personal communication devices shall be prohibited in the saddling enclosure of the paddock, the receiving barn, and test barn when horses are present. These devices are permitted, but when carried in these areas these devices shall be turned off or set to a silent mode.

WSR 05-02-078
PROPOSED RULES
HORSE RACING COMMISSION

[Filed January 5, 2005, 8:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-011.

Title of Rule and Other Identifying Information: WAC 260-36-180 Consent to search.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on February 10, 2005, at 9:30 a.m.

Date of Intended Adoption: February 10, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by February 7, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by February 7, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the rule on consent to search to clarify the procedures when and how searches will be conducted and who is authorized to conduct a search.

Reasons Supporting Proposal: Eliminates an unnecessary and cumbersome authorization for search process.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; **Implementation and Enforcement:** Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

January 4, 2005
 R. M. Leichner
 Executive Secretary

AMENDATORY SECTION (Amending Order 81-03, filed 4/22/81)

WAC 260-36-180 Consent to search. In order to protect the integrity of horse racing and to protect the interests and safety of the public (~~(-any person who accepts a license or occupational permit from the commission and enters upon the grounds of a racing association is deemed to have given consent, subject to the provisions of this section, to a search of his person, effects, and/or any premises which that person may occupy or have the right to occupy upon the grounds. The commission and its stewards shall have the right to authorize personnel to conduct such searches. A licensee's or permit holder's person, effects, or premises may be searched upon the grounds when a person authorized to conduct such searches has reasonable grounds to believe that the licensee or permit holder has in his possession prohibited material or illicit devices; including, but not limited to, prohibited drugs or medication, controlled substances, nonauthorized hypodermic instruments, illicit mechanical or electric devices, and weapons. When possible such searches shall be conducted in a manner to avoid undue intrusion of privacy, but a dispute as to the appropriate conditions for a search shall not be grounds for failing to permit an otherwise appropriate search. Failure to permit a search as authorized herein shall result in revocation of the person's license or permit upon receipt by the commission of a sworn statement that a search was so refused. All persons to be searched shall be advised that failure to permit a search will result in revocation of their license or permit. Upon receipt of a sworn statement that a search has been refused, the commission or board of stewards shall inform the licensee or permit holder in writing that their license or permit has been revoked)) and participants, the commission and its employees shall have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of a racing association to examine the same and to inspect and examine the personal property and effects of any licensee within such places. Any person who has been granted a license by the commission, by accepting a license, consents to search of his/her person and the areas indicated herein by the commission or its employees and to the seizure of any medication, drugs, paraphernalia or device prohibited by the rules of racing, or other evidence of a violation of the rules of racing. If a licensee refuses to allow a search, the stewards shall revoke their license and refer the matter to the commission.~~)

WSR 05-02-082
PROPOSED RULES
STATE BOARD OF HEALTH

[Filed January 5, 2005, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-137.

Title of Rule and Other Identifying Information: Chapter 246-272A WAC, On-site sewage systems.

This chapter contains the design, installation and operation requirements for on-site sewage systems handling 3,500

gallons per day and under; specific criteria for proprietary product registration; and direction to local health jurisdictions to develop an on-site sewage system management plan.

Hearing Location(s): Department of Health, Point Plaza East, 310 Israel Road S.E., Rooms 152/153, Tumwater, WA, on March 9, 2005, at 1:30 p.m.

Date of Intended Adoption: March 9, 2005.

Submit Written Comments to: Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2250, by February 18, 2005.

Assistance for Persons with Disabilities: Contact Kelly Cooper by February 18, 2005, TTY (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal repeals chapter 246-272 WAC, On-site sewage systems. Most of the chapter has been revised and rewritten as chapter 246-272A WAC, On-site sewage systems. See below.

The proposal is intended to protect public health by updating the design, installation and operation requirements for on-site sewage systems. These changes are based on new understanding of the technology that has emerged since the last rule revision effective in 1995.

The proposal moves the specific criteria for registering the various types of products and technologies from guidance to rule.

It also requires local health jurisdictions to write an on-site sewage management plan. High-risk (marine shoreline) counties are required to complete a more extensive plan.

Statutory Authority for Adoption: RCW 43.20.050.

Statute Being Implemented: RCW 43.20.050.

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

Name of Proponent: State Board of Health and Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Cooper, 7171 Cleanwater Lane, Building 2, Tumwater, WA 98504, (360) 236-3012; Implementation and Enforcement: Maryanne Guichard, 7171 Cleanwater Lane, Building 4, Tumwater, WA 98504, (360) 236-3391.

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

Small Business Economic Impact Statement

1. Briefly Describe the Proposed Rule: There are currently more than 800,000 on-site sewage systems (OSS), or septic systems, in Washington state. Between 15,000 and 20,000 new or repair systems are installed annually. Approximately 30% of new homes across the state are built using an OSS. These numbers demonstrate that OSS are increasingly becoming a long-term and important option in wastewater infrastructure planning. However, if they are not properly designed, installed, operated, and maintained, OSS can pose risks to public health and the environment.

Pathogens in wastewater can cause serious illness. These pathogens include hepatitis, E coli, typhoid, noroviruses, and cryptosporidium. The United States Environmental Protection Agency (USEPA) estimates 168,000 viral illnesses and 34,000 bacterial illnesses occur each year as the result of consumption of improperly treated drinking water.

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The shellfish industry in Washington state with reported 2002 values of \$76 million commercial shellfish and \$35.7 million worth of recreational shellfish, as well as tourism and recreation industries, depend on clean water. The list of shellfish growing areas monitored by the Department of Health (DOH) that are threatened by pollution has increased from nine sites in 1997 to eighteen sites in 2004.

A 1999 study cited in the 2002 EPA On-site Sewage Manual (EPA, 2002) reported OSS failure rates from twenty-eight reporting states. The study indicated a 33% failure rate in Washington state, compared to a range of 1% to 60% in the other twenty-seven states. The EPA 2002 manual cites reports that identify OSS among the most common sources of water contamination.

The State Board of Health (SBOH) promulgates minimum standards for the design, installation, operation, and maintenance of OSS in order to prevent these risks. The rules containing these standards, chapter 246-272 WAC, were last revised in 1994 (became effective in 1995). Since that time, technology has changed, more research has been conducted, and understanding of the treatment capabilities of soil has increased. These advances help to increase the life expectancy of OSS and decrease the number of failures and hence, the public health risks associated with failures. The rules need to be revised and updated to reflect these advances.

The proposed rules will create a new chapter exclusively for OSS systems designed for fewer than 3,500 gallons per day. They are based on recommendations by the Rule Development Committee (RDC), a stakeholder group including industry, consumers, regulators, developers, and environmental representatives. Their initial recommendations were modified based on input received through public workshops and public comment. DOH's final recommendations to the SBOH include changes to the rules in the following categories:

- **Product registration.** DOH maintains a list of products that meet public health standards. Products must be registered with the state before they can be used by designers or allowed by local health jurisdictions. These new sections will place in rule the specific criteria for this registration that, until now, has been contained in guidance.

ria for this registration that, until now, has been contained in guidance.

- **Technical design, installation and operation requirements for systems designed to handle under 3500 gallons per day.** Local health jurisdictions implement these portions of the rules as minimum requirements but may adopt more stringent codes to meet local needs. These changes include new requirements for treatment levels, distribution of effluent, use of disinfection, and designing systems to be more assessable.
- **Local planning/Operation and Maintenance (O&M).** Local health jurisdictions must write a plan for how and where OSS will be used in their jurisdictions. In addition, owners are responsible for assuring a complete inspection of their system every three years, as opposed to only checking the solids in their septic tank. Certain systems will be required to have an annual inspection.

The first two items contain changes that will directly affect businesses. For the third item, the direct cost will be to the local health jurisdictions and system owners. Only the first two items are considered in this small business economic impact statement.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule? Yes. The Regulatory Fairness Act requires an SBEIS be prepared if a proposed rule will impose more than minor impact on businesses in an industry. This proposal contains a number of changes that will impact businesses in this state. Some changes will be minor, but others are beyond the minor impact threshold.

3. Which Industries Are Affected by this Rule? The following industries (Table 1) may be directly affected by different provisions in this proposal. These industries are the first round recipients of the costs. However, they likely will pass increased costs onto property owners. Since these rules apply to all new OSS systems, any business constructing a building to house their operation will be impacted in much the same way as home/property owners. Some examples of the impact of the new OSS proposed rule changes are provided in the significant analysis.

Table 1

SIC	Affected Industry	Average Employment, Small Businesses	Average Employment, Largest 10%
1521	Single family housing construction	4.1	14.3
1522	Residential Construction NEC	8.7	28.9
1542	Non-residential Construction NEC	7	60
6552	Developers	5.5	25.6
1711	Plumbing, heating, air conditioning (Installers)	7.6	38.2
8711	Engineering services (Engineers, Designers)	6.8	65
3089	Septic Tank Manufacturers, (Plastics not elsewhere classified)	9.5	158
3272	Septic Tank Manufacturers, (Cement not elsewhere classified)	9	136
3999	Proprietary Product Manufacturers	5.7	53.5

This proposal will positively affect some industries including the shellfish, tourism, and recreation industries by either directly increasing their sales, or indirectly improving the quality of water on which their industry relies.

4. What Are the Costs of Complying with this Rule for Small Businesses (Those with Fifty or Fewer Employ-

ees) and for the Largest 10% of Businesses Affected? The sections listed below have potential costs of compliance to businesses. The costs listed are per system costs and therefore are the same for large or small businesses. Detailed cost estimates and discussion can be found in the significant analysis document.

Table 2

	Rule Component	Estimated Increase in Costs
Manufacturers		
1	<i>Proprietary Treatment product testing(-0110)</i>	\$70,000 - \$80,000 - Category 1 NSF \$60,000 - \$80,000 - Category 2 ETV \$18,700 - Category 3 NSF Standard 41 (composting toilet) \$10,000 - 12,000 NSF P157 incinerating toilets \$60,000 - Nitrogen reduction testing (not required) (All one-time costs unless product changes)
2	Proprietary Treatment Product Registration process (-0120)	\$300 - time to prepare application. Also minor annual renewal application time
3	-0125 Transition from the list of Approved Systems - Treatment Products	\$300 - time to prepare application for registration
4	<i>-0130 - Bacteriological Reduction testing</i>	\$22,000 - Testing by ANSI certified lab
5	-0135 Transition from the List of Approved Systems - Bacteriological Reduction	If reduced protocol is necessary cost estimate - \$7,632
6	<i>Proprietary Distribution Products certification-0140</i>	\$500 to \$1,000 (one time cost for a professional engineer to verify that the product meets the standards established in the rule)
7	Proprietary Distribution Registration (-0145)	\$300 - time to prepare application
8	Transition from the List of Approved Systems - Distribution Products (-0150)	\$300 - time to prepare application
9	Product Development Permits (-0170)	Estimated that permit costs charged by local health jurisdictions will range from \$750 - \$2000. However, this is an optional cost.
10	(-0175) Transition from Experimental Systems Program to Application for Product Registration	\$300- time to prepare application
Developers, Builders, Property Owners		
11	Permits not required in certain situations- (-0200(2))	Cost Savings - \$50 to \$500 in potential permit and design costs
12	<i>Changes to horizontal setback table (-0210)</i>	Variable cost
13	<i>-0220 Soil and Site Evaluation Changes to Soil Classification Table V</i>	In some situations this will increase cost because of increased Treatment Level requirements. Other changes will increase the size, and thus the cost, of the drainfields. Range of impacts \$0 to \$5,000
14	<i>(1)(a) Homeowners along marine shorelines are no longer allowed to design their own systems. -0230</i>	Range of impact \$250 - \$2,000 - potential increased revenue for designers
15	<i>(2)(e) The designer must address sewage quality for all designs.</i>	Increased designer time to develop a design. \$0 - \$200.
16	<i>(2)(e)(i)(D) If the local management plan designates an area with nitrogen as a contaminant of concern, it must be addressed in the design.</i>	System to reduce nitrogen could result in an increase of \$0-\$3,000 over the system that would have otherwise been required.

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	Rule Component	Estimated Increase in Costs
17	<i>(2)(g)(i) Table VI - Treatment Levels and Method of Distribution by Vertical Separation</i>	Range of impact: Cost Savings of up to \$2,000. Cost Increase of up to \$2,000.
18	<i>(2)(g)(ii) Disinfection via chlorine or ultraviolet (UV) not permitted to meet treatment level C; or treatment level A & B in type 1 soil.</i>	\$0 to \$3,000
19	<i>(3) The coarsest textured soil within the vertical separation determines the Treatment Level.</i>	\$0 to \$1,000 However, this should already be standard of practice, so very likely there is no increase associated with this change.
20	<i>Increase the size of residential other than single family and nonresidential tanks (-0232)</i>	Range of cost increase for concrete tanks \$100 - \$2,500 Range of cost increase for fiberglass tanks \$750 - \$7,000
21	<i>(1)(b)(ii) Hydraulic loading rate is based on the finest texture soil in the selected vertical separation (-0234)</i>	\$0 - \$1,000 However, this should already be standard practice, so very likely there is no increase associated with this change.
22	<i>(1)(d)(iii) Timed dosing required for systems handling more than 1,000 gallons per day (-0234)</i>	\$1,000 plus
23	<i>Nongravity systems must be brought to grade (-0238)</i>	\$100 - \$500 per system
24	<i>Systems with pumps need warning and diagnostic devices. (-0238(1)(c))</i>	\$500 - \$750 per system (However, this should already be standard practice, so very likely there is no increase associated with this change.)
25	<i>Installers must obtain approval from local health officer and designer before any changes to the approved design (-0250)</i>	\$100 in time to get approval. However, this change provides new flexibility from the current rule which requires the installer to follow the approved design without change. This is also consistent with DOL requirements for designer activities.
26	<i>Record Drawing -0265</i>	New detail and specificity for record drawings will increase the time to prepare. Likely to increase time spent by the person preparing by 1-2 hours estimated to be \$100 - \$250.
27	<i>Repair of Failure -0280</i>	\$0 - \$5,000
28	<i>Increased Minimum Lot size for public water supply to .5 acres (-0320)</i>	The changes to the Method I requirement could require a small increase in the number [of] new developments or lots required to undergo a Method II analysis. Estimated cost for a Method II analysis is \$1,000 to \$10,000.

The rule imposes costs on different entities although it is likely that most costs will ultimately be borne by property owners. The following discussion provides an analysis of the costs of compliance for the various impacted industries.

Proprietary Product Manufacturers - All proprietary products must be on the "registered list" maintained by DOH. For manufacturers of new treatment products and manufacturers wishing to be listed for Treatment Levels A, B, C or D (see significant analysis), this will require testing by an ANSI certified lab. The costs for the various types of systems are listed in Table 2 and also discussed in the significant legislative analysis. For proprietary distribution products, manufacturers will need to provide verification from a professional engineer that the product meets the standards established in the rule. See costs in Table 2. In addition, all manufacturers will need to complete the registration application. The department estimates it will take several hours to gather the

materials necessary to complete the application. Estimated administrative labor cost is \$300 for the initial application and \$50 per year to complete the renewal process.

All manufacturers currently approved by DOH will need to become registered. While most manufacturers will not need to go through testing again, they will need to fill out the registration application. Again, this will entail completing the application provided by the department. The estimates are the same as those listed above for new products.

Manufacturers have to bear the initial costs of product development and testing. The testing requirements ensure that sewage does not contaminate drinking water. These costs would not work as barriers to market entry for these manufacturers. With a uniform standard for these products, the market will be fairly open to competition. Considering the 9,642 building permits issued in the first quarter of 2004 in Washington state and 9.5% change compared to the first

quarter of 2003 (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wcrer/>), there seems to be sufficient market demand for efficient and effective products. Because national standards are being used, the department anticipates manufacturers will have a national market available to help them recoup the costs of product development and testing.

Moreover, by setting standards for testing, the proposed rule will help assure safety and effectiveness on the production-supply side of the market. This means that product capabilities will be established before a system is marketed and installed. This provides a less expensive and more efficient method for assuring system performance capabilities rather than continual monitoring of each system. (Regular monitoring required in -0270, helps to provide information on field performance.)

Designers and Engineers - Designers are responsible for working with a client to develop an on-site sewage system that meets the needs of the client and the requirements of the rules for soils, location, and treatment. The costs of compliance for designers include:

- Becoming familiar with the new design requirements in the rules which may require training. The department estimates it could take sixteen hours of training or study of the rules to become familiar with the new requirements.
- The requirement to consider sewage quality in addition to quantity. It is expected that this requirement could add up to one hour to the time to design a system.
- New specificity for record drawings. The new requirements may take an additional 1-2 hours of a designer's time.

DOH estimates the cost of a designer's time to be \$50 to \$125 per hour. This means the initial costs of learning the new requirements could cost in the range of \$800 to \$2,000 (16 hrs. x \$50.00 = \$800.00; 16 hrs. x \$125.00 = \$2,000.00).

The ongoing costs per design listed above could add up to a total of three hours for each system. DOH anticipates the time will be reduced as designers become more practiced in applying the new requirements. Initially these labor costs could be in the range of \$200 to \$500. DOH anticipates this cost will be passed onto the system owner. However, it could result in lost revenue to a designer who is unable to pass the cost to the OSS purchaser.

Installers - Installers are responsible for using the design developed by the designer to construct an on-site sewage system on a particular site. The costs of compliance for installers include research and training to become familiar with the requirements of the new rules. The department estimates this will require eight hours of training or individual study. The department further estimates the cost of an installer's time to be \$50 to \$125 per hour. There should not be any increased administrative, equipment, or supply costs.

Developers - All of the technical changes are likely to impact developers as they create homes, subdivisions, business parks, etc. The technical changes include changes to the treatment levels, soil types and hydraulic loading rates, vertical separations, designing systems for accessibility, and limits on the use of disinfection. The costs and benefits of the specific technical design changes are discussed in the signif-

icant analysis and summarized in Table 3. Some of the proposed changes will impose new costs in certain situations; other changes will mean a reduction in costs. The changes apply on a site-by-site basis, depending on the limitations and sensitivities of the site. Currently, OSS range in cost from \$5,000 for a fairly basic system up to \$20,000 for a complex system. Overall the cost for the majority of systems will continue to be in this range. More specifically the impacts to developers include:

- New design requirements for OSS in the worst case scenario can increase the total costs in some situations by as much as \$5,000 or more (see significant legislative analysis). Ultimately, this can increase the cost of houses or other buildings and may result in loss of revenue for developers if they are unable to pass the cost onto the purchaser.
- The changes to the Method I minimum land requirements could require a small increase in the number of lots required to undergo a Method II analysis. However, this change is expected to affect only a very small number of lots (see significant analysis). When it does apply, there are a number of possible options available to developers with a variety of potential costs. If a developer wishes to build more houses than allowed under the Method I determination, a Method II analysis determines if smaller lots are possible while still addressing public health concerns. The developer will likely require professional assistance in preparing a Method II report. Discussions with industry and environmental health officers reveal that a Method II analysis is likely to cost between \$1,000 and \$5,000 but a complex Method II analysis could cost as much as \$10,000. A Method II analysis could have the following outcomes:
 - Determination that reduced lot sizes (to a minimum of 12,500 sq. ft.) are appropriate.
 - Determination that nitrogen should be addressed if smaller lots are desired. In this case, one option would be systems providing nitrogen treatment. Systems that provide nitrogen treatment may increase the cost of an OSS by \$2,000 - \$3,000.

There are no other administrative, equipment or labor costs incurred by developers as a result of this rule revision.

Developers, builders, and installers are among those who bear the first round of costs associated with the proposed rule. Although developers would most likely pass the extra costs to homeowners, their financial return may be reduced if the number of lots in a new subdivision is reduced. Considering the fact that the price of a median home went up 8.3% during 2003 (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wcrer/>), there may be a possibility for the developers/builders to maintain their profit margins and spread the extra costs among property buyers.

Other Affects of the Proposed Changes: The industries listed in Table 1 are those industries most directly affected by the proposed rules. These industries all pass the increased costs onto system owner. Therefore, any business that builds a structure with an OSS will potentially face increased costs as a result of the proposed rule changes. Commercial property owners (grocers, retailers, processors,

etc.), like homeowners, are the majority of impacted parties. For them, the value of improved public health is the factor that compensates for their cost shares of the proposed rules. In addition, a properly operated and maintained OSS system has a greater probability for long lasting life. This not only minimizes personal and community health risks, but also promises a reliable system with less likelihood of having to be replaced. An efficient OSS system also increases the resale value of their houses and businesses. Compared to the \$210,000 median price of houses in Washington state (Washington Center for Real Estate Research, <http://www.cbe.wsu.edu/~wcrer/>), the share of the costs of the most expensive OSS system (\$6,000 to \$20,000) is not more than 10% of the total development cost.

Several proposed changes will increase demand for some services.

- WAC 246-272A-0270, contains the requirements for system monitoring inspections. This will likely increase the demand for monitoring and maintenance service providers. Although the rule does not require the homeowner to use an outside service provider to monitor their system, many owners may choose to hire a professional to provide this service.
- WAC 246-272A-0230, now prohibits the homeowner from designing a system along a marine shoreline. Likewise, WAC 246-272A-0250, prohibits the homeowner from self-installing a system along a marine shoreline. This will increase demand for designers and installers in these situations.

5. Does the Rule Impose a Disproportionate Impact on Small Businesses? Yes. The italicized rule components in Table 2 are likely to impose a disproportionate cost on small businesses. Although costs for some of these components will probably be higher for large businesses, the fixed-cost nature of many of these items suggests that costs will be disproportionate for small businesses. Ultimately, all these costs will be borne by system owners. However, large businesses may be able to absorb some costs or spread costs out over a larger volume of sales while smaller businesses will have to pass the costs on more fully to consumers.

Again, although it is unknown how many or which businesses will be affected, ultimately, small business owners who are served by an OSS will be disproportionately affected compared to large businesses served by an OSS.

6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts Were Taken to Reduce That Impact (Or Why Is it Not "Legal and Feasible" to Do So)? In developing its recommendations, the RDC considered the costs to both businesses and homeowners in its discussions. Many proposals were rejected because they were considered to be overly burdensome.

For the most part, it is not feasible to attempt to reduce the impact on small businesses because the rules are written so that the requirements are commensurate with the public health risk posed by a specific site. Many proposals apply only in limited situations or for the most sensitive sites. Trying to further reduce the impact to small businesses would begin to jeopardize public health protections and would be counter to the legislature's directives to the SBOH contained in RCW 43.20.050.

That being said, efforts have been taken to reduce the impact as much as possible:

(a) Reducing, Modifying, or Eliminating Substantive Regulatory Requirements: A local health officer may waive a specific requirement if it is possible to ensure adequate public health protection. Usually this is done through some form of mitigation. This allows local health to have the flexibility to adjust requirements, allow less costly alternatives, and create incentives for mitigation.

(b) Simplifying, Reducing, or Eliminating Record-keeping and Reporting Requirements: The original RDC proposal required a notice to title be filed at the time of the final installation inspection. We received many comments that this was an overly burdensome requirement on designers; thus, it was removed from the final draft proposal.

Another reporting requirement discussed by the RDC was an operation and maintenance report being given to the local health officer by the homeowner or service provider. Some felt this was an important requirement to assure inspections were done. However, the additional burden placed on service providers, homeowners and local health jurisdictions was too great and so this requirement was not included in the final proposal.

(c) Reducing the Frequency of Inspections: Not applicable.

(d) Delaying Compliance Timetables: For the product registration portions of the rule, manufacturers that are already on the list of approved products and systems will have eighteen months to become registered and in most cases will be able to use the testing information they already have to comply with the registration requirements.

For the portions of the rule that will be implemented by local health jurisdictions, including the design and installation requirements, there will be an eighteen month delay in the effective date. This will provide time for local health jurisdictions and the industry to become familiar with the new requirements before they are effective.

(e) Reducing or Modifying Fine Schedules for Non-compliance: Not applicable.

(f) Other Mitigation Techniques: The department intends to provide free training to designers, installers, maintenance service providers and local health jurisdictions to mitigate the costs associated with becoming familiar with the new requirements.

7. How Are Small Businesses Involved in the Development of this Rule? The RDC was a broad-based stakeholder group that made recommendations for rule changes to the department and the SBOH. Designers, installers, proprietary product manufacturers, the Building Industry Association of Washington and shellfish growers were all represented on the RDC. In addition, DOH held seven workshops around the state to gather comments from industry. Many comments and suggestions from those workshops are reflected in the final draft.

A copy of the statement may be obtained by contacting Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, phone (360) 236-3012, fax (360) 236-2250, e-mail kelly.cooper@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be

obtained by contacting Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, phone (360) 236-3012, fax (360) 236-2250, e-mail kelly.cooper@doh.wa.gov.

January 4, 2005
Craig McLaughlin
Executive Director

Chapter 246-272A WAC

ON-SITE SEWAGE SYSTEMS

PURPOSE AND ADMINISTRATION

NEW SECTION

WAC 246-272A-0001 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve effective long-term sewage treatment and effluent dispersal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) The state board of health is authorized under RCW 43.20.050 to establish minimum requirements for the department of health and local boards of health, and consistent with RCW 43.70.310 integrating the preservation of public health with protection of the environment in order to endorse policies in common.

(4) This chapter is intended to coordinate with other applicable statutes and rules for the design of on-site sewage systems under chapter 18.210 RCW and chapter 196-33 WAC.

(5) This chapter is intended to coordinate with other applicable statutes for land use planning under chapters 36.70 and 36.70A RCW, and the statutes for subdivision of land under chapter 58.17 RCW.

NEW SECTION

WAC 246-272A-0005 Administration. The local health officers and the department shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.118, 70.46, and 43.70 RCW. RCW 70.05.060(7) authorizes local health officers to charge fees for the administration of this chapter.

NEW SECTION

WAC 246-272A-0010 Definitions. (1) Acronyms used in this chapter:

"ANSI" means American National Standards Institute.

"BOD" means biochemical oxygen demand, typically expressed in mg/L.

"CBOD₅" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"FC" means fecal coliform, typically expressed in number colonies/100 ml.

"LOSS" means a large on-site sewage system (see chapter 246-272B WAC).

"NSF" means National Sanitation Foundation International.

"O&G" (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

"OSS" means on-site sewage system.

"RS&G" means recommended standards and guidance.

"SSAS" means a subsurface soil absorption system.

"TAC" means the technical advisory committee established in WAC 247-272A-0400.

"TN" means total nitrogen, typically expressed in mg/L.

"TSS" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

"USEPA" means United States Environmental Protection Agency.

(2) Definitions used in this chapter:

"Additive" means a commercial product added to an on-site sewage system intended to affect the performance or aesthetics of an on-site sewage system.

"Approved" means a written statement of acceptability issued by the local health officer or the department.

"Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet.

"Building sewer" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

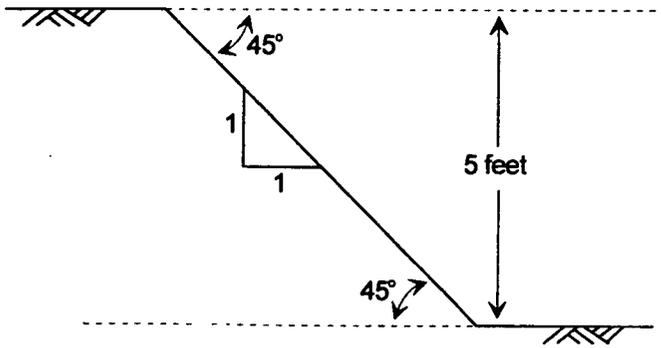
(a) In full compliance with new construction requirements under this chapter; or

(b) Approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Department" means the Washington state department of health.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under chapter 18.210 RCW and professional engineers licensed under chapter 18.43 RCW.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Development" means the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.

"Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.

"Drain field" see subsurface soil absorption system (SSAS) and soil dispersal component.

"Drainrock" means clean washed gravel or crushed rock ranging in size from three-quarters inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a sewage tank or collection system;
- (d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
- (e) Inadequately treated effluent contaminating ground water or surface water; or
- (f) Noncompliance with standards stipulated on the permit.

"Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per 100 ml.

"Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

"Ground water" means subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Hydraulic loading rate" means the amount of effluent applied to a given treatment step, in this chapter expressed as gallons per square foot per day (gal/sq.ft./day).

"Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

"Installer" means a person approved by the local health officer to install on-site sewage systems or components.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed.

"Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

"Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

"Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

"On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Ped" means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

"Planned unit development" means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a SSAS, as described in the department's *Recommended Standards and Guidance for Pressure Distribution Systems*, 2001. A subsurface drip system may be used wherever the chapter requires pressure distribution.

"Professional engineer" means a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

"Proprietary product" means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.

"Public domain technology" means a sewage treatment and distribution technology, method, or material not subject to a patent or trademark.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport sewage or septage from on-site sewage systems.

"Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

"Repair" means the relocation, replacement or reconstruction of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Rock fragment" means rock or mineral fragments having a diameter of two millimeters or more; for example, gravel, cobbles, stones, and boulders.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and

anaerobic digestion of the organic matter, prior to discharge of the liquid.

"**Septic system**" see on-site sewage system or OSS.

"**Sewage**" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

"**Sewage quality**" means contents in sewage that include:

- (a) CBOD₅, TSS, and O&G;
- (b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;

(c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

"**Sewage tank**" means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.

"**Soil dispersal component**" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.

"**Soil log**" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and dispersal medium for sewage.

"**Soil scientist**" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.

"**Soil type**" means one of seven numerical classifications of fine earth particles and rock fragments as described in WAC 246-272A-0220 (2)(e).

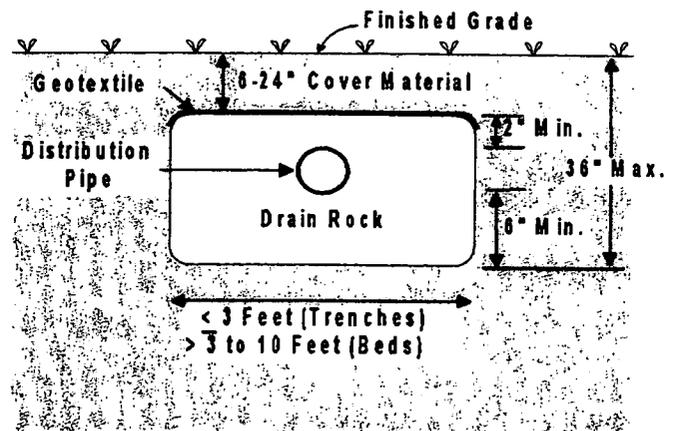
"**Standard methods**" means the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

"**Strong structure**" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

"**Subdivision**" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, including both long and short subdivisions, planned unit developments, and mobile home parks.

"**Subsurface drip system**" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's *Recommended Standards and Guidance for Subsurface Drip Systems*."

"**Subsurface soil absorption system**" (SSAS) means a soil dispersal component of trenches or beds containing either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.



"**Surface water**" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.

"**Timed dosing**" means delivery of discrete volumes of sewage at prescribed time intervals.

"**Treatment component**" means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

"**Treatment level**" means one of six levels (A, B, C, D, E, & N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and

(b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

"**Treatment sequence**" means any series of treatment components that discharges treated sewage to the soil dispersal component.

"**Trench**" means a soil dispersal component consisting of an excavation with a width of three feet or less.

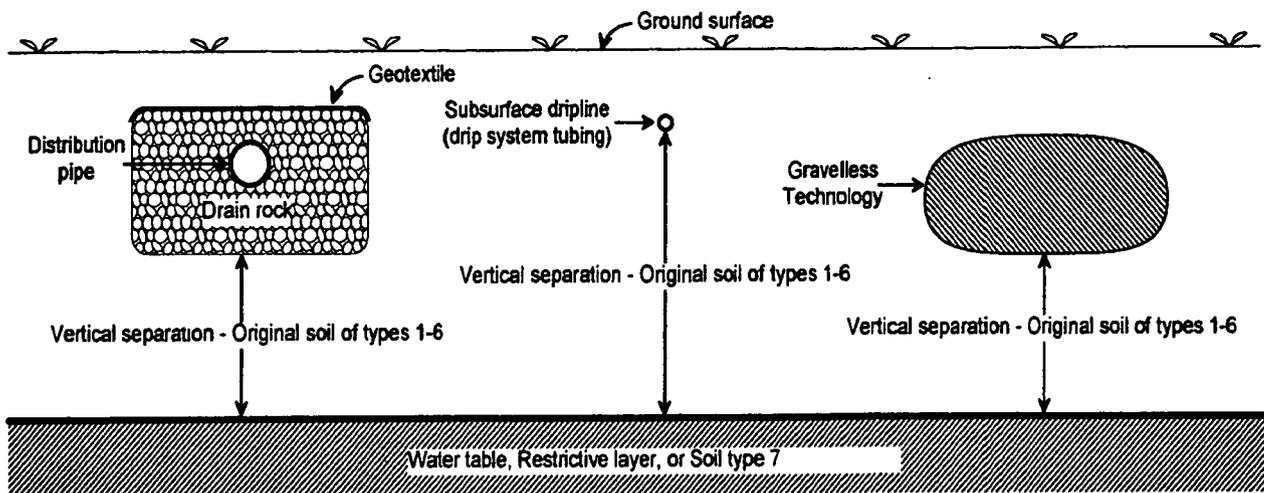
"**Unit volume of sewage**" means:

- (a) Flow from a single-family residence;
- (b) Flow from a mobile home site in a mobile home park;

or

(c) Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

"**Vertical separation**" means the depth of unsaturated, original, undisturbed soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:



"**Very gravelly**" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

"**Water table**" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"**Well**" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

- (a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- (b) An observation or monitoring well used to measure the effect of an OSS on a water table; and
- (c) An interceptor or curtain drain constructed to lower a water table.

NEW SECTION

WAC 246-272A-0015 Local management and regulation. (1) The local health officers of health jurisdictions in marine counties shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan shall include:

- (a) A statement of the goals, objectives and desired outcomes;
- (b) A set of actions along with a proposed implementation timetable that will:
 - (i) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;
 - (ii) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:
 - (A) Shellfish protection districts or shellfish growing areas;
 - (B) Sole source aquifers designated by the USEPA;
 - (C) Areas in which aquifers used for potable water as designated under the Washington State Growth Management

Act, chapter 36.70A RCW are critically impacted by recharge;

(D) Designated wellhead protection areas for Group A public water systems;

(E) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(F) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(G) Wetland areas under production of crops for human consumption;

(H) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(I) Areas where nitrogen has been identified as a contaminant of concern; and

(J) Other areas designated by the local health officer.

(iii) Identify the additional requirements for operation, maintenance and monitoring that are commensurate with risks posed by OSS within the geographic areas identified in (b)(ii) of this subsection;

(iv) Describe the capacity of the local jurisdiction to assure adequate operation, monitoring and maintenance of all known on-site sewage systems including the ability to:

(A) Facilitate education and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(B) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(C) Maintain records of all operation and maintenance activities as identified; and

(D) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2); and

(c) Assurance that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to develop a written plan under subsection (1) of this section shall:

(a) Supply a copy of the plan to the department;

(b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by (*insert a date two years and two months after adoption*) and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Grays Harbor, Island, Kitsap, Jefferson, Mason, Pacific, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than (*insert date one year after adoption*), the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

(a) Consistent with, and at least as stringent as, this chapter; and

(b) Approved by the department prior to the effective date of local regulations.

(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:

(a) The local board shall submit the proposed local regulations to the department.

(b) Within ninety days of receipt, the department shall:

(i) Approve the regulation in writing; or

(ii) Signify automatic tacit approval with the local regulations and permitting local implementation by failing to act; or

(iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.

(11) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.

(12) If the department denies approval of local regulations, the local board of health may:

(a) Resubmit revised regulations for departmental consideration; or

(b) Submit a written request for a review of the departmental denial within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(13) Upon receipt of written request for review of the departmental denial, the department shall:

(a) Acknowledge the receipt of the request in writing; and

(b) Form a mutually acceptable advisory panel consisting of:

(i) One departmental employee;

(ii) One employee from a local health jurisdiction other than that which requested the review; and

(iii) One member of the technical advisory committee.

(14) If good faith efforts to reach agreement are unsuccessful, the local board of health may appeal the denial to the Washington state board of health for resolution.

(15) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments.

(16) In the plan required in subsection (1) of this section and in local regulations, the local health officer may address

water conservation and include options for the nonpotable reuse of gray water. Any treatment and dispersal of gray water outside the residence or structure must comply with this chapter.

GENERAL REQUIREMENTS

NEW SECTION

WAC 246-272A-0020 Applicability. (1) The local health officer:

(a) Shall apply this chapter to OSS treating sewage and dispersing effluent from residential sources with design flows up to three thousand five hundred gallons per day;

(b) May apply this chapter to OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.

(c) May not apply this chapter to industrial wastewater.

(2) The department shall apply this chapter for the registration of proprietary treatment and distribution products.

(3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of five years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) This chapter does not apply to facilities regulated as reclaimed water use under chapter 90.46 RCW.

NEW SECTION

WAC 246-272A-0025 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272A-0300 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a system meeting the requirements of Table IX of this chapter shall abandon the OSS according to the requirements speci-

fied in WAC 246-272A-0300, and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the local health officer;

(b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) Local boards of health may require a new development to connect to a public sewer system to protect public health.

(5) Local boards of health shall require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.

SEWAGE PRODUCTS AND TECHNOLOGIES

NEW SECTION

WAC 246-272A-0100 Sewage technologies. (1) The department may develop recommended standards and guidance to assist local health officers in permitting different types of sewage treatment and distribution technologies including the following four broad categories:

(a) Public domain treatment technologies (e.g., sand filters);

(b) Proprietary treatment products (e.g., aerobic treatment systems and packed bed filters);

(c) Public domain distribution technologies (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);

(d) Proprietary distribution products (e.g., subsurface dripline products or gravelless distribution products).

(2) All types of sewage technologies must have either standards for use described in this chapter or departmental recommended standards and guidance before the local health officer may permit them. Recommended standards and guidance may include information and detail such as:

(a) Application;

(b) Design;

(c) Installation;

(d) Operation, monitoring and maintenance;

(e) Performance expectations; and

(f) Sources of information.

NEW SECTION

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

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(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All thirty-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

TABLE I

Testing Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Required Testing Protocol
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p> <p>Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.</p> <p>(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)</p>	<p>ANSI/NSF 40—Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)</p> <p>EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies / EPA Environmental Technology Verification (April 2001)</p>
<p>Category 3 Black water component of residential sewage (such as composting and incinerating toilets).</p>	<p>NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999)</p> <p>NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)</p>
<p>Total Nitrogen Reduction in Categories 1 & 2 (Above)</p>	<p>Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)</p>

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Testing Results Reported
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p>	<p>Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD₅, and TSS:</p>

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
	<input type="checkbox"/> Average <input type="checkbox"/> Standard Deviation <input type="checkbox"/> Minimum <input type="checkbox"/> Maximum <input type="checkbox"/> Median <input type="checkbox"/> Interquartile Range <input type="checkbox"/> 30-day Average (for each month) For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within thirty-day or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130. Test report must also include the individual results of all samples drawn throughout the test period.
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD ₅ , TSS and O&G Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.

PROPOSED

TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Treatment System Performance Testing Levels					
	Level	Parameters				
		CBOD₅	TSS	O&G	FC	TN
	A	10 mg/L	10 mg/L	—	200/100 ml	—
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—
	D	25 mg/L	30 mg/L	—	—	—
	E	125 mg/L	80 mg/L	20 mg/L	—	—
	N	—	—	—	20 mg/L	
	Values for Levels A - D are 30-day values (averages for CBOD ₅ , TSS, and geometric mean for FC.) All 30-day averages throughout the test period must meet these values in order to be registered at these levels. Values for Levels E and N are derived from full test averages.					
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.	All of the following requirements must be met: (1) All full test averages must meet Level E; and					

TABLE III

Product Performance Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Product Performance Requirements
(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	(2) Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Test results must meet the performance requirements established in the NSF test protocol.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.

PROPOSED

NEW SECTION

WAC 246-272A-0120 Proprietary treatment product registration—Process and requirements. (1) Manufacturers shall register their proprietary treatment product(s) with the department by submitting a complete application in the format provided by the department, including:

- (a) Manufacturer's name, mailing address, street address and phone number;
- (b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;
- (c) Name, including specific brand and model, of the proprietary treatment product;
- (d) A description of the function of the proprietary treatment product along with any known limitation on the use of the product;
- (e) Product description and technical information, including process flow drawings and schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;
- (f) For treatment systems in Category 2, daily capacity of the model or models in pounds per day of CBOD₅;
- (g) Siting and installation requirements;
- (h) Detailed description, procedure and schedule of routine service and system maintenance events;
- (i) Estimated operational costs for the first five years of the treatment component's life. This shall include both estimated annual electricity costs, and routine maintenance costs, including replacement of parts;
- (j) Identification of information subject to protection from disclosure of trade secrets;
- (k) Copies of product brochures & manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions*;
- (l) The most recently available product test protocol and results report;
- (m) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accu-

rate, and complete. I understand and accept that the product testing results reported with this application for registration are the parameters and values to be used for determining conformance with Treatment System Performance Testing Levels established in chapter 246-272A WAC";

(n) A signed and dated certification from the testing entity including the statement, "I certify that I represent (INSERT TESTING ENTITY NAME), that I am authorized to report the testing results for this proprietary treatment product. I attest, under penalty of law, that the report about the test protocol and results is true, accurate, and complete"; and

- (o) The fee described in WAC 246-272A-990.
- (2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application, consistent with the provisions of their test protocol for the certification of other products within a product series. Products outside of the series or model line must be registered under separate applications.
- (3) Upon receipt of an application the department shall:
 - (a) Verify that the application is complete;
 - (b) If complete, place the product on the list of proprietary treatment products.
 - (4) All registrations are valid for up to one year, expiring on December 31 of each year. Fees are not prorated.
 - (5) In order to renew technology registration, a manufacturer shall:
 - (a) Apply for renewal of product registration using the form or in the format provided by the department.
 - (b) Submit the results of retesting, if the product has completed retesting according to the protocol required for registration and a report from the testing entity has been issued since initial registration or previous renewal. Renewal shall be based on the most recent test results.
 - (c) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements for initial registration.
 - (d) Submit the fee established in WAC 246-272A-990.
 - (6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary treatment products meeting the registration requirements established in this chapter. The product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0125 Transition from the list of approved systems and products to the registered list—Treatment products. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of this chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(a period of eighteen months after the effective date of this chapter)*.

(2) Treatment products not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, must be registered with the department according to the requirements of this chapter before being permitted by the local health officer.

(3) Between *(the effective date of this chapter)* and *(a period of eighteen months after the effective date of this chapter)*, the local health officer may permit treatment products that are on the department's list of approved systems and products or registered with the department under the requirements of this chapter.

(4) After *(a period of eighteen months after the effective date of this chapter)*, local health officers may only permit

those treatment products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with treatment product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on *(the effective date of this chapter)*, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration within eighteen months of the effective date of this chapter using the following information:

(a) For treatment products approved for use with sewage typical of a residential source:

(i) If product approval was based on performance test results obtained from testing conducted according to a ANSI/NSF Standard 40 protocol dated prior to July 1996, the manufacturer may apply for registration as established by these rules using the performance test results obtained by a qualified testing facility from testing conducted according to a ANSI/NSF Standard 40 test protocol dated prior to July 1996;

(ii) In order to be registered, manufacturers must identify on their application for product registration if the reported product testing results use an excursion allowance. If an excursion allowance is used, only the excursion allowance provided in 1996 and later NSF protocols may be used;

(iii) Thirty-day averaging of sample results must meet the requirements established in 1996 and later NSF protocols;

(iv) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(b) For products approved for use with high-strength residential or commercial sewage:

(i) Manufacturers may apply for product registration using the performance test results and other information previously provided to the department in support of product approval application.

(ii) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(c) Test results for BOD₅ may be submitted in lieu of test results for CBOD₅. In these cases the numerical values for CBOD₅ will be determined using the following formula:

$$(BOD_5 \text{ value} \times .83 = CBOD_5 \text{ value});$$

(d) In order to be registered for treatment levels A, B or C, a manufacturer shall provide data demonstrating that each of the parameters (CBOD₅, TSS and fecal coliform) is met;

(e) Fecal coliform reduction performance must be demonstrated according to the provisions and requirements established in WAC 246-272A-0130 Bacteriological reduction; and

(f) Manufacturers and treatment products must meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0130 Bacteriological reduction. This section establishes the requirements for registering bacteriological reduction processes.

(1) Manufacturers shall, for the purpose of product registration as described in WAC 246-272A-0110 and 246-272A-0120 for meeting treatment levels A, B, or C, verify bacteriological reduction performance by sampling for fecal coliform.

(a) For products not yet tested according to ANSI/NSF Standard 40 testing protocol dated July 1996 or later, the requirements of both ANSI/NSF Standard 40 and the protocol specified in subsection (2) of this section for verifying bacteriological reduction must be met.

(b) For products that have been tested according to ANSI/NSF Standard 40 dated July 1996 or later but have not yet been tested for bacteriological reduction, treatment performance of the treatment product or sequence may be established based on test results for CBOD₅ and TSS obtained from the previous ANSI/NSF Standard 40 testing and bacteriological reduction performance based on testing according to the protocol in subsection (2) of this section. Provided that the testing entity must verify the influent wastewater stream throughout the bacteriological testing period meets the influent threshold levels for CBOD₅ and TSS required by ANSI/NSF Standard 40 testing protocol.

(2) All test data submitted for product registration shall be produced by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to on-site wastewater treatment products. Bacteriological reduction performance must be determined while the treatment product or sequence is tested according to the ANSI/NSF Standard 40 testing protocol. During this testing the following requirements apply:

(a) Collect samples from both the influent and effluent streams, identifying the treatment performance achieved by the full treatment process (component or sequence);

(b) Obtain influent characteristics falling within a range of 10^6 - 10^8 fecal coliform/100 mL calculated as thirty-day geometric means during the test.

(c) Test the influent to any disinfection unit and report the following at each occasion of sampling performed in (d) of this subsection:

- (i) Flow rate;
- (ii) pH;
- (iii) Temperature;
- (iv) Turbidity; and
- (v) Color.

(d) Obtain samples for fecal coliform analysis throughout the testing period, including both design loading and stress loading recovery periods, as follows:

(i) Both an influent and an effluent grab sample must be taken during each of the three daily design loading periods on three separate days of each week; and

(ii) The three influent samples collected each day must be combined and analyzed as a single sample for that day. The effluent samples for each day must also be combined and analyzed as a single sample for that day.

(e) Conduct analyses according to standard methods;

(f) Report the geometric mean of fecal coliform test results from all samples taken within thirty-day or monthly calendar periods;

(g) Report the individual results of all samples taken throughout the test period design and stress loading; and

(h) Report all maintenance and servicing conducted during the testing period, including for example, instances of cleaning a UV lamp, or replenishment of chlorine chemicals.

(3) Manufacturers may register products in treatment levels A and B using disinfection.

(4) Manufacturers may not register products for treatment level C using disinfection.

NEW SECTION

WAC 246-272A-0135 Transition from the list of approved systems and products to the registered list—Bacteriological reduction. This section on how bacteriological reduction products on the list of approved systems and products can become registered.

(1) The department's list of approved systems and products shall:

(a) Become static on (*the effective date of this section*). Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to (*the effective date of this chapter*).

(b) Remain in effect until (*a period of eighteen months after the effective date of this chapter*).

(2) Systems on the department's list of approved systems and products meeting the BOD₅ (or CBOD₅) and TSS requirements for treatment standards 1 and 2 may continue to be combined with disinfection equipment and methods specified by the on-site sewage system designer to meet or exceed the fecal coliform reduction performance required by treatment standards 1 and 2, until (*insert a date eighteen months after the effective date*).

(3) After (*eighteen months after the effective date*), the local health officer may permit only those treatment products registered as meeting bacteriological reduction portions of treatment level A, B, or C under the requirements of this chapter.

(4) Products that have been tested for bacteriological reduction and have met all the requirements of WAC 246-272A-0130, except the bacteriological influent and/or sampling frequency requirements, may be registered under this chapter to allow continued use of the product after eighteen months from the effective date of this chapter. In order to register their product, the manufacturer shall:

(a) Assure their product is on the department's list of approved systems and products that have been approved as meeting a bacteriological reduction standard on (*the effective date of this chapter*), or subsequently added to the list as provided in subsection (1)(a) of this section;

(b) Apply for product registration within eighteen months of the effective date of this chapter; and

(c) Have their product tested for two additional months of testing using the testing protocol specified in WAC 246-272A-0130(2) to verify the bacteriological reduction performance.

NEW SECTION

WAC 246-272A-0140 Proprietary distribution products—Certification and registration. (1) Manufacturers shall register proprietary distribution products, including gravelless distribution products and subsurface dripline products, with the department before the local health officer may permit their use.

(2) Manufacturers desiring to sell proprietary distribution products shall certify that the product(s) meets the standards established in this chapter and register their product(s) with the department using the process described in WAC 246-272A-0145.

(3) Proprietary gravelless distribution products shall:

(a) Be constructed or manufactured from materials that are nondecaying and nondeteriorating and do not leach chemicals when exposed to sewage and the subsurface soil environment;

(b) Provide liquid storage volume at least equal to the storage volume provided within the thirty percent void space in a twelve-inch layer of drainrock in a drainrock-filled distribution system. This storage volume must be established by the gravelless distribution products, system design and installation and must be maintained for the life of the system. This requirement may be met on a lineal-foot, or on an overall system design basis;

(c) Provide suitable effluent distribution to the infiltrative surface at the soil interface; and

(d) Maintain the integrity of the trench or bed. The material used, by its nature and its manufacturer-prescribed installation procedure, must withstand the physical forces of the soil sidewalls, soil backfill and the weight of equipment used in the backfilling.

(4) Proprietary subsurface dripline products shall:

(a) Be warranted by the manufacturer for use with sewage and for resistance to root intrusion.

(b) Incorporate emitters with a maximum nominal rated discharge of 1.3 gallons per hour. Emitter discharge rate may be controlled either by use of pressure-compensating emitters or with a pressure regulator.

(c) Be color-coded purple to identify that the pipe contains nonpotable water from a sewage source.

NEW SECTION

WAC 246-272A-0145 Proprietary distribution product registration—Process and requirements. (1) Manufacturers shall register their proprietary distribution product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address, and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be

vested with the authority to act as the agent of the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary distribution product;

(d) A description of the function of the proprietary distribution product along with any known limitations on its use;

(e) Product description and technical information, including schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) Siting and installation requirements;

(g) Detailed description, procedure and schedule of routine service and system maintenance events;

(h) Identification of information subject to protection from disclosure of trade secrets;

(i) Copies of product brochures and manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions;*

(j) For gravelless chamber systems a quantitative description of the actual exposed trench-bottom infiltrative surface area for each model seeking registration;

(k) A statement from a professional engineer that certifies the technology meets the standards established in WAC 246-272A-0140;

(l) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for product registration. I attest, under penalty of law, that this document and all attachments, are true, accurate, and complete."

(m) A signed and dated certification from the licensed professional engineer including the statement, "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME), that I am authorized to certify the performance characteristics for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."

(n) The fee established in WAC 246-272A-0990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary distribution products.

(4) All registrations are valid for up to one year, expiring on December 31st of each year. Required fees are not prorated.

(5) In order to renew a proprietary distribution product registration, a manufacturer must:

(a) Apply for renewal of product registration using the form or in the format provided by the department;

(b) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has

changed in a way that affects performance, the product may not be renewed and shall meet the requirements of initial registration; and

(c) Submit the fee established in WAC 246-272A-0990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary distribution products meeting the registration requirements established in this chapter. Product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0150 Transition from the list of approved systems and products to the registered list—Distribution products. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of the chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(for a period of eighteen months after the effective date of this chapter)*.

(2) Distribution products not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, must be registered with the department under this chapter before being permitted by the local health officer.

(3) Between *(the effective date of this chapter)* and *(a period of eighteen months after the effective date of this chap-*

ter), the local health officer may permit distribution products that are on the department's list of approved systems and products or registered by the department under the requirements of this chapter.

(4) After *(a period of eighteen months after the effective date of this chapter)*, local health officers may only permit those distribution products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with distribution product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on *(the effective date of this chapter)*, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration within eighteen months of the effective date of this chapter using the following information:

(a) Manufacturers may apply for registration using the information previously provided to the department in support of product approval application, without further professional engineer certification.

(b) If product approval was based upon the performance information obtained through the department's former experimental systems program, the manufacturer may apply for registration as established by these rules using the performance test results obtained from their experimental system program, without further professional engineer certification. This provision is valid for only those models on the approved list of systems and products.

(c) Manufacturers and distribution products shall meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0170 Product development permits.

(1) A local health officer may issue a product development permit (PDP) for any proprietary treatment component or sequence. In order to protect public health during the development period, a complete system meeting the requirements of this chapter and the site must be installed. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product developers to explore and develop new technologies prior to product testing and registration under WAC 246-272A-0110 and 246-272A-0120. The PDP is not an alternative to testing and registration.

(2) An application for a PDP shall include all of the following:

(a) Proof of an existing conforming system in compliance with all local requirements, or a permit for a conforming system. The conforming system must be installed in its entirety before the PDP becomes valid;

(b) A description of the product under development including performance goals and a description of how the system will be used to treat sewage;

(c) Documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage resulting from the use of the product

under development. Instruments of financial assurance include:

(i) An irrevocable letter of credit in the amount required by the local health officer issued by an entity authorized to issue letters of credit in Washington state;

(ii) Cash or security deposit payable to the local health jurisdiction in the amount required by the local health officer; or

(iii) Any other financial assurance that satisfies the local health officer.

(d) Documentation signed by the owner of the proposed product development site allowing access to the local health officer for inspection of the site; and

(e) Any other information required by the local health officer.

(3) The local health officer may stipulate additional requirements for a PDP necessary to assure the performance of the conforming system, including providing performance data to the local health officer.

(4) A PDP is a site-specific permit. Product development at multiple sites requires a PDP for each site.

(5) During the term of the PDP, product development, testing and sampling are under the full control of the product developer and all data collected is considered proprietary information.

(6) A PDP is valid for one year and may be renewed by the local health officer.

(7) The product development period is over when the original PDP or any subsequently renewed permits have expired. At this time the product developer:

(a) Shall, at the direction of the local health officer, remove the product under development from the site, reestablishing all appropriate plumbing and power connections for the conforming system.

(b) May subject the product to performance testing described in WAC 246-272A-0110 in order to allow the product to be eligible for registration with the department.

(8) The local health officer may revoke or amend a PDP:

(a) If the continued operation or presence of the product under development:

(i) Presents a risk to the public health or the environment;

(ii) Causes adverse effects on the proper function of the conforming system on the site; or

(iii) Leaks or discharges sewage on the surface of the ground.

(b) If the developer fails to comply with any requirements stipulated on the permit by the local health officer.

(9) The local health officer may charge fees adequate to administer the PDP program.

NEW SECTION

WAC 246-272A-0175 Transition from the experimental system program to application for product registration. (1) The department's list of approved systems and products shall:

(a) Become static on *(the effective date of this chapter)*. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when

approved by the department based on completed applications received prior to *(the effective date of this chapter)*.

(b) Remain in effect until *(a period of eighteen months after the effective date of this chapter)*.

(2) Persons representing experimental systems not on the department's list of approved systems and products on *(the effective date of this chapter)* and not otherwise eligible for inclusion on the list by submittal of a completed application prior to *(the effective date of this chapter)*, may apply to a local health officer for a product development permit under WAC 246-272A-0170.

(3) Those persons representing experimental systems on the department's list of approved systems and products on *(the effective date of this chapter)* may continue with the experimental testing according to the experimental testing protocol agreed to by the department until completed. Upon completion of the testing, the person may apply to the department for product registration under WAC 246-272A-0120 or 246-272A-0145. In considering the results of the experimental testing protocol, the department may seek a recommendation from the TAC. The department may determine:

(a) The product meets the requirements for registration and place it on the list of registered proprietary products; or

(b) The product does not meet the requirements for registration. Any further treatment product development and testing may continue under WAC 246-272A-0170, not under the department's previous experimental system program. The requirements of WAC 246-272A-0110, 246-272A-0130, or 246-272A-0140 apply to any further application for product registration.

SPECIFIC REQUIREMENTS

NEW SECTION

WAC 246-272A-0200 Permit requirements. (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local health officer:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and if available, the address of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;

(vii) Source of sewage, for example, residence, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

(x) Name, signature and stamp of the designer;

(xi) Date of application; and

(xii) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(b) The soil and site evaluation as specified under WAC 246-272A-0220.

(c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

(i) Designated areas for the proposed initial system and the reserve area;

(ii) The location of all soil logs and other soil tests for the OSS;

(iii) General topography and/or slope;

(iv) Drainage characteristics;

(v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and

(vi) An arrow indicating north.

(d) A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

(i) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;

(ii) Vertical cross-section drawings showing:

(A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and

(B) Other new OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) System operating capacity and design flow;

(B) Soil type; and

(C) Hydraulic loading rate in the soil dispersal component; and

(e) Any additional information as deemed necessary by the local health officer.

(2) A permit is not required for replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced. The local health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

(3) The local health officer may develop the information required in subsection (1) of this section if authorized by local regulations.

(4) The local health officer shall:

(a) Respond to an application within thirty days as required in RCW 70.05.074.

(b) Permit only public domain technologies that have departmental RS&G. Permit only proprietary products that are registered by the department. During the period of transition from the list of approved systems and products to the registered list, the local health officer may permit products on the list of approved systems and products.

(c) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

(d) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(e) Specify the expiration date on the permit. The expiration date may not exceed five years from the date of permit issuance;

(f) Include a reminder on the permit application of the applicant's right of appeal; and

(g) If requiring an operational permit, state the period of validity and the date and conditions of renewal.

(5) The local health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:

(a) Construction or continued use of an OSS that threatens the public health;

(b) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(c) Failure to meet conditions of the permit, this chapter or any local regulations.

(6) Before the local health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the OSS in perpetuity; or

(b) A management arrangement acceptable to the local health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:

(i) A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and

(ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(7) The local health officer shall not delegate the authority to issue permits.

(8) The local health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

NEW SECTION

WAC 246-272A-0210 Location. (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table IV, Minimum Horizontal Separations:

Table IV
Minimum Horizontal Separations

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/subsurface storm water infiltration systems	10 ft.	N/A	N/A

¹If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

²The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) If any condition indicates a greater potential for contamination or pollution, the local health officer may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The local health officer may allow a reduced horizontal separation to not less than two feet where the property

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line, easement line, in-ground swimming pool, or building foundation is up-gradient.

(4) The horizontal separation between an OSS dispersal component and an individual water well, individual spring, or surface water that is not a public water source can be reduced to a minimum of seventy-five feet, by the local health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:

(a) Adequate protective site-specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and/or aquatards separating potable water from the OSS treatment zone, excessive depth to ground water, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in WAC 246-272A-0230 Table VI; or

(c) Evidence of protective conditions involving both (a) and (b) of this subsection.

(5) Persons shall design and/or install a soil dispersal component only if:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the OSS.

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

(6) The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section C1-9 of the department of ecology's "Criteria For Sewage Works Design," December 1998.

NEW SECTION

WAC 246-272A-0220 Soil and site evaluation. (1) Only professional engineers, designers, or local health officers may perform soil and site evaluations. Soil scientists may only perform soil evaluations.

(2) The person evaluating the soil and site shall:

(a) Report:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial soil dispersal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;

(iv) The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and

(vii) The location of existing features affecting system placement, such as, but not limited to:

(A) Wells and suction lines;

(B) Water sources and supply lines;

(C) Surface water and stormwater infiltration areas;

(D) Abandoned wells;

(E) Outcrops of bedrock and restrictive layers;

(F) Buildings;

(G) Property lines and lines of easement;

(H) Interceptors such as footing drains, curtain drains, and drainage ditches;

(I) Cuts, banks, and fills;

(J) Driveways and parking areas;

(K) Existing OSS; and

(L) Underground utilities;

(b) Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the *On-site Wastewater Treatment Systems Manual*, EPA 625/R-00/008, February 2002 except where modified by, or in conflict with, this chapter (available upon request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table V, Soil Type Descriptions:

**TABLE V
Soil Type Descriptions**

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).

Soil Type	Soil Textural Classifications
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
7 Unsuitable for treatment or dispersal	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered;

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by chapter 296-155 WAC.

(4) The local health officer:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272A-0230 Design requirements—General. (1) On-site sewage systems may only be designed by professional engineers, licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW, except:

(a) If at the discretion of the local health officer, a resident owner of a single-family residence not adjacent to a marine shoreline is allowed to design a system for that residence; or

(b) If the local health officer performs the soil and site evaluation, the health officer is allowed to design a system.

(2) The designer shall use the following criteria when developing a design for an OSS:

(a) All sewage from the building served is directed to the OSS;

(b) Sewage tanks have been reviewed and approved by the department;

(c) Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other nonsewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;

(d) The OSS is designed to treat and disperse the sewage volume as follows:

(i) For single-family residences:

(A) The operating capacity is based on 45 gpd per capita with two people per bedroom.

(B) The minimum design flow per bedroom per day is the operating capacity of ninety gallons multiplied by 1.33. This results in a minimum design flow of one hundred twenty gallons per bedroom per day.

(C) A factor greater than 0.33 to account for surge capacity may be required by the local health officer.

(D) The local health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.

(E) The minimum design flow is two hundred forty gallons per day.

(ii) For other facilities, the design flows noted in "*On-site Wastewater Treatment Systems Manual*," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the department) shall be used. Sewage flows from other sources of information may be used in determining system design flows if they incorporate both an operating capacity and a surge capacity.

(e) The OSS is designed to address sewage quality as follows:

(i) For all systems, the designer shall consider:

(A) CBOD₅, TSS, and O&G;

(B) Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;

(C) The sensitivity of the site where the OSS will be installed. Examples include areas where fecal coliform constituents can result in public health concerns, such as shellfish growing areas, designated swimming areas, and other areas identified by the local management plan required in WAC 246-272A-0015.

(D) Nitrogen contributions. Where nitrogen has been identified as a contaminant of concern by the local management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.

(ii) For OSS treating sewage from a nonresidential source, the designer shall provide the following information:

(A) Information to show the sewage is not industrial wastewater;

(B) Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and

(C) A site-specific design providing the treatment level equal to that required of sewage from a residential source;

(f) The vertical separation to be used to establish the treatment levels and application rates. The selected vertical separation shall be used consistently throughout the design process.

(g) Treatment levels:

(i) Requirements for matching treatment component and method of distribution with soil conditions of the soil dis-

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persal component are listed in Table VI. The treatment levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110. The method of distribution applies to the soil dispersal component.

(ii) Disinfection may not be used to achieve the fecal coliform requirements to meet:

- (A) Treatment levels A or B in Type 1 soils; or
- (B) Treatment level C.

TABLE VI

Treatment Component Performance Levels and Method of Distribution¹

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥18 < 24	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥24 < 36	B - pressure with timed dosing	C - pressure	E - pressure
≥36 < 60	B - pressure with timed dosing	E - pressure	E - gravity
≥60	C - pressure	E - gravity	E - gravity

¹The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

(3) The coarsest textured soil within the vertical separation selected by the designer shall determine the minimum treatment level and method of distribution.

(4) The local health officer shall not approve designs for:

- (a) Cesspools; or
- (b) Seepage pits.

(5) The local health officer may approve a design for the reserve area different from the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction.

NEW SECTION

WAC 246-272A-0232 Design requirements—Septic tank sizing. Septic tanks shall:

(1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.

(2) Have the following minimum liquid volumes:

(a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

TABLE VII

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤3	900
4	1000
Each additional bedroom	250

(b) For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty gallons per bedroom with a minimum of one thousand gallons;

(c) For OSS treating sewage from a nonresidential source, three times the design flow.

NEW SECTION

WAC 246-272A-0234 Design requirements—Soil dispersal components. (1) All soil dispersal components, except one using a subsurface dripline product, shall be designed to meet the following requirements:

(a) Maximum hydraulic loading rates shall be based on the rates described in Table VIII;

TABLE VIII

Maximum Hydraulic Loading Rate

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding Soil types 5 & 6, all soil types with greater than or equal to 90% rock fragments.	1.0
2	Coarse sands.	1.0
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

- (b) Calculation of the absorption area is based on:
 - (i) The design flow in WAC 246-272A-0230(2); and
 - (ii) Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component or the finest textured soil within the vertical separation selected by the designer, whichever has the finest texture.
- (c) Requirements for the method of distribution shall correspond to those in Table VI.
- (d) Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than thirty percent, or seventeen degrees; and
 - (iii) Have pressure distribution including time dosing.
- (2) All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:
 - (a) Calculation of the absorption area is based on:
 - (i) The design flow in WAC 246-272A-0230(2);
 - (ii) Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of dripline and emitters;
 - (b) The dripline must be installed a minimum of six inches into original, undisturbed soil;
 - (c) Timed dosing; and
 - (d) Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:
 - (i) Only be located in soil types 1-5;
 - (ii) Only be located on slopes of less than thirty percent, or seventeen degrees.
- (3) All SSAS shall meet the following requirements:
 - (a) The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;
 - (b) A minimum of six inches of sidewall must be located in original undisturbed soil;
 - (c) Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten feet;
 - (d) Individual laterals greater than one hundred feet in length must use pressure distribution;
 - (e) A layer of between six and twenty-four inches of cover material; and

(f) Other features shall conform with the "On-site Wastewater Treatment Systems Manual." United States Environmental Protection Agency EPA-625/R-00/008 February 2002 (available upon request to the department) except where modified by, or in conflict with this section or local regulations.

- (4) For SSAS with drainrock and distribution pipe:
 - (a) A minimum of two inches of drainrock is required above the distribution pipe;
 - (b) The sidewall below the invert of the distribution pipe is located in original undisturbed soil.
- (5) The local health officer may allow the infiltrative surface area in a SSAS to include six inches of the SSAS sidewall height when meeting the required absorption area where total recharge by annual precipitation and irrigation is less than twelve inches per year.
- (6) The local health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:
 - (a) The system serves a single-family residence;
 - (b) The lot size is greater than two and one-half acres;
 - (c) Annual precipitation in the region is less than twenty-five inches per year as described by "Washington Climate" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);
 - (d) The system is located outside the twelve counties bordering Puget Sound; and
 - (e) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth requirements to ground water as determined by the local health officer. The method for determination is described by "Design Guideline for Gravity Systems in Soil Type 1" (available upon request to the department).
- (7) The local health officer may increase the loading rate in Table VIII up to a factor of two for soil types 1-4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet treatment level D is used. This reduction may not be combined with any other SSAS size reductions.
- (8) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII. There are no exceptions to this requirement even if a SSAS size reduction has been permitted.

NEW SECTION

WAC 246-272A-0238 Design requirements—Facilitate operation, monitoring and maintenance. (1) The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:

- (a) For gravity systems, septic tank access for maintenance and inspection at finished grade is required. If effluent filters are used, access to the filter at finished grade is required. The local health officer may allow access for maintenance and inspection of a system consisting of a septic tank and gravity flow SSAS to be a maximum of six inches below finished grade provided a marker showing the location of the tank access is installed at finished grade.

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(b) For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:

(i) Septic tanks must have service access manholes and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;

(ii) Surge, flow equalization or other sewage tanks must have service access manholes;

(iii) Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;

(iv) Pump chambers, tanks and vaults must have service access manholes;

(v) Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and

(vi) Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.

(c) For systems using pumps, clearly accessible controls and warning devices are required including:

(i) Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;

(ii) Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and

(iii) Audible and visual alarms designed to alert a resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

(2) All accesses must be designed to allow for monitoring and maintenance and shall be secured to minimize injury or unauthorized access in a manner approved by the local health officer.

NEW SECTION

WAC 246-272A-0240 Holding tank sewage systems.

(1) A person may not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The local health officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;

(b) For interim uses limited to handling of emergency situations; or

(c) For repairs as permitted under WAC 246-272A-0280 (1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow design criteria established by the department;

(b) Submit a management program to the local health officer assuring ongoing operation, monitoring and maintenance before the local health officer issues the installation permit; and

(c) Use a holding tank reviewed and approved by the department.

NEW SECTION

WAC 246-272A-0250 Installation. (1) Only installers may construct OSS, except as noted under subsection (2) of this section.

(2) The local health officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install the OSS for that single-family residence.

(3) The installer described by either subsection (1) or (2) of this section shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Make no changes to the approved design without the prior authorization of the designer and the local health officer;

(d) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(e) Be on the site at all times during the excavation and construction of the OSS;

(f) Install the OSS to be watertight, except for the soil dispersal component;

(g) Cover the installation only after the local health officer has given approval to cover; and

(h) Back fill with six to twenty-four inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

NEW SECTION

WAC 246-272A-0260 Inspection. (1) For all activities requiring a permit, the local health officer shall:

(a) Visit the OSS site during the site evaluation, construction, or final construction inspection;

(b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system.

(c) Keep the record drawings on file, with the approved design documents.

(2) The person responsible for the final construction inspection shall assure the OSS meets the approved design.

NEW SECTION

WAC 246-272A-0265 Record drawings. Upon completion of the new construction, alteration or repair of the OSS, a complete and detailed record drawing shall be submitted to both the health officer and the OSS owner that includes at a minimum the following:

(1) Measurements and directions accurate to +/- 1/2 foot, unless otherwise determined by the local health officer, to assure the following parts of the OSS can be easily located:

(a) All sewage tank openings requiring access;

(b) The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS; and

(c) Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;

(2) Location and dimensions of reserve area;

(3) Record that materials and equipment meet the specifications contained in the design;

(4) Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer; and

(5) For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS.

NEW SECTION

WAC 246-272A-0270 Operation, monitoring, and maintenance—Owner responsibilities. (1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

(a) Obtain approval from the local health officer before repairing, altering or expanding an OSS;

(b) Secure and renew contracts for periodic maintenance where required by the local health jurisdiction;

(c) Obtain and renew operation permits if required by the local health jurisdiction;

(d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:

(i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;

(ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;

(e) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;

(g) Protect the OSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

(i) Operate and maintain systems as directed by the local health officer;

(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and

(k) At the time of property transfer, disclose in writing to the person to whom the property will transfer, all changes and maintenance to the OSS.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use an OSS to dispose of waste components atypical of sewage from a residential source.

NEW SECTION

WAC 246-272A-0275 Operation, monitoring, and maintenance—Food service establishments. The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

NEW SECTION

WAC 246-272A-0280 Repair of failures. (1) When an OSS failure occurs, the OSS owner shall:

(a) Repair or replace the OSS with a conforming system or component, or a system meeting the requirements of Table IX either on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS;

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) An OSS is not feasible; and

(B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200(1).

(3) The local health officer shall permit a system that meets the requirements of Table IX only if the following are not feasible:

(a) Installation of a conforming system or component; and

(b) Connection to either an approved LOSS or a public sewer.

(4) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

TABLE IX
Treatment Component Performance Levels for Repair of OSS Not Meeting Vertical and Horizontal Separations¹

Vertical Separation (in inches)	Horizontal Separation ²											
	< 25 feet			25 < 50 feet			50 < 100 feet ³			≥100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A	A	A	A	A	A	A	A	B	B	B	B
≥ 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
≥ 18 < 24	A	A	A	A	B	B	A	B	C			
≥ 24 < 36	A	B	B	B	C	C	B	C	C			
≥ 36	A	B	B	B	C	C	B	C	E			

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¹The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

²The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

³On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, nonmarine surface water or surface water that is not a public water source and a vertical separation of greater than twelve inches, a conforming system that complies with WAC 246-272A-0210(4) shall be installed if feasible.

(b) Protect drinking water sources and shellfish harvesting areas;

(c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;

(d) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(e) Meet the horizontal separations under WAC 246-272A-0210(1) to public drinking water sources;

(f) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(g) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water.

(5) Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.

(6) If the vertical separation is less than twelve inches, the local health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

(7) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:

(a) Treatment levels A or B where there is less than eighteen inches of vertical separation;

(b) Treatment levels A or B in type 1 soils; or

(c) Treatment level C.

(8) The local health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.

(9) An OSS owner receiving a repair permit for a system meeting the requirements of Table IX from the local health officer shall:

(a) Immediately report any failure to the local health officer;

(b) Comply with all local and state requirements stipulated on the permit.

NEW SECTION

WAC 246-272A-0290 Expansions. (1) The local health officer shall require an OSS and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

(2) A local health officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark required by WAC 246-272A-0210, Table IV, provided that:

(a) The system meets all requirements of WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238;

(b) The system complies with all other requirements of WAC 246-272A-0210 and this section;

(c) Horizontal separation between the soil dispersal component and the ordinary high-water mark is fifty feet or greater; and

(d) Vertical separation is two feet or greater.

NEW SECTION

WAC 246-272A-0300 Abandonment. Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container shall:

(1) Have the septage removed by an approved pumper;

(2) Remove or destroy the lid; and

(3) Fill the void with soil or gravel.

NEW SECTION

WAC 246-272A-0310 Septage management. (1) The local health officer shall approve an individual before they may remove septage from an OSS.

(2) Persons removing septage from an OSS shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;
- (b) Record and report septage removal as required by the local health officer; and
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272A-0220, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage.

TABLE X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	0.5 acre	0.5 acre	0.5 acre	0.5 acre	0.5 acre
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	1 acre	1 acre
	2.5 acres ¹					

¹See WAC 246-272A-0234(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

(i) Justifies the proposal through a written analysis of the:

- (A) Soil type and depth;
- (B) Area drainage, and/or lot drainage;
- (C) Public health impact on ground and surface water quality;
- (D) Setbacks from property lines, water supplies, etc.;
- (E) Source of domestic water;
- (F) Topography, geology, and ground cover;
- (G) Climatic conditions;
- (H) Availability of public sewers;
- (I) Activity or land use, present, and anticipated;
- (J) Growth patterns;
- (K) Reserve areas for additional subsurface treatment and dispersal;
- (L) Anticipated sewage volume;
- (M) Compliance with current planning and zoning requirements;
- (N) Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;

(O) Existing encumbrances, such as those listed in WAC 246-272A-0200 (1)(c)(v) and 246-272A-0220 (2)(a)(vii); and

(P) Estimated nitrogen loading from OSS effluent to existing ground and surface water;

(Q) Any other information required by the local health officer.

(ii) Shows development with public water supplies having:

(A) At least twelve thousand five hundred square feet lot sizes per single-family residence;

(B) No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and

(iii) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(iv) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming OSS;

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(ii) Assure preservation of reserve areas for proposed and existing OSS;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The department shall develop guidelines for the application of Method II by (*insert date one year from the effective date*).

(4) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;

(iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(5) The local health officer may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area.

(6) The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating

reduced-sized SSAS must meet the minimum land area requirements established in state and local codes.

NEW SECTION

WAC 246-272A-0340 Certification of installers, pumpers, and maintenance service providers. (1) OSS installers and pumpers must obtain approval from the local health officer prior to providing services within a local health jurisdiction.

(2) Local health officer may establish programs and requirements for approving maintenance service providers.

NEW SECTION

WAC 246-272A-0400 Technical advisory committee.

(1) The department shall:

(a) Maintain a technical advisory committee to advise the department regarding:

(i) OSS design and siting;

(ii) Public domain technologies and recommended standards and guidance for their use; and

(iii) Testing and design standards used for proprietary product registration and recommended standards and guidance for use of proprietary products.

(b) Select members for the technical advisory committee with technical or scientific knowledge applicable to OSS from agencies, professions, and organizations including:

(i) Local health departments;

(ii) Engineering firms;

(iii) The department of ecology;

(iv) Land sales, development and building industries;

(v) Public sewer utilities;

(vi) On-site sewage system design and installation firms;

(vii) Environmental organizations;

(viii) University/college academic communities;

(ix) On-site sewage system or related product manufacturers; and

(x) Other interested organizations or groups.

(c) Convene meetings as needed.

(2) The department may have a representative on the technical advisory committee.

NEW SECTION

WAC 246-272A-0410 Policy advisory committee. (1)

The department shall:

(a) Maintain a policy advisory committee to:

(i) Make recommendations concerning departmental policy and regulations;

(ii) Review program services; and

(iii) Provide input to the department regarding the on-site sewage program;

(b) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and

(c) Convene meetings as needed.

(2) The department may have a representative on the policy advisory committee.

NEW SECTION

WAC 246-272A-0420 Waiver of state regulations. (1) The local health officer may grant a waiver from specific requirements of this chapter if:

- (a) The waiver request is evaluated by the local health officer on an individual, site-by-site basis;
 - (b) The local health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;
 - (c) The local health officer submits quarterly reports to the department regarding any waivers approved or denied; and
 - (d) Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the local health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.
- (2) The department shall develop guidance to assist local health officers in the application of waivers.

NEW SECTION

WAC 246-272A-0425 Required rule review. The department shall review this chapter to evaluate the effectiveness of the rules and determine areas where revisions may be necessary. The department will provide the results of their review along with their recommendations to the state board of health and all local health officers by (*insert a date four years after the effective date of the rules*) and every four years thereafter.

NEW SECTION

WAC 246-272A-0430 Enforcement. (1) The department or the local health officer:

- (a) Shall enforce the rules of chapter 246-272A WAC; or
 - (b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.
- (2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:
- (a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;
 - (b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272A WAC;
 - (c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;

(d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and

(e) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272A WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification;

(ii) Referral to the office of the county prosecutor or attorney general; and/or

(iii) Other appropriate remedies.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272A-0440, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

(vi) Agents; and

(vii) Third persons acting with the knowledge of such persons.

NEW SECTION

WAC 246-272A-0440 Notice of decision—Adjudicative proceeding. (1) All local boards of health shall:

(a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and

(b) Establish rules for conducting hearings requested to contest a local health officer's actions.

(2) The department shall provide notice of the department's denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) A person contesting a departmental decision regarding a permit, certificate, or approval may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(4) Department actions are governed under the Administrative Procedure Act chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

NEW SECTION

WAC 246-272A-0450 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION

WAC 246-272A-990 Fees. *Fees will be set by DOH in a separate rule making. We will ask to recodify this section so that it will be in the new chapter until the new fees can be established.*

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-272-00101	Purpose, objectives, and authority.
WAC 246-272-00501	Administration.
WAC 246-272-01001	Definitions.
WAC 246-272-02001	Local regulation.
WAC 246-272-03001	Applicability.
WAC 246-272-04001	Alternative systems and proprietary devices.
WAC 246-272-05001	Experimental systems.
WAC 246-272-07001	Connection to public sewer system.
WAC 246-272-08001	Large on-site sewage systems (LOSS).

WAC 246-272-09001	Permits for OSS under three thousand five hundred gallons per day.
WAC 246-272-09501	Location.
WAC 246-272-11001	Soil and site evaluation.
WAC 246-272-12501	Holding tank sewage systems.
WAC 246-272-13501	Installation.
WAC 246-272-14501	Inspection.
WAC 246-272-15501	Operation and maintenance.
WAC 246-272-16501	Repair of failures.
WAC 246-272-17501	Expansions.
WAC 246-272-18501	Abandonment.
WAC 246-272-19501	Septage management.
WAC 246-272-20501	Developments, subdivisions, and minimum land area requirements.
WAC 246-272-21501	Areas of special concern.
WAC 246-272-22501	Certification of designers, installers, pumpers, inspectors, and maintenance personnel.
WAC 246-272-23501	Technical review committee.
WAC 246-272-24001	State advisory committee.
WAC 246-272-25001	Waiver of state regulations.
WAC 246-272-26001	Enforcement.
WAC 246-272-27001	Notice of decision—Adjudicative proceeding.
WAC 246-272-28001	Severability.

**WSR 05-02-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed January 5, 2005, 9:41 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-23-065.

Title of Rule and Other Identifying Information: WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN); and 388-478-0080 Supplemental security income (SSI) standards, SSI-related categorically needy income level (CNIL).

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on February 8, 2005, at 10:00 a.m.

PROPOSED

Date of Intended Adoption: Not sooner than February 9, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., February 8, 2005.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by February 4, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update standards that were changed by federal rules effective January 1, 2005, under Section 1924 of the Social Security Act.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Statute Being Implemented: Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

Rule is necessary because of federal law, Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, (360) 725-1343 and Deborah O'Connor, (360) 725-1328; P.O. Box 45534, Olympia, WA 98504-5534.

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

A cost-benefit analysis is not required under RCW 34.05.328. This rule revision is exempt from the provisions of RCW 34.05.328 per RCW 34.05.328 (5)(b)(vii) regarding rules related to DSHS financial or medical eligibility.

January 3, 2005

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-10-116, filed 4/30/02, effective 5/31/02)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) ~~(and medically indigent (MI) programs)~~. (1) Beginning January 1, ~~((2002))~~ 2005, the medically needy income level (MNIL) ~~((and MI monthly income standards are as follows))~~ is:

(a) One person	\$(571.00) <u>579.00</u>
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

(a) One person	\$2,000
(b) Two persons	\$3,000
(c) For each additional family member add	\$50

AMENDATORY SECTION (Amending WSR 04-16-107, filed 8/3/04, effective 9/3/04)

WAC 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards. (1) The SSI payment standards, also known as the federal benefit rate (FBR), beginning January 1, ~~((2004))~~ 2005 are:

(a) Living alone (in own home or alternate care, does not include nursing homes or medical situations)

Individual	\$(564) <u>579</u>
Individual with an ineligible spouse	\$(564) <u>579</u>
Couple	\$(846) <u>869</u>

(b) Shared living (in the home of another)

Individual	\$(376) <u>386</u>
Individual with an ineligible spouse	\$(376) <u>386</u>
Couple	\$(564) <u>579</u>

(c) Living in an institution

Individual	\$30
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(2) See WAC 388-478-0055 for the amount of the state supplemental payments (SSP) for SSI recipients.

(3) ~~((The SSI-related CNIL standard varies in area 1 and area 2 for a single person. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. All other counties are area 2.))~~ The SSI-related CNIL standards are:

	((Area 1))	((Area 2))
(a) Single person	\$(570.00) <u>579.00</u>	\$(564.00)
(b) Married couple - both eligible	((846.00)) <u>869.00</u>	((846.00))
(c) Supplied shelter -single person	((376.00)) <u>386.00</u>	((376.00))
(d) Supplied shelter couple - both eligible	\$(564.00) <u>579.00</u>	\$(564.00)

(4) The countable resource standards for SSI and SSI-related CN medical programs are:

PROPOSED

- (a) One person \$2,000
 (b) A legally married couple \$3,000

A cost-benefit analysis is not required under RCW 34.05.328. This proposed change has no financial impact on the department or licensees.

January 5, 2005
 David Santhuff
 Program Manager

WSR 05-02-095
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed January 5, 2005, 10:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-21-068.

Title of Rule and Other Identifying Information: WAC 308-125-200 Standards of practice.

Hearing Location(s): Department of Licensing, Business and Professions Division, 2000 4th Avenue West, Building #3, Second Floor Conference Room, Olympia, WA 98502, on Tuesday, February 15, 2005, at 8:30 a.m.

Date of Intended Adoption: February 15, 2005.

Submit Written Comments to: David Santhuff, Real Estate Appraiser Program Manager, P.O. Box 9015, Olympia, WA 98507-9015, e-mail dsanthuff@dol.wa.gov, fax (360) 570-4981, by February 11, 2005.

Assistance for Persons with Disabilities: Contact Ralph Birkedahl by February 11, 2005, (360) 664-6504.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Substitute the 2005 edition of the Uniform Standards of Professional Appraisal Practice for the 2004 edition. This publication is the recognized federal standards for real estate appraisal. Incorporation by reference is required because to incorporate the whole text would be unduly cumbersome and expensive.

Reasons Supporting Proposal: That real estate appraisals in Washington be performed in accordance with current generally accepted appraisal standards as evidenced by the most recent amendments to appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This is required by Section 1110, Title XI of the Financial Institutions Recovery and Enforcement Act of 1989 (12 U.S.C. 3339).

Statutory Authority for Adoption: RCW 18.140.030(1) and 18.235.030(1).

Statute Being Implemented: March 18, 2005.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Enforcement of administrative disciplinary actions are dependent upon the use of the 2005 Uniform Standards of Professional Appraisal Practice publication.

Name of Proponent: Department of Licensing, Real Estate Appraiser Program, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Santhuff, Olympia, (360) 664-6504.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed change only adopts the current edition of the Uniform Standards of Professional Appraisal Practice.

AMENDATORY SECTION (Amending WSR 04-04-052, filed 1/30/04, effective 3/1/04)

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the ((2004)) 2005 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

WSR 05-02-096
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 5, 2005, 11:08 a.m.]

Supplemental Notice to WSR 04-15-141.

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

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

Hearing Location(s): Commission Hearing Room 206, 2nd Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on March 16, 2005, at 9:30 a.m.

Date of Intended Adoption: March 16, 2005, at 9:30 a.m.

Submit Written Comments to: Carole J. Washburn, Executive Secretary, P.O. Box 47250, Olympia, WA 98504-7250, or e-mail records@wutc.wa.gov, fax (360) 586-1150, by January 28, 2005. Please include Docket No. UG-011073 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung, by Tuesday, March 15, 2005, TDD (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The primary purpose of the supplemental CR-102 is to clarify the intent of the proposed effective dates in WAC 480-93-100(5) and 480-93-188(3) and to change the definition of "business district."

Comments received from stakeholders after the proposed rules were published on June 30, 2004, indicate that language concerning the effective dates of these two rules was not clear. In addition, the supplemental CR-102 provides minor clarifying changes to various rules in chapter 480-93 WAC. *A more detailed description of the substantive changes to the proposed rules is set forth below.*

NOTE: This summarizes, by rule, the substantive changes now being proposed to the proposed rules in chapter 480-93 WAC that were published at WSR 04-15-141:

WAC 480-93-005: The supplemental proposal would modify the proposed rule by changing the definition of the term "business district" and changes the term "building of public assembly" to "high occupancy structure or area."

WAC 480-93-015: Clarifies the language pertaining to calibration of instruments used for leak surveying.

WAC 480-93-020: Subsections (1)(a)(ii) and (b)(ii) are redrafted to reflect the change in definition from "building of public assembly" to "high occupancy structure or area" and rewritten for clarity.

WAC 480-93-080: Subsection (2)(c) is redrafted to clarify the tracking of production fuses.

WAC 480-93-100: Subsection (5) is modified to clarify the intent to require compliance with the rule after a one-year phase-in period.

WAC 480-93-110: Subsection (1) of the original proposal is duplicative of requirements in C.F.R. 49 Part 192, and has been deleted. The commission has determined that the provisions of subsection (7) of the original proposal are no longer necessary and the section has also been deleted.

WAC 480-93-160: Clarifies that certain reports must be filed with the commission.

WAC 480-93-188: Subsection (7) is modified to clarify the intent to require compliance with the rule after a two-year phase-in period.

Reasons Supporting Proposal: The proposed rules are necessary and reasonable to ensure the safety of gas pipeline operations and to promote safety for the citizens of Washington state from the hazards of gas pipeline operations. In addition, a review of the existing rules and the commission's experience in inspecting pipeline facilities in the state has shown a need for clarification of rules, consistency in practices among companies, and definition of terms used in federal and state rules. Some of the proposed rules apply more stringent requirements than existing federal rules to address concerns the commission has identified in its experience in inspecting pipeline facilities.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and 80.28.210.

Statute Being Implemented: Not applicable.

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

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

Name of Agency Personnel Responsible for Drafting: Sondra Walsh, Senior Policy Strategist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1286; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

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

Small Business Economic Impact Statement

A copy of the small business economic impact statement (SBEIS) was shown in the CR-102 filed as WSR 04-15-141. No changes contained in the proposal in this supplemental CR-102 would alter the result of the earlier SBEIS.

A copy of the statement may be obtained by contacting Washington Utilities and Transportation Commission, Records Center, Docket No. UG-011073, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1286, fax (360) 664-1150, e-mail swalsh@wutc.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not any agency to which RCW 34.05.328 applies.

January 5, 2005

Carole J. Washburn
Executive Secretary

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-005 Definitions. ~~((1) Bar hole—a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.~~

~~(2) Building—any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.~~

~~(3) Combustible gas indicator (CGI)—a device capable of detecting and measuring gas concentrations of the gas being transported.~~

~~(4) Confined space—any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, man-holes, etc.~~

~~(5) Follow up inspection—an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.~~

~~(6) Gas—natural gas, flammable gas, or gas which is toxic or corrosive.~~

~~(7) Gas associated substructures—those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.~~

~~(8) Gas company—the term "gas company" shall mean:~~

~~(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and~~

~~(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.~~

PROPOSED

(9) Gathering line—a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) Indication—a response indicated by a gas detection instrument that has not been verified as a reading.

(11) L.E.L.—the lower explosive limit of the gas being transported.

(12) Main—a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) Master meter system—a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) Maximum operating pressure—a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(15) Prompt action—shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.

(16) Reading—a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(17) Service line—a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.

(18) Transmission line—a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3 on the date specified in WAC 480-93-999.

(19) Tunnel—a subsurface passageway large enough for a person to enter and within which gas could accumulate.

(20) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein on the date specified in WAC 480-93-999.) (1) "Bar hole" means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "Building" means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) "Business district" means an area where the public regularly congregates or where the majority of the buildings on either side of the street are regularly utilized, for financial, commercial, industrial, religious, educational, health, or recreational purposes.

(4) "CFR" means the Code of Federal Regulations.

(5) "Combustible gas indicator" (CGI) means a device capable of detecting and measuring gas concentrations in air.

(6) "Commission" means the Washington utilities and transportation commission.

(7) "Follow-up inspection" means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(8) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.

(9) "Gas associated substructures" means those devices or facilities utilized by an operator which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(10) "Gas company" means, as defined in RCW 80.04.-010, every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

(11) "Indication" means a response indicated by a gas detection instrument that has not been verified as a reading.

(12) "LEL" means the lower explosive limit of the gas being transported.

(13) "MAOP" means maximum allowable operating pressure.

(14) "Master meters system" is defined as set forth in 49 CFR § 191.3.

(15) "Operator":

(a) For purposes of chapter 480-93 WAC, the term "operator" means:

(i) Every natural gas distribution company that has tariffs on file with the commission;

(ii) Every city or town that owns, controls, operates, or manages any gas plant in this state; and

(iii) Every other person or corporation transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance, or operation of pipelines for transporting natural gas in this state; even though such person or corporation does not deliver, sell, or furnish any such gas to any person or corporation within this state. The terms "person" and "corporation" are defined in RCW 80.04.010. "Transporting natural gas by pipeline" means transmission or distribution of natural gas through a pipe.

(b) A single entity may qualify as an operator under one or more of the provisions of this subsection.

(c) The term "operator" includes operators of master meter systems, as that term is defined in WAC 480-93-005.

(16) "High occupancy structure or area" means a building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(17) "Prompt action" means to dispatch qualified personnel without undue delay for the purpose of evaluating and, where necessary, abating an existing or probable hazard.

(18) "Psig" means pounds per square inch gauge.

(19) "Public service company" is defined in RCW 80.04.010.

(20) "Reading" means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(21) "Sniff test" means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(22) "Transmission line" means a gas pipeline as defined in 49 CFR § 192.3 on the date specified in WAC 480-93-999.

(23) "Weak link" means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(24) Other terms that correspond to those used in 49 CFR Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

NEW SECTION

WAC 480-93-007 Application of rules. (1) This chapter applies to the following activities of operators: The construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state.

(2) This chapter does not apply to customer-owned facilities, where the customer is the end user, and the customer-owned facilities are on the customer's side of the distribution meter. Customer-owned transmission lines are subject to the rules in this chapter.

(3) This chapter does not apply to those operators of gas facilities exclusively under federal jurisdiction for compliance with pipeline safety regulations.

NEW SECTION

WAC 480-93-008 Additional requirements. (1) These rules do not relieve any operator from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any operator in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-93-009 Severability. If any provision of this chapter or its application to any entity or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-93-012 Computation of time. The time frames identified in this chapter are calculated as follows:

(1) "Monthly" means any time within the calendar month.

(2) "Annually" means any time within the calendar year.

(3) "Six months" means the same calendar date of the sixth consecutive month (e.g., January 1, to July 1, would be six months).

(4) "Seven and one-half months" means the same calendar date of the seventh consecutive month plus an additional fifteen days.

(5) "Fifteen months" means the same calendar date of the fifteenth consecutive month.

(6) "Three years" means the same calendar date of the third consecutive year.

(7) "Thirty-nine months" means the same calendar date of the thirty-ninth consecutive month.

(8) "Five years" means the same calendar date of the fifth consecutive year.

(9) "Ten years" means the same calendar date of the tenth consecutive year.

(10) "Calendar year" means twelve consecutive months beginning January 1 and ending December 31.

(11) For calendar dates that end on a weekend or holiday, the next business day shall be considered the time frame end date.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-015 Odorization of gas. ~~((All gas being transported by pipeline in this state, and all gas consumed by an end-use customer, shall be odorized in accordance with 49 CFR, Part 192.625 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission.))~~ (1) All natural gas that is transported by pipeline must be odorized at a concentration in air of one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Operators must use odorant testing instrumentation when conducting sniff tests. Sniff tests must be performed at least once monthly.

(3) Operators must calibrate instruments used to conduct sniff tests in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, operators must conduct accuracy checks and calibrate instruments if outside specified tolerances, at least once annually.

(4) Operators must keep all records of odorant usage, sniff tests performed, and equipment calibration for five years.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-017 Filing requirements for design, specification, and construction procedures. ~~((The design, specification, and construction procedures for all gas facilities in this state must be on file with the commission. All proposed construction plans which do not conform with a gas company's existing and accepted design, specification, and~~

construction procedures on file with the commission, must be submitted to the commission at least thirty days prior to the initiation of construction activity. Written commission acceptance or rejection of the design, specification, and construction procedures to be utilized will be made within thirty days of receipt.) (1) Any operator operating a gas pipeline facility in this state must file with the commission all applicable design, specifications, and construction procedures used for each pipeline facility prior to operating the pipeline. All procedures must detail the acceptable types of materials, fittings, and components for the different types of facilities in the operator's system.

(2) With the exception of emergency situations, any construction plans that do not conform with a gas company's existing and accepted design, specifications, and construction procedures on file with the commission, must be submitted to the commission for review at least forty-five days prior to the initiation of construction activity.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-018 Maps, drawings, and records of gas facilities. ((All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.)) (1) Each operator must prepare, maintain, and make available to the commission, all maps, drawings, and records of the operator's gas facilities. The maps, drawings, and records must show the size and type of material for all facilities, the corrosion control systems, and the maximum allowable operating pressures. The maps and drawings must indicate the location of all district regulators, gate stations, and emergency valves specified in the operator's emergency plan.

(2) Each operator must make books, records, reports, and other information available to the commission upon request, so the commission can determine whether the operator is in compliance with state and federal regulations.

(3) Operators must update records within six months of completion of construction activity and make them available to appropriate company operations personnel.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-020 Proximity considerations. ((Gas facilities having a maximum operating pressure greater than five hundred psig shall not be operated within five hundred feet of the places described below without prior written authorization of the commission, unless a waiver previously approved by the commission continues in effect:

(1) A building intended for human occupancy which is in existence or under construction prior to the date authorization for construction is filed with the commission, and which is not owned and used by the petitioning gas company in its gas operations;

(2) Property which has been zoned as residential or commercial prior to the date authorization for construction is filed with the commission;

(3) A well defined outside area, such as a playground, recreation area, outdoor theater, or other place of public assembly, which is occupied by twenty or more people, sixty days in any twelve month period which is in existence or under construction prior to the date authorization for construction is filed with the commission; and

(4) A public highway, as defined in RCW 81.80.010(3).

In requesting prior written authorization of the commission, the petitioning gas company shall certify that it is not practical to select an alternative route which will avoid such locations and further certify that management has given due consideration to the possibility of the future development of the area and has designed its facilities accordingly. The petition shall include, upon request of the commission, an aerial photograph showing the exact location of the pipeline in reference to places listed above that are within five hundred feet of the pipeline right of way.) (1) Each operator must submit a written request and receive commission approval prior to operating any gas pipeline facility that has the following characteristics:

(a) Operating or intending to operate at greater than five hundred pounds per square inch gauge (psig) that is within five hundred feet of any of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or

(ii) A building or high occupancy structure or area, which is in existence or under construction prior to the date authorization for construction is filed with the commission; or

(iii) A public highway, as defined in RCW 81.80.010(3).

(b) Operating or intending to operate at greater than two hundred fifty psig, up to and including five hundred psig, that is operated within one hundred feet of either of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, and that is not owned and used by the petitioning operator in its gas operations; or

(ii) A building or high occupancy structure or area, which is in existence or under construction prior to the date authorization for construction is filed with the commission.

(2) For proposed new construction of pipelines having the characteristics listed in subsection (1)(a) or (b) of this section, operators must provide documentation proving that it is not practical to select an alternate route that will avoid such locations and further provide documents that demonstrate that the operator has considered the possibility of the future development of the area and has designed their pipeline facilities accordingly.

(3) During the review process, operators must provide maps and records to the commission showing the exact location of the pipeline and the shortest direct distance to the places described in subsection (1)(a) and (b) of this section. Upon request of the commission, the operator must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-040 Location of gas compressor stations on gas pipelines. ~~((No compressor station to be located on any gas pipeline shall be constructed in any zoned area without prior approval of the appropriate zoning authority and acquisition of required permits. In other areas the distance between any compressor station designed to operate at pressures in excess of 250 psig and any existing building intended for human occupancy and not under the control of the gas company shall not be less than 500 feet, except for compressor stations having an installed capacity of less than 1,000 horsepower, in which case such distance shall not be less than 250 feet.))~~ (1) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and having an installed capacity equal to or greater than one thousand horsepower, must be located at least five hundred feet away from any existing buildings that are not under the control of the operator.

(2) Gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and having an installed capacity of less than one thousand horsepower must be located at least two hundred fifty feet away from any existing buildings that are not under the control of the operator.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-080 Welder and plastic joiner identification and qualification ((certificates)). ~~((Welders will carry appropriate identification and qualification certificates showing name of welder, his welding qualifications, and date of last qualification test, the results thereof, and the company whose procedures were followed for the qualification. Welders certificates will be subject to commission inspection at all times when welder is working on construction projects which are subject to the commission's authority.))~~ (1) All welding procedures and welders, except welders listed in (a) of this subsection, must be qualified to API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code.

(a) Oxyacetylene welders may qualify under 49 CFR § 192 Appendix C, but may only weld the following size pipe:

(i) Nominal two-inch or smaller branch connections to nominal six-inch or smaller main or service pipe.

(ii) Nominal two-inch or smaller below ground butt welds.

(iii) Nominal four-inch or smaller above ground manifold and meter piping operating at 10 psig or less.

(iv) Appendix C welders must be requalified at least twice annually, but not to exceed seven and one-half months between qualification tests.

(b) When testing welders or qualifying procedures, operators must use the necessary testing equipment to measure the amperage, voltage, and speed of travel. All essential variables, as defined by the applicable procedure, must be recorded and documented as performed during the welder and procedure testing.

(c) For the purposes of (b) of this subsection, "essential variable" is defined as any variable in the welding procedure, which, according to the procedure being used, would require the requalification of the procedure if changed from or performed outside a specified range. "Speed of travel" is defined as the actual per pass welding time in minutes divided by the length of the weld in inches.

(d) Qualified written welding procedures must be located on-site where welding is being performed.

(2) Personnel qualified to join plastic pipe must be requalified at least once annually, but not to exceed fifteen months between qualifications.

(a) Qualified written plastic joining procedures must be located on-site where plastic joining is being performed.

(b) Plastic joiners must be requalified under an applicable procedure, if during any twelve-month period that person has not made any joints under that procedure.

(c) In order to ensure compliance with (b) of this subsection and Title 49 CFR Part 192.285(c), each operator must have a method of tracking production fuses. This method must be outlined in the operator's procedures manual. Production fuses need to be tracked only to the extent that shows compliance with this requirement. Operators may elect not to track production fuses in which case personnel qualified to join plastic pipe must be requalified at a frequency not to exceed twelve months.

(3) Welders and plastic joiners must carry appropriate identification and qualification cards or certificates showing the name of the welder or joiner, their qualifications, the date of qualification and the operator whose procedures were followed for the qualification. Welder and plastic joiner qualification cards will be subject to commission inspection at all times when qualified personnel are working on facilities subject to commission jurisdiction.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-100 ((Automatic)) Valves. ~~((Automatic valves shall not be installed on any gas pipeline except where the particular circumstances are such as to show that such valves will contribute to safer operation.))~~ (1) Each operator must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program will also outline how the operator will monitor and maintain valves during construction projects to ensure accessibility. The following criteria and locations must be considered when select-

ing which valves require annual inspections and maintenance under 49 CFR § 192.747:

- (a) Each pressure regulating station.
- (b) Principal feeds into business districts.
- (c) Geographical size of the area to be isolated.
- (d) Number of potential customers affected.
- (e) Pipeline size and operating pressures.
- (f) Class locations.
- (g) Potential threats including, but not limited to, earthquakes, floods, and landslides.
- (h) Emergency response time.
- (i) High occupancy structures or areas.

(2) Each operator must have a written service valve installation and maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which services will be required to have valves installed and/or maintained under this section. Preexisting service valves meeting the inspection criteria established in the written program must be maintained in accordance with the program. The following criteria and/or locations must be considered when selecting which services will have valves installed and/or maintained under this section.

- (a) Services to churches, schools, hospitals.
- (b) Service line length and size.
- (c) Service line pressure.
- (d) Services to buildings occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.
- (e) Services to commercial or industrial buildings or structures.
- (f) Services to high occupancy structures or areas.

(3) All service valves selected for inspection in the program required in subsection (2) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

(4) Operators must fully implement the requirements of subsections (2) and (3) of this section within one year of the adoption date of this rule.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-110 Corrosion control. (~~Every gas company must ensure that all of its metallic gas pipelines, except cast iron and ductile iron, are protected by a recognized method or combination of methods of cathodic protection. Every gas company shall record and retain all cathodic protection test readings taken and complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by the company's records.~~

~~Whenever a gas company finds from investigation as required by 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, that cathodic protection of gas pipelines is not needed, the company shall submit to the commission a report setting forth good and sufficient reasons why such protection is not required. The report shall include the results of soil tests and other supporting data-))~~ (1) Operators must record and retain a record of each cathodic protection test,

survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. Records of each test, survey, or inspection must be kept for a minimum of five years except those specified in 49 CFR § 192.491(c) requiring retention for the life of the facility.

(2) Each operator must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection. An additional thirty days may be allowed for remedial action if due to circumstances beyond the operator's control if it is not possible to complete remedial action within ninety days. Each operator must be able to provide documentation to the commission indicating that remedial action was started in a timely manner and that all efforts were made to complete remedial action within ninety days. (Examples of circumstances allowing operators to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

(3) Operators must have written procedures for the proper use, maintenance, accuracy check and where feasible the calibration of cathodic protection equipment and instrumentation. At a minimum, each operator must follow the manufacturer's recommended practices for equipment and instrument maintenance, accuracy checks and calibration. If there are no manufacturer's recommendations, then instruments must be tested for accuracy at an appropriate schedule determined by the operator.

(4) Each operator's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include, but are not limited to, how to determine IR drop (as defined in 49 CFR § 192 Appendix D), how to conduct electrical surveys, how to test casings for electrical isolation, how to test casings for shorted conditions, and how to measure and interpret 49 CFR § 192 Appendix D criteria.

(5) Operators must conduct inspections or tests for electrical isolation between metallic pipeline casings and metallic pipelines at least once annually, but not to exceed fifteen months between inspections or tests. The test or inspection must also determine whether the pipeline has adequate levels of cathodic protection at the casing to pipeline interface. These requirements do not apply to unprotected copper inserted in ferrous pipe.

(a) For each casing installed prior to September 5, 1992, that does not have test leads, the operator must be able to demonstrate that other test or inspection methods are acceptable and that test lead wires are not necessary to monitor for electrical isolation and adequate cathodic protection levels.

(b) Whenever electrical isolation tests or inspections indicate that a possible shorted condition exists between a casing and a pipeline, the operator must conduct a follow-up test within ninety days to determine whether an actual short exists. The operator's procedures manual must have a level or threshold that would indicate a potential shorted condition and must also detail the method of determining whether the casing is actually shorted to the pipeline.

(c) The operator must clear the shorted condition where practical.

(d) Whenever a short exists between a pipeline and casing, the operator must perform a leak survey within ninety days of discovery and at least twice annually thereafter, but not to exceed seven and one-half months between leak surveys until the shorted condition is eliminated.

(6) Operators must record the condition of all underground metallic facilities each time the facilities are exposed.

(7) Operators must have a written program to monitor for indications of internal corrosion. The program must also have remedial action requirements for areas where internal corrosion is detected.

(8) On all cathodically protected pipelines, the operator must take a cathodic protection test reading each time an employee or representative of the operator exposes the facility and the protective coating is removed.

(9) Each operator must have a written atmospheric corrosion control monitoring program. The program must have time frames for completing remedial action.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-115 Casing of pipelines. ((Whenever a gas company is required by a governmental entity or railroad company to install pipeline casing, the casing shall be designed to withstand the superimposed load. Steel pipe shall only be encased in a bare steel casing. A separate test lead wire shall be attached to the casing and the steel gas pipeline to verify that no electric short exists between the two. Tests shall be performed annually on all encased gas pipelines. Whenever a short exists between a pipeline and its casing, the condition shall be evaluated within ninety days to determine whether a hazardous condition exists. Thereafter, leak tests shall be conducted on a ninety-day schedule until the condition is corrected. Every gas company shall develop procedures to ensure that whenever plastic pipe is encased, suitable precautions shall be taken to prevent crushing or shearing of the plastic pipe where it exits the casing.)) (1) Whenever an operator installs a steel pipeline in a casing, the casing must be bare steel.

(2) For casings installed after September 5, 1992, operators must attach separate test lead wires to each casing without vents, and to the steel gas pipeline to verify that no electric short exists between the two, and that an adequate level of cathodic protection is applied to the steel pipeline.

(3) Whenever an operator installs a main or transmission line in a casing or conduit of any type material, the operator must seal the casing ends to prevent or slow the migration of gas in the event of a leak.

(4) Whenever an operator installs a service line in a casing or conduit, the operator must seal the casing at the end nearest the building wall to prevent or slow the migration of gas towards the building in the event of a leak.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-124 Pipeline markers. ((All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as

required by 49 CFR, Part 192.707. Off set pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.) (1) Operators must place pipeline markers at all railroad, road, irrigation, and drainage ditch crossings, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed. For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline. Exceptions to this rule must conform with 49 CFR § 192.707(b).

(2) The following pipelines are not exempted by 49 CFR § 192.707(b) and must have pipeline markers installed:

(a) Where practical, on all mains operating above two hundred fifty psig;

(b) On both sides of crossings of navigable waterways;

(c) On both sides of river, creek, or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline; and

(d) On all railroad crossings.

(3) Where gas pipelines are attached to bridges or otherwise span an area, operators must place pipeline markers at both ends of the suspended pipeline. Each operator must conduct inspections at least annually, but not to exceed fifteen months between inspections, and maintain the markers to ensure that they are visible and legible.

(4) Operators must replace markers that are reported damaged and missing within forty-five days.

(5) Surveys of pipeline markers not associated with subsection (3) of this section must be conducted as frequently as necessary, to maintain the markers to ensure that they are visible and legible, but at intervals not to exceed five years. The survey records must be kept for a minimum of ten years.

(6) Operators must have maps, drawings or other sufficient records indicating class locations and other areas where pipeline markers are required.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-130 Multistage pressure regulation. ((Where gas pressures are reduced in two or more stages, the necessary regulations and auxiliary equipment will be installed in such a manner as to provide maximum protection between regulator systems. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion or damage of any kind from adversely affecting the operation of the other stage or stages of regulation. A minimum of fifty feet of separation will be

~~provided between regulator systems when practical to do so.)) Where gas pressures are reduced in two or more stages, an operator must install the necessary regulators and equipment in such a manner as to provide protection between regulator stages. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Operators must ensure where feasible, there is a minimum of fifty feet of separation between regulator stages.~~

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-140 ((Meter)) Service regulators. ~~((Gas companies that have customers with electronic ignition appliances shall have meter regulators with relief valves, monitors, or safety shut-off valves. Gas companies that have customers with standing pilots may use meter regulators that do not use relief valves, monitors, or safety shut-off valves, if responsible officers of the gas company certify to the commission that due consideration has been given to the possible existence of foreign matter in their distribution system and other factors that might interfere with the proper operation of service regulators and they believe that under such conditions relief valves, monitors, or safety shut-off valves are not required or appropriate for safe operation.)) (1) Operators must install, operate, and maintain service regulators in accordance with federal and state regulations, and in accordance with the manufacturer's recommended installation and maintenance practices to insure proper operation.~~

~~(2) Operators must inspect and test service regulators and associated safety devices during the initial turn-on, and when a customer experiences a pressure problem. Testing must include determining the gas regulator's outlet set pressure at a specified flow rate. Operators must use pressure gauges downstream of the regulator during testing. Safety devices such as fracture discs are not required to be tested.~~

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-155 Increasing maximum allowable operating pressure. ~~((Notwithstanding the requirements of any other section of this chapter, the commission shall be furnished complete written plans and drawings of each pressure uprating to a maximum operating pressure greater than sixty psig, at least thirty days prior to raising the pressure. The plan shall include a review of the following:~~

- ~~(1) All affected gas facilities, including pipe, fittings, valves, and other associated equipment, with their manufactured design operating pressure and specifications;~~
- ~~(2) Original design and construction standards;~~
- ~~(3) All previous operating pressures and length of time at that pressure;~~
- ~~(4) All leaks, regardless of cause, and the date and method of repair;~~
- ~~(5) All upstream and downstream regulators and relief valves; and~~

~~(6) All cathodic protection readings on mains for the past three years or three most recent inspections, whichever is longer, and the most recent inspection on each attached service line, which is electrically isolated.~~

~~The plan shall conform with the requirements of 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999.)) (1) At least forty-five days before uprating to a maximum allowable operating pressure (MAOP) greater than sixty pounds per square inch gauge (psig), each operator must submit to the commission for review a written plan of procedures including all applicable specifications with drawings of the affected pipeline systems. At a minimum, the plan must include the following:~~

~~(a) A list of all affected gas facilities, including pipes, fittings, valves, and other affected equipment, with the manufacturer's specified maximum operating pressure limits, their specified minimum yield strength (SMYS) at the intended MAOP, and any other applicable specifications or limitations;~~

~~(b) Original design and construction standards;~~

~~(c) Original pressure test records;~~

~~(d) Previous operating pressures identifying the dates and lengths of time at that pressure;~~

~~(e) Records of all leaks, regardless of cause, and the dates and methods of repair;~~

~~(f) Where the pipeline is being uprated to an MAOP of over twenty percent of the SMYS, records of the original welding standards and welders;~~

~~(g) Maintenance records of all affected regulators and relief valves for the past three years or three most recent inspections, whichever is longer;~~

~~(h) Where applicable, relief valve capacities compared to regulator flow capacities, with calculations;~~

~~(i) Cathodic protection readings of the affected pipeline and facilities, including rectifier readings, for the past three years or three most recent inspections, whichever is longer; and~~

~~(j) Any additional records that commission staff may deem necessary to evaluate the pressure increase.~~

~~(2) Uprates must be based on a previous pressure test that will substantiate the intended MAOP. When there is no documented history of a pressure test or where the original pressure test would not substantiate the intended MAOP, an operator must either conduct a new pressure test, or where allowed by 49 CFR § 192.503(c), conduct a pressure test in conjunction with the uprate.~~

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-160 ((Reports)) Reporting requirements of proposed construction. ~~((1) At least 30 days prior to the construction or major reconstruction (or reconditioning) of any gas pipeline intended to be operated at 20% or more of the specified minimum yield strength of the pipe used, a report shall be filed with the commission setting forth the proposed route and the specifications for such pipeline. The report shall include, but not be limited to, the following items:~~

~~(a) Description and purpose of the proposed pipeline.~~

(b) ~~Pipe specifications and route map showing type of construction to be used throughout the length of the line and delineation of class location and incorporated boundaries along the route. Where Type A or B construction is planned, aerial photographs or other suitable means of verifying the applicability of Type A or B construction shall be furnished to the commission.~~

(c) ~~Maximum allowable operating pressure for which the pipeline is being constructed.~~

(d) ~~Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and encroachments thereto, other areas requiring special or unusual design and construction considerations.~~

(e) ~~Proposed corrosion control program to be followed including specifications for coating and wrapping.~~

(f) ~~Type of fluid and test pressures to be used when proof strength testing the line. Terrain profile sketches indicating maximum and minimum elevations for testing purposes, if appropriate. Water will be used when feasible as the test medium on all lines 6" or greater in diameter and when the test pressure is to exceed 250 psig. If water is not to be used, briefly explain and list test medium to be used.~~

(g) ~~Welding specifications and welding inspection methods and procedures to be followed during construction of the pipeline. Location of inspection records during and after construction. Name(s) and address(es) (while at the construction site) of authorized chief company inspector(s) and scope of responsibility, if appropriate. The 30-day advanced notification of name(s) and address(es) of chief inspector(s) is waived for this requirement and telephonic communication of such information will be acceptable. This information will, however, be furnished to the commission prior to the start of construction and will be kept current until construction is completed.~~

(h) ~~Bending procedures to be followed.~~

(i) ~~Location and specification of principal valves, regulators and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.~~

(j) ~~Any features of design or construction which do not meet or exceed the safety requirements of these rules and regulations will be explained and justified. Further, it will be necessary to certify that the proposed deviation meets all known safety requirements and in the opinion of the certifying officer for the company, the deviation, if granted, would not contribute to the development of an unsafe operating condition in the system. All waivers to office of pipeline safety, department of transportation, rules and regulations require 60-day advanced notification before approval.~~

~~(2) Every gas company shall on the fifteenth day of each month submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.))~~ (1) Each operator must file a proposed construction report with the commission at least forty-five days prior to construction or replacement of any segment of a gas transmission pipeline equal to or greater than one hundred feet in length. Emergency repairs are exempt from this section.

(2) The report must describe the proposed route and the specifications for the pipeline and must include, but is not limited to, the following items:

(a) Description and purpose of the proposed pipeline;

(b) Route map showing the type of construction to be used throughout the length of the line, and delineation of class location as defined in 49 CFR Part 192.5, and incorporated boundaries along the route;

(c) Location and specification of principal valves, regulators, and other auxiliary equipment to be installed as a part of the pipeline system to be constructed. The operator must submit aerial photographs upon request;

(d) Maximum allowable operating pressure for the pipeline being constructed;

(e) Location and construction details of all river crossings or other unusual construction requirements encountered en route, e.g., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways, including encroachments, and any other areas requiring special or unusual design and construction considerations;

(f) Proposed corrosion control program to be followed including specifications for coating and wrapping, and the method to ensure the integrity of the coating using holiday detection equipment;

(g) Welding specifications; and

(h) Bending procedures to be followed if needed.

(3) Emergency repairs are exempt from this section.

AMENDATORY SECTION (Amending Order R-28, filed 7/15/71)

WAC 480-93-170 Tests and reports ((~~thereof~~)) for pipelines. ~~((1) When any gas pipeline intended to be subjected to pressures in excess of 20% of the specified minimum yield strength of the pipe used is placed in operation a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subjected and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed. The results of all tests made pursuant thereto shall be filed with the commission within 30 days of placing the facilities into service. No gas pipeline hereafter placed in service shall be operated at pressures in excess of the pressure for which it was certified to the commission.~~

~~(2) At least 30 days prior to an increase and not later than 30 days subsequent to a decrease in the maximum allowable operating pressure of a pipeline, on pipelines operating at pressures equal to or greater than 20% of the specified minimum yield strength of the pipe in use, a report shall be filed with the commission giving change in allowable operating pressure, and, if the pressure was increased, the steps taken to qualify the line for higher operating pressure.~~

~~(3) The commission shall be notified in writing at least two business days prior to the commencement of any pressure test of a gas pipeline to be operated at pressures in excess of 20% of the specified minimum yield strength of the pipe used.~~

~~(4) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations shall be of at least 8 hours' duration.~~

~~(5) When the test medium is to be a gas or compressible fluid then every gas company testing pipelines to be operated in excess of 20% of the specified minimum yield strength of the pipe used shall, prior to any tests, notify appropriate officials of all municipalities wherein such tests are to be made in order that adequate and proper police protection may be provided.~~

~~(6) The requirements of paragraphs (3) and (4) will be waived in an emergency where it is necessary to maintain continuity of service.)~~ (1) Operators must notify the commission in writing at least two business days prior to the commencement of any pressure test of a gas pipeline that will have an MAOP in excess of twenty percent of the specified minimum yield strength of the pipe used.

(a) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations, as defined in 49 CFR Part 192.5, or within one hundred yards of a building intended for human occupancy, must be at least eight hours in duration.

(b) When the test medium is to be a gas or compressible fluid, each operator must notify the appropriate public officials so that adequate public protection can be provided for during the test.

(c) In an emergency situation where it is necessary to maintain continuity of service, the requirements of subsection (1) of this section and subsection (1)(a) of this section may be waived by notifying the commission by telephone prior to performing the test.

(2) The minimum test pressure for any steel service line or main, regardless of the intended operating pressure, must be determined by multiplying the intended MAOP by a factor determined in accordance with the table located in 49 CFR § 192.619 (a)(2)(ii).

(3) Operators must perform pressure tests for all new or replacement pipeline installations.

(4) All service lines that are broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, must be pressure tested from the point of damage to the service termination valve (generally the meter set) prior to being placed back into service.

(5) Operators may only use pretested pipe when it is not feasible to conduct a pressure test.

(6) Operators must perform soap tests at the tie-in joints at not less than the current operating pressure of the pipeline.

(7) Operators must keep records of all pressure tests performed for the life of the pipeline and must document the following information:

- (a) Operator's name;
- (b) Employee's name;
- (c) Test medium used;
- (d) Test pressure;
- (e) Test duration;
- (f) Pipe size and length;
- (g) Dates and times; and
- (h) Test results.

(8) Where feasible, operators must install and backfill plastic pipe prior to pressure testing to expose any potential

damage that could have occurred during the installation and backfill process.

(9) Where multiple pressure tests are performed on a single installation, operators must maintain a record of each test. An example of a single installation with multiple tests would be any continuous on-going job or installation such as a new plat or long main installation where more than one pressure test was conducted during construction.

(10) Pressure testing equipment must be maintained, calibrated, or where calibration is not possible, checked for accuracy according to the manufacturer's recommended schedule. If no manufacturer's schedule is available, each operator must determine an accuracy or calibration test schedule and include it in the operations and maintenance procedures manual. Test equipment must be tagged with the calibration or accuracy check expiration date. The requirements of this section also apply to equipment such as pressure charts, gauges, dead weights or other devices used to test, monitor or check system pressures or set-points.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-175 Moving and lowering metallic gas pipelines. ~~((A gas company shall prepare a study, prior to the moving or lowering of every gas pipeline, except service lines and plastic mains, to determine whether the proposed action will cause an unsafe condition. This study will be reviewed and certified by the gas company's senior engineer and retained in the gas company's files for the life of the pipeline. The study shall include, but not be limited to the following criteria:~~

- (1) The required deflection of the pipeline;
- (2) The diameter, wall thickness, and grade of the pipe;
- (3) The characteristics of the pipeline;
- (4) The terrain and class location;
- (5) The soil conditions, including the pH;
- (6) The current condition of the pipeline;
- (7) The safe stress of the pipeline; and
- (8) The toughness of the steel.

~~If the toughness of the pipe is unknown, it shall be considered to be brittle, and the pipeline shall not be moved.)~~ (1) Except those pipelines detailed in subsection (3) of this section, each operator must prepare a study prior to moving or lowering any metallic pipeline to determine whether the proposed action will cause an unsafe condition. This study must be reviewed and approved by the operator's engineering department and retained in the operator's files for the life of the pipeline. This requirement does not apply to cast iron pipelines, which may not be lowered, or to copper pipelines. The study must include, but is not limited to, the following criteria:

- (a) The required deflection of the pipe;
- (b) The diameter, wall thickness, and grade of pipe;
- (c) The characteristics of the pipeline;
- (d) The terrain and class location;
- (e) The present condition of the pipeline;
- (f) The anticipated stresses of the pipeline including the safe allowable stress limits; and
- (g) The toughness of the steel.

(2) Pipelines with mechanical or threaded joints must not be moved or lowered.

(3) Pipelines operating at sixty psig or less which have a nominal diameter of two inches or less may be moved or lowered without the required study, if the operator can certify that no undue stresses will be placed on the pipeline and that it can be moved or lowered in a safe manner. The operator must consider factors such as the type of materials, proximity to fittings, joints, and welds, and any other factors that could place undue stress on the pipeline or create an unsafe condition.

(4) A leak survey must be conducted within thirty days from the date any pipeline has been moved or lowered under subsection (3) of this section.

NEW SECTION

WAC 480-93-178 Protection of plastic pipe. (1) Every operator must have detailed written procedures for the storage, handling, and installation of plastic pipelines. Except for joining procedures, and unless the operator has more stringent procedures, the storage, handling, and installation of all plastic pipe must be in accordance with the latest applicable manufacturer's recommended practices.

(2) The maximum cumulative ultraviolet light exposure limit for plastic pipe is two years, or the manufacturer's recommended limit. The acceptable time limit must be detailed in the operator's procedures manual.

(3) Plastic pipe that is pulled through the ground by mechanical means must have a weak link installed that will ensure the pipe will not be damaged by excessive tensile forces.

(4) When installing plastic pipelines parallel to other underground utilities, operators must ensure there is a minimum of twelve inches of separation from the other utilities. Where a minimum twelve inches of separation is not possible, operators must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

(5) When installing plastic pipelines perpendicular to other underground utilities, operators must ensure there is a minimum of six inches of separation from the other utilities. Where a minimum six inches of separation is not possible, an operator must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

(6) Except for approved steel encased plastic pipe, and except where allowed by (b) of this subsection, the maximum time limit that plastic pipe may be temporarily installed above ground is thirty days.

(a) During temporary installations, operators must monitor and protect above ground plastic pipe from potential damage.

(b) Operators may install above ground plastic pipe for periods longer than thirty days if they have a written monitoring program and notify the commission by telephone prior to exceeding the thirty-day time limit.

(7) Plastic pipe must be bedded in a suitable material as recommended by the pipe manufacturer. Unless otherwise

permitted by the manufacturer, plastic pipe must be bedded in an essentially rock-free material.

(8) Plastic pipe may not be squeezed more than one time in the same location.

(9) Plastic pipe must not be squeezed within twelve inches or three pipe diameters, whichever is greater, from any joint or fitting.

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements. ~~((In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192 in effect on the date specified in WAC 480-93-999, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:~~

~~(1) Relevant available pipeline safety data;~~

~~(2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;~~

~~(3) The reasonableness of the plans and procedures; and~~

~~(4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.~~

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.) (1) Each operator must have a plan and procedure manual for operation, maintenance, inspection, and emergency response activities. The manual must comply with the provisions and general intent of the "Pipeline Safety

Improvement Act of 2002." The manual must include plans and procedures for all requirements of 49 CFR § 192 and chapter 480-93 WAC, and any plans or procedures used by an operator's associated contractors.

(2) Plans must be filed with the commission as soon as practical for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require that a manual be revised or amended. Applicable portions of the manual related to a procedure being performed on the pipeline must be retained on-site where the activity is being performed.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-185 Gas leak investigation. ((Any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from an outside source such as a police or fire department, other utility, contractor, customer, or the general public, shall be investigated promptly by the gas company. Where the investigation reveals a leak, the leak shall be graded pursuant to WAC 480-93-186 and appropriate action shall be taken in accordance with these rules.

When leak indications are found to originate from a foreign source or facility, such as gasoline vapors, sewer or marsh gas, or customer owned piping, prompt action shall be taken at that time, where appropriate, to protect life and property. Leaks that represent an ongoing, potentially hazardous situation shall be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, or other appropriate governmental agency. In all cases, the property owner or the adult person occupying the premises shall be notified of the leak conditions. If no methane indication is found, the gas company employee on site shall so inform the property owner or the adult person occupying the premises, and shall request the adult person occupying the premises sign the gas company work order indicating that a gas leak was not the source of the leak indication. The gas company employee shall provide the adult person occupying the premises an odor sniff card which identifies the odor of natural gas and indicates the name, address, and telephone number of the gas company representative to be contacted if the leak indications are again noticed. If the property owner or an adult person occupying the premises is not available, the gas company shall, within twenty four hours of the leak notification, send by first class mail addressed to the person occupying the premises, a letter explaining the results of the investigation. A copy of the letter shall be retained by the gas company and kept with the leak report. A leak investigation report form shall be maintained in the gas company's leak report files for all leaks investigated, indicating gas company employee making the initial leak evaluation.)) (1) The operator must promptly investigate any notification of a leak, explosion, or fire, which may involve gas pipelines or other gas facilities, received from any outside source such as a police or fire department, other utility, contractor, customer, or the general public. Where the investigation reveals a leak, the operator must grade the leak

in accordance with WAC 480-93-186, and take appropriate action. The operator must retain the leak investigation record for the life of the pipeline.

(2) In the event of an explosion, fire, death, or injury, the operator must not remove any suspected gas facility until the commission or the lead investigative authority have designated the release of the gas facility. Once the situation is made safe, the operator must keep the facility intact until directed by the lead investigative authority.

(3) When leak indications are found to originate from a foreign source or facility such as gasoline vapors, sewer, marsh gas, or from customer-owned piping, the operator must take appropriate action to protect life and property. Leaks that represent an on-going, potentially hazardous situation must be reported promptly to the owner or operator of the source facility and, where appropriate, to the police department, fire department, or other appropriate governmental agency. If the property owner or an adult person occupying the premises is not available, the operator must, within twenty-four hours of the leak investigation, send by first-class mail, addressed to the person occupying the premises, a letter explaining the results of the investigation. The operator must keep a record of each letter sent for five years.

AMENDATORY SECTION (Amending Order R-103, filed 5/18/77)

WAC 480-93-186 Leakage classification and action criteria. ((1) Gas leak classification and repair.

(a) General. Each gas company shall establish a procedure by which leakage indications of flammable gas will be graded and controlled. When evaluating any leak indication a preliminary step is to determine the perimeter of the leak area. When this perimeter extends to a building wall the investigation shall extend inside the building.

(b) Leak grades. Based on an evaluation of the location and/or magnitude of a leak, one of the following leak grades shall be assigned, thereby establishing the leak repair priority. A gas company may utilize an alphabetical grade classification, i.e. Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically utilized such a grading designation.

Grade 1—Grade 1 means a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or continuous action until conditions are no longer hazardous.

Grade 2—Grade 2 means a leak recognized as being non-hazardous at the time of detection but requiring scheduled repair based on probable future hazard.

Grade 3—Grade 3 means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

Leakage classification and control requirements are provided in Table 1. The examples of leakage provided in the table are guidelines and are not exclusive. The judgment of the gas company personnel at the scene is of primary importance in determining the grade assigned to a leak.

(c) Follow up inspections. The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The perimeter of the leak area shall be checked with

a CGI. In the case of repair of a Grade 1 leak, where there is residual gas in the ground, a follow-up inspection shall be made as soon as practical but in no case later than one month following the repair. In the case of Grade 2 or Grade 3 leaks which have been repaired, the need for a follow-up inspection shall be determined by qualified personnel employed or retained by the gas company.

(2) Regrading of leaks. Leaks are to be reinspected using the same criteria used to grade leaks when they are first detected and graded. (1) Based on an evaluation of the location and/or magnitude of a leak, the operator must assign one of the leak grades in subsection (3) of this section, thereby establishing the leak repair priority. An operator may use an alphabetical grade classification, i.e., Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically used such a grading designation. Operators must apply the same criteria used for initial leak grading to reinspected leaks.

(2) Gas leak classification and repair. Each operator must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the operator must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the operator must extend the investigation inside the building. Where the reading is in an unvented, confined space, the operator must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) Follow-up inspections. The operator must check the perimeter of the leak area with a combustible gas indicator. The operator must reinspect all leaks with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) Leak grades.

(a) Grade 1 means a leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until conditions are no longer hazardous.

(b) Grade 2 means a leak recognized as not being hazardous at the time of detection but requiring scheduled repair based on potential future hazard.

(c) Grade 3 means a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(d) Grade 1 and 2 leaks can only be downgraded once to a Grade 3 leak without a physical repair. After a leak has been downgraded once, the maximum repair time for that leak is twenty-one months.

(5) Leakage classification and control requirements are provided in WAC 480-93-18601.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-18601 ((Table 1—))Leak classification and action criteria—Grade—Definition—Priority of leak repair((—Examples)).

((TABLE 1—LEAK CLASSIFICATION AND ACTION CRITERIA

**GRADE 1
DEFINITION**

A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

(PRIORITY OF LEAK REPAIR	EXAMPLES
Requires prompt action* to protect life and property and continuous action until the conditions are no longer hazardous. *The prompt action in some instances may require one or more of the following:	Leaks requiring prompt action:
a. Implementation of company emergency plan (192-615).	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
b. Evacuating premises.	2. Escaping gas that has ignited unintentionally.
c. Blocking off an area.	3. Any indication of gas which has migrated into or under a building or tunnel.
d. Rerouting traffic.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
e. Eliminating sources of ignition.	5. Any reading of 80% LEL or greater in a confined space.
f. Venting the area, or	6. Any reading of 80% LEL, or greater in small substructures not associated with gas likely migrate to the outside wall of a building.
g. Stopping the flow of gas by closing valves or other means.	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
h. Notifying police and fire departments.	

**GRADE 2
DEFINITION**

A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

PRIORITY OF LEAK REPAIRS	EXAMPLES
Leaks should be repaired or cleared in one year but shall not exceed fifteen months from the date reported. If a Grade 2 leak occurs in a segment of pipeline which is under consideration for replacement, an additional 6 months may be added to the 15 months maximum time for repair noted above. In determining the repair priority, criteria such as the following should be considered:	A. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:
	1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.

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PROPOSED

PRIORITY OF LEAK REPAIRS

EXAMPLES

- a. Amount and migration of gas;
- b. Proximity of gas to buildings and subsurface structures;
- c. Extent of pavement; and
- d. Soil type and conditions, such as frost cap, moisture and natural venting.

- B. Leaks requiring action within six months:
 1. Any reading of 40% LEL or greater under a sidewalk in a wall to wall paved area that does not qualify as a Grade 1 leak and where gas is likely to migrate to the outside wall of a building.
 2. Any reading of 100% LEL or greater under a street in a wall to wall paved area that does not qualify as a Grade 1 leak and where the gas is likely to migrate to the outside wall of a building.
 3. Any reading less than 80% LEL in small substructures not associated with gas facilities where gas would likely migrate creating a probable future hazard.
 4. Any reading between 20% LEL and 80% LEL in a confined space.
 5. Any reading on a pipeline operating at 30% SMYS or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak.
 6. Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

Grade 2 leaks shall be re-evaluated at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

It should be recognized that Grade 2 leaks will vary greatly in degree of potential hazard. There will be some Grade 2 leaks, which when evaluated by the above criteria, will justify scheduled repair within the next 5 working days. Others will justify repair within 30 days. These situations shall be brought to the attention of the individual responsible for scheduling leakage repair at the end of the working day.

On the other hand, there will be many Grade 2 leaks, which because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

GRADE 3 DEFINITION

A leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous.

PRIORITY OF LEAK REPAIRS

EXAMPLES

Grade 3 leaks should be re-evaluated during the next scheduled survey, or within 15 months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

- Leaks requiring reevaluation at periodic intervals:
 1. Any reading of less than 80% LEL in small gas associated substructures such as small meter boxes or gas valve boxes.
 2. Any reading under a street in areas without wall to wall paving where it is unlikely the gas could migrate to the outside wall of a building.
 3. Any reading of less than 20% LEL in a confined space.)

(1) Grade 1 leak. A "Grade 1 leak" is a leak that represents an existing or probable hazard to persons or property

and requiring prompt action, immediate repair, or continuous action until the conditions are no longer hazardous.

(a) Prompt action in response to a Grade 1 leak may require one or more of the following:

- (i) Implementation of the operator's emergency plan pursuant 49 CFR § 192.615;
- (ii) Evacuating the premises;
- (iii) Blocking off an area;
- (iv) Rerouting traffic;
- (v) Eliminating sources of ignition;
- (vi) Venting the area;
- (vii) Stopping the flow of gas by closing valves or other means; or
- (viii) Notifying police and fire departments.

(b) Examples. Examples of Grade 1 leaks requiring prompt action include, but are not limited to:

- (i) Any leak, which in the judgment of operating personnel at the scene, is regarded as an immediate hazard;
- (ii) Escaping gas that has ignited unintentionally;
- (iii) Any indication of gas that has migrated into or under a building or tunnel;
- (iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building;
- (v) Any reading of eighty percent LEL or greater in a confined space;
- (vi) Any reading of eighty percent LEL, or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or
- (vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

(2) Grade 2 leak. A "Grade 2 leak" is a leak that is recognized as being not hazardous at the time of detection but justifies scheduled repair based on potential future hazard.

(a) Operators must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for repair provided above. In determining the repair priority, operators should consider the following criteria:

- (i) Amount and migration of gas;
- (ii) Proximity of gas to buildings and subsurface structures;
- (iii) Extent of pavement; and
- (iv) Soil type and conditions, such as frost cap, moisture and natural venting.

(b) Operators must reevaluate Grade 2 leaks at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

(c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Others in (a) of this subsection require repair within thirty days. The operator must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks,

because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reinspection as necessary.

(d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside of a building, under frozen or other adverse soil conditions.

(e) Examples. Grade 2 leaks requiring action within six months include, but are not limited to:

(i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building;

(ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak where gas could potentially migrate to the outside wall of a building;

(iii) Any reading less than eighty percent LEL in small substructures not associated with gas facilities where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in a confined space;

(v) Any reading on a pipeline operating at thirty percent specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or

(vi) Any leak which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

(3) Grade 3 leak. A "Grade 3 leak" is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

(b) Examples. Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to:

(i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or

(ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-187 Gas leak records ((and self audit)).

((1) Gas leak records. Every gas company shall prepare and maintain permanent gas leak repair records. Sufficient data and information shall be included in leak repair records to permit the commission to assess the adequacy of the company maintenance programs and to provide the data and information needed to complete every required RSPA F-7100.1, F-7100.1-1, F-7100.2, and F-7100.2-1 leak report.

(2) The following data and information shall be recorded and maintained. Every gas company which by law must report leaks to a regulatory agency charged by law with environmental protection shall file copies of these reports with

the commission. Data and information which cannot reasonably be expected to be available under the particular circumstances of a leak situation need not be reported, but at a minimum will include the following:

(a) Date and time detected, date and time reported, date and time and name of employees dispatched, and the date and time the leak was investigated;

(b) Date and time the leak was reevaluated before repair, and the name of the employee involved;

(c) Date and time of repair, when a Grade 1 leak is involved, and the name of the employee in charge of the repair;

(d) Date and time the leak was rechecked after repair and the employee involved;

(e) If leak was reportable to an environmental agency, date and time report made to regulatory authority and name of reporting employee;

(f) Location of leak (sufficiently described to allow ready location by other competent personnel);

(g) Leak grade;

(h) Line use (distribution, transmission, etc.);

(i) Method of leak detection (if reported by outside party, list name and address);

(j) Part of system where leak occurred (main, service, etc.);

(k) Part of system which leaked (pipe, valve, fitting, compressor or regulator station, etc.);

(l) Material which leaked (steel, plastic, cast iron, etc.);

(m) Origin of leak;

(n) Pipe description;

(o) Type repair;

(p) Leak cause;

(q) Date pipe installed (if known);

(r) Whether under cathodic protection; and

(s) Magnitude of CGI readings at appropriate locations which are a part of the classification procedures contained in Table 1 of WAC 480-93-186 (codified as WAC 480-93-18601).

The data to be recorded on leaks which have been appropriately classified as "Grade 3" may be at the company's discretion, but must include, at a minimum, information necessary to allow for proper follow-up action to be accomplished.

(3) Self audits. In order that the effectiveness of the leak repair program may be evaluated, the following self audits shall be performed by every gas company:

(a) Repair scheduling— assure that repairs are made within the time specified;

(b) Repair effectiveness— assure that leak repairs are effective; and

(c) Check adequacy of records.) Each operator must prepare and maintain permanent gas leak records. The leak records must contain sufficient data and information to permit the commission to assess the adequacy of the operator's leakage program. Gas leak records must contain, at a minimum, the following information:

(1) Date and time the leak was detected, investigated, reported, and the name of the employee(s) conducting the investigation;

(2) Date and time the leak was reevaluated before repair, and the name of the employee(s) involved;

(3) Date and time of repair and the name of the employee(s) in charge of the repair;

(4) Date and time of any rechecks performed, and the name of the employee(s) involved;

(5) Location of the leak (sufficiently described to allow ready location by other qualified personnel);

(6) Leak grade;

(7) Pipeline classification (e.g., distribution, transmission, service);

(8) If reported by an outside party, list the name and address of the reporting party;

(9) Component that leaked (e.g., pipe, tee, flange, valve);

(10) Size and material that leaked (e.g., steel, plastic, cast iron);

(11) Pipe condition;

(12) Type of repair;

(13) Leak cause;

(14) Date pipe installed (if known);

(15) Magnitude and location of CGI readings left; and

(16) Unique identification numbers (such as serial numbers) of leak detection equipment.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-188 Gas leak surveys. ~~((1) Types of gas leak surveys and test methods. Every gas company shall have a leak control program, which shall be determined by the nature of the gas company's system and by existing physical and operating conditions, and which must meet the following minimum requirements. During a gas leak survey, a gas detection instrument shall be conducted over all mains and services, including the testing of the atmosphere in gas, electric, telephone, sewer, water, and other underground structures; at cracks in paving, and in wall to wall paved areas, the cracks in sidewalks; at building walls; and at other opportune locations for discovering gas leaks.~~

~~(2) Maintenance and calibration of instruments. All instruments used in leak detection and evaluation shall be maintained, calibrated, and operated in accordance with the latest applicable manufacturers' specifications, methods, and procedures unless alternative specifications, methods, and procedures have been approved by an appropriate governmental agency.~~

~~(3) Frequency of surveys in designated areas. Gas leakage surveys shall be conducted according to the following specified frequencies:~~

~~(a) Business areas at intervals not exceeding fifteen months, but at least once each calendar year;~~

~~(b) Residential areas as frequently as necessary, but at intervals not exceeding five years;~~

~~(c) Buildings of public assembly at intervals not exceeding fifteen months, but at least once each calendar year;~~

~~(d) Special surveys as required; and~~

~~(e) Where the gas system has cast iron, wrought iron, or ductile iron, or noncathodically protected bare steel, galvanized steel, or coated steel pipe at intervals not exceeding eight months, but at least twice each calendar year.~~

~~(4) Business areas and buildings of public assembly. Leakage surveys of business areas and public buildings shall be conducted on the following basis:~~

~~(a) All business structures and buildings of public assembly within 100 feet of an active pipeline, whether or not served with gas, shall be considered for survey;~~

~~(b) Where gas service lines exist, a survey shall be conducted at the building wall at the point of entrance, using a bar hole if necessary;~~

~~(c) Surveys shall be conducted within all buildings where leakage has been detected at the outside wall at all points where escaping gas could be expected to penetrate into and accumulate inside the building; and~~

~~(d) Service piping, riser piping and meter(s) shall be checked with soap solution or by use of a gas detection instrument.~~

~~(5) Special surveys. Special leakage surveys shall be conducted in the following circumstances:~~

~~(a) Prior to paving or resurfacing, following street alterations or repairs, where gas facilities are under the area to be paved, and where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas survey, including manholes and other street openings, shall be made;~~

~~(b) In areas of sewer, water, or other substructure construction adjacent to underground gas facilities, where there is a substantial probability that damage could have occurred to the gas facilities, an appropriate gas detection survey shall be made following the completion of installation but prior to paving;~~

~~(c) Unstable soil areas where active gas lines could be affected;~~

~~(d) Special surveys shall be made annually of places of public congregation when an active gas service line serves the building or where active gas service lines or mains are located with such close proximity as to present a possible hazard should leakage occur, for example, churches, schools, and hospitals;~~

~~(e) Special surveys shall be made of abnormal areas. Special surveys shall be conducted in areas of unusual activity, including, but not limited to, foreign construction, possible ground movement, flooding, earthquake, and explosions.~~

~~(6) Leak survey records. For the most current and immediately preceding survey of an area, the following information shall be maintained:~~

~~(a) Description of system and area surveyed (this could include maps and leak survey logs);~~

~~(b) Survey results;~~

~~(c) Survey method;~~

~~(d) Names of those making survey;~~

~~(e) Survey dates; and~~

~~(f) In addition to the above, the following records shall be kept for pressure drop test:~~

~~(i) The name of the gas company, the name of the gas company employee responsible for making the test, and the name of any test company used;~~

~~(ii) Test medium used;~~

~~(iii) Test pressure;~~

~~(iv) Test duration;~~

(v) Pressure recording charts, or other record of pressure readings; and

(vi) Test results;

(7) Self audits. In order that the effectiveness of the leak detection and repair program may be evaluated, the following self audits shall be performed as frequently as necessary, but at intervals not exceeding three years:

(a) Leak survey schedule—assure that it is commensurate with the Minimum Federal Safety Standards for gas lines, Subpart M Maintenance, and the general condition of the pipeline system as required by other applicable regulations;

(b) Survey effectiveness—evaluate survey results to assure that a consistent evaluation of leaks is being made throughout the system; and

(c) Check adequacy of records. (1) Operators must perform gas leak surveys using a gas detection instrument covering the following areas:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving, and sidewalks;

(c) Walls of businesses and high occupancy structures or areas that are within one hundred feet of an active pipeline facility;

(d) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(e) Where a gas service line exists, at the building wall point of entrance, using a bar hole where necessary; and

(f) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Gas detection instruments must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. If there are no manufacturer's recommendations, then instruments must be tested for accuracy at least monthly, but not to exceed forty-five days between testing, and include testing at least twelve times per year. Any instrument that fails its applicable tolerances must be calibrated or removed from service.

(3) Gas leak surveys must be conducted according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys. All mains in the right of way adjoining a business district must be included in the survey;

(b) Residential areas - as frequently as necessary, but not to exceed five years between surveys;

(c) High occupancy structures or areas - at least once annually, but not to exceed fifteen months between surveys;

(d) Mains operating at or above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys; and

(e) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys.

(4) Special leak surveys must be conducted under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas facilities are under the area to be paved, and where there is potential that damage could have occurred to gas facilities;

(b) In areas where substructure construction occurs adjacent to underground gas facilities, and there is potential that damage could have occurred to the gas facilities, operators must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, operators must perform a gas leak survey from the point of damage to the service tie-in.

(5) Survey records must be kept for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the employee who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each operator must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Operators must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits. At a minimum, self audits should ensure that:

(a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) Consistent evaluations of leaks are being made throughout the system;

(c) Repairs are made within the time frame allowed;

(d) Repairs are effective; and

(e) Records are accurate and complete.

(7) Operators must fully implement subsection (3)(a) of this section within two years of the adoption of this rule.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-200 Reports associated with operator gas company facilities and operations. ~~((1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:~~

~~(a) Results in a fatality or personal injury requiring hospitalization;~~

~~(b) Results in damage to the property of the company and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);~~

~~(e) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;~~

~~(d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or~~

~~(e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.~~

~~(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:~~

~~(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;~~

~~(b) The extent of such injuries and damage;~~

~~(c) A description of the accident, incident, or hazardous condition to include date, time, and place;~~

~~(d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;~~

~~(e) The date and time the gas facility was made safe;~~

~~(f) The date, time, and type of any temporary or permanent repair made; and~~

~~(g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.~~

~~Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.~~

~~(3) Every gas company shall file a copy of every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.~~

~~(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.) (1) Every operator must give notice to the commission by telephone within two hours of discovering an incident or hazardous condition arising out of its operations that:~~

~~(a) Results in a fatality or personal injury requiring hospitalization;~~

~~(b) Results in damage to the property of the operator and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);~~

(c) Results in the evacuation of a dwelling, building, or high occupancy structures or areas;

(d) Results in the unintentional ignition of gas;

(e) Results in the unscheduled interruption of service furnished by any operator to twenty or more distribution customers;

(f) Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (e) of this subsection; or

(g) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (e) of this subsection.

(2) Operators must give notice to the commission by telephone within twenty-four hours of occurrence of every incident or hazardous condition arising out of its operations that:

(a) Results from construction defects or material failure;

(b) Results in the uncontrolled release of gas for more than two hours;

(c) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;

(d) Results in a pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or

(e) When a pipeline or system pressure exceeds the maximum allowable operating pressure.

(3) Routine or planned maintenance and operational activities of the operator that result in operator-controlled plant and equipment shut downs, reduction in system pressures except as noted in subsection (1) of this section, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) When a pipeline or system pressure exceeds the maximum allowable operating pressure plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020, the operator must notify the commission by telephone within two hours, to be followed by written explanation within thirty days;

(5) Operators must provide to the commission the reports required in subsection (1) of this section, verified in detail in writing within thirty days of the initial telephonic report. At a minimum, written reports must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the incident or hazardous condition including the date, time, and place;

(d) A description of the gas facilities involved in the incident or hazardous condition, the system operating pressure at that time, and the maximum allowable operating pressure of the facilities involved;

(e) The date and time the gas facility was made safe;

(f) The date, time, and type of any temporary or permanent repair made; and

(g) The cost of the incident to the operator.

(6) Operators must provide to the commission a written report within forty-five days of receiving the failure analysis of any incident or hazardous condition that was due to construction defects or material failure.

(7) Operators must file with the commission a copy of every Research and Special Programs Administration (RSPA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety. In addition to the above required forms, operators must file with the commission the report titled, "Damage Prevention Statistics," with the corresponding RSPA fiscal year. The Damage Prevention Statistics report must include in detail the following information:

(a) Number of gas-related one-call locate requests completed in the field;

(b) Number of third-party damages incurred; and

(c) Cause of damage:

(i) A locate is not accurate;

(ii) The operator failed to use reasonable care; or

(iii) Excavated prior to a locate being conducted.

(8) Operators must file with the commission, and with appropriate officials of all municipalities where operators have facilities, the names, addresses, and telephone numbers of the responsible officials of the operator who may be contacted in the event of an emergency. In the event of any changes in operator personnel, the operator must notify immediately the commission and municipalities.

(9) Operators must send daily reports of construction and repair activities electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. The reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities.

(10) When an operator is required to file a copy of a RSPA Drug Testing and Alcohol Testing Management Information System (MIS) "EZ" Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the operator must simultaneously submit a copy of the form to the commission.

AMENDATORY SECTION (Amending Order R-433, Docket No. UG-950625, filed 9/15/95, effective 10/16/95)

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 ((or regulations issued thereunder—Maximum amount)) and commission gas safety rules. ((1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

(2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

(3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.) (1) Any gas company that vio-

lates any provisions of chapter 480-93 WAC has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.28.212.

(a) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of any provision of chapter 480-93 WAC (other than WAC 480-93-160 and 480-93-200 (1)(e)) is five thousand dollars for each violation for each day that the violation persists up to a maximum civil penalty of five hundred thousand dollars for a related series of violations.

(b) The maximum civil penalty under RCW 80.28.212 for violations by a gas company of WAC 480-93-160 or 480-93-200 (1)(e) is one thousand dollars for each violation for each day that the violation persists, up to a maximum civil penalty of two hundred thousand dollars for a related series of violations.

(c) The commission may compromise any civil penalty issued under RCW 80.28.212.

(2) In addition to a civil penalty under RCW 80.28.212, any public service company that violates RCW 80.28.210 or any rule issued thereunder, may also be subject to civil penalties under RCW 80.04.405 and/or 80.04.380.

(3) Any officer, agent, or employee of any public service company who aids or abets in the violations of RCW 80.24.210 or any rule issued thereunder, is subject to a civil penalty under RCW 80.04.405.

(4) Any officer, agent, or employee of any public service company violating RCW 80.28.210 or who procures or aids and abets such a violation, may be subject to civil penalties under RCW 80.04.385.

(5) Any corporation other than a public service company that is subject to RCW 80.28.210 and that violates any provision of chapter 480-93 WAC, has failed to construct and/or maintain its facilities in a safe and efficient manner in violation of RCW 80.28.210, and is subject to a civil penalty under RCW 80.04.387.

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-230 ((Modification/waivers)) Exemptions from rules in chapter 480-93 WAC. ((If a gas company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter, application may be made to the commission to deviate from the rule. Every request for a deviation shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A gas company shall concurrently submit to the commission all petitions for waiver of any gas safety rule filed with the federal government or other governmental authority.)) The commission may grant an exemption from the provisions of any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions

from and modifications to the rules in this chapter; special rules.)

AMENDATORY SECTION (Amending Docket No. A-010827, General Order No. R-491, filed 9/28/01, effective 10/29/01)

WAC 480-93-999 Adoption by reference. ((In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.)) In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. For each regulation or standard the commission is adopting by reference is listed the publisher, the scope of what the commission is adopting, the effective date of the regulation or standard the commission is adopting, the place within the commission's rules the regulation or standard is referenced, and the availability of the publication in which the regulation or standard is found.

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 191, 192, 193, and 199 including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2003, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition the activities listed in section 192.801 (b)(i)-(4) should be interpreted to include new construction of pipeline facilities.

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104.

(a) The commission adopts the 18th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (18th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-93-002	Application of rules.
WAC 480-93-010	Compliance with federal standards.
WAC 480-93-030	Proscribed areas.
WAC 480-93-082	Qualification of employees.
WAC 480-93-111	Noncathodically protected gas facilities.
WAC 480-93-112	Corrosive condition investigation.
WAC 480-93-120	Exposed pipelines.
WAC 480-93-150	Station maintenance.
WAC 480-93-183	Pipeline and system pressure reporting.
WAC 480-93-184	Gas leak responsibility.
WAC 480-93-190	Being aware of construction work near gas company facilities.
WAC 480-93-210	Interruptions to service.
WAC 480-93-220	Rule of precedence.

WSR 05-02-019
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration

(Division of Child Support)

[Filed December 27, 2004, 1:50 p.m.]

Title of Rule and Other Identifying Information: Amendment of WAC 388-14A-4304 What happens if the judge determines that I have paid too much for day care and special expenses?, to correct a typographical error in subsection (1).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY 5:00 p.m., March 7, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The current version of the rule contains a typographical error in subsection (1), namely it refers to the administrative lay judge when it should refer to the administrative law judge.

Reasons Supporting Proposal: RCW 34.05.353 (1)(c) permits using the expedited rule-making process to correct typographical errors. The correction promotes clarity.

Statutory Authority for Adoption: RCW 26.19.080, 34.05.220, 74.08.090, 74.20A.310.

Statute Being Implemented: RCW 34.05.353 (1)(c).

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

Name of Proponent: Department of Social and Health Services, Economic Services Administration, Division of Child Support, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065 or 1-800-457-6202.

December 21, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4304 What happens if the judge determines that I have paid too much for day care and special expenses? (1) If at a hearing under WAC 388-14A-4303, the administrative (~~lay~~) law judge (ALJ) decides that the custodial parent (CP) has not incurred costs in the amount

paid by the noncustodial parent (NCP), any ordered overpayment reimbursement may be applied as an offset to any non-assistance child support arrears owed by the NCP on that case only. If there is no nonassistance debt owed on the case, the reimbursement must be in the form of a credit against the NCP's future child support obligation:

(a) Spread equally over a twelve-month period starting the month after the administrative order becomes final; or

(b) When the future support obligation will end under the terms of the order in less than twelve months, spread equally over the life of the order; or

(c) With the consent of the CP, in the form of a direct reimbursement by the CP to the NCP.

(2) The NCP may not pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments unless:

(a) Specifically agreed to by the CP; and

(b) Specifically agreed to in writing by DCS for periods when the CP or the dependent child receives public assistance.

WSR 05-02-025

EXPEDITED RULES

UNIVERSITY OF WASHINGTON

[Filed December 29, 2004, 8:03 a.m.]

Title of Rule and Other Identifying Information: House-keeping amendments to various Title 478 WAC, University of Washington rules, including WAC 478-04-030, 478-116-145, 478-116-161, 478-116-311, 478-116-431, 478-250-050, and 478-250-060.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rebecca Goodwin Dear-dorff, Director of Rules Coordination, University of Washington, Rules Coordination Office, 4014 University Way N.E., Seattle, WA 98105-6203, e-mail rules@u.washington.edu, fax (206) 616-6294, AND RECEIVED BY March 9, 2005.

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

- Amendments to WAC 478-04-030, 478-250-050, and 478-250-060 that show an office name change (from Administrative Procedures Office to Rules Coordination Office), which took effect January 2004; and
- Amendments to WAC 478-116-145, 478-116-161, 478-116-311, and 478-116-431 provide small wording

changes that clarify and make consistent language used throughout chapter 478-116 WAC.

Reasons Supporting Proposal: These amendments are consistent with the provisions of EO 97-02.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

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

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rebecca Goodwin Dearth, Director of Rules Coordination, 4014 University Way N.E., Seattle, WA 98105-6203, (206) 543-9219.

December 22, 2004

Rebecca Goodwin Dearth
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 03-24-046, filed 11/26/03, effective 12/27/03)

WAC 478-04-030 Meetings of the board of regents.

(1) Regular meetings. Regular meetings of the board shall be held pursuant to a schedule established yearly by resolution of the board. Meetings of the board will be held in the Walker-Ames Room of Kane Hall on the campus in Seattle, Washington, or at such other place as the board may direct from time to time. The president of the board, with the concurrence of a majority of the members of the board, may cancel any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

The board shall give no less than twenty-four hours notice of cancellation of a regular meeting.

(2) Special meeting. The president of the university, the president of the board, or any six members of the board may call a special meeting at any time. Not less than twenty-four hours before any special meeting, the secretary shall have notified each member of the board by written notice of the time, place, and the business to be transacted at the meeting. Such notice shall be distributed and posted in accordance with the laws of the state governing such meetings. The presence of a regent at the meeting or the regent's written waiver of notice filed with the secretary shall constitute a waiver of receiving written notice of the meeting. When the meeting is called to deal with an emergency involving injury or damage, or the likelihood of injury or damage, to persons or property, and the time requirements for notice provided for above would be impractical and increase the likelihood of such injury or damage, such required notice may be dispensed with and the secretary shall notify each member of the board by the best means possible under the circumstances.

(3) Notice of agenda for regular meeting. Not less than four days before any regular meeting, the secretary shall mail to each member of the board a reminder of the regular meeting and a preliminary agenda setting forth the matters which are to be considered at the meeting.

(4) Addenda to the agenda at regular or special meetings. Addenda to the agenda of either a regular or a special meeting may be permitted at the commencement of or during such

meeting, except that final disposition shall not be taken on addenda to the agenda of a special meeting unless notice as required by applicable law has been given.

(5) Quorum. A majority of the entire board shall be necessary to constitute a quorum at all regular meetings and special meetings.

(6) Order of business. The following shall be the order of business at each regular meeting of the board:

- Report of the president of the board;
- Report of the president of the university;
- Consent agenda (including approval of minutes);
- Reports of standing committees of the board;
- Reports of special committees of the board; and
- Any other business that may properly come before the board.

The following shall be the order of business at each special meeting of the board:

- Reading of notice of meeting;
- The special business for which the meeting was called; and
- Any other business that may properly come before the board.

The order of business of the board may be changed or suspended at any meeting by a majority of the regents present. An item shall be removed from the consent agenda by request of any regent.

(7) Minutes. The minutes of all regular and special meetings of the board shall be kept by the secretary. Such minutes, following approval, shall be open to public inspection in the office of the secretary of the board of regents during regular university business hours.

(8) Public meetings. Regular and special meetings of the board of regents and committees thereof as required by applicable law shall be open to the public, except for executive sessions which may be held as permitted by applicable law. Board members may appear at any meeting through a telephone or video-conferencing device that permits communications with all other persons at the meeting. Persons wishing to appear before the board to make a presentation shall comply with the procedures as specified in subsection (11) of this section.

(9) Committee of the whole meetings. Meetings of the board as a committee of the whole may be held before regular or special meetings of the board or at such time and such place as the president of the board may direct from time to time.

(10) Executive sessions. During any regular or special meeting of the board, the board may hold an executive session to discuss matters as permitted in applicable laws of the state of Washington.

(11) Communications to and appearance before the board. Any persons who wish to communicate to the board or appear before the board shall do so as follows:

(a) Communications to the board. Any person who wishes to bring a matter to the attention of the board may do so by submitting such communication in writing to the secretary of the board of regents. The secretary shall bring such written communications to the attention of the president of the board and the president of the university for direction as to response and/or transmittal to the board.

(b) Appearance before the board. The meetings of the board of regents are intended for presentation of agenda items by the chairs of the respective standing committees and by the president of the university for discussion and action by the members of the board. Public testimony on agenda items, or on other relevant items which any person may wish to call to the attention of the board, may be taken by the appropriate standing committee or by the committee of the whole. The chair of each committee shall have the discretion to limit the time and order of appearances as deemed desirable for a fair presentation of views consistent with the other business before the committee. In an unusual case, this subsection may be waived by the president of the board or by any other six members of the board.

(c) Petition to board for promulgation, amendment, or repeal of rule. Persons having an interest in the promulgation, amendment, or repeal of a "rule" as defined in RCW 34.05.-010 may submit a written petition to the ~~((administrative procedures office, rules coordinator for the University of Washington))~~ university's rules coordination office. Any petition so submitted shall contain the name and address of the petitioner or petitioners, a description of the persons on whose behalf the petition is presented if it is presented in a representative capacity, a statement of the interest of the petitioner and/or the persons on whose behalf it is presented, and a statement of the reasons supporting the petition. If the petition is for the promulgation of a rule, it shall contain the proposed rule. If the petition is for an amendment of an existing rule, it shall contain the rule with the proposed deletions lined out and proposed additions underlined or italicized. If the petition is for the repeal of a rule, it shall contain a copy of the rule proposed to be repealed. The petition shall be considered by the board at the first regular meeting held not less than thirty days after the date the petition was submitted to the ~~((administrative procedures))~~ rules coordination office, provided that the board may consider the petition at any earlier regular or special meeting of the board.

Within sixty days after submission of a petition to the ~~((administrative procedures))~~ rules coordination office that is for the promulgation, amendment, or repeal of a "rule," as defined in RCW 34.05.010, the board shall either deny the petition in writing or initiate rule-making procedures in accordance with RCW 34.05.330.

(12) Rules of procedure. *Robert's Rules of Order*, latest revised edition, shall govern all meetings of the board and its committees except where such rules of order are superseded by the bylaws of the board of regents or standing orders of the board. Any member of the board may make a motion which need not be seconded in order to bring the subject of the motion before the board for action.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-145 Night and swing permits. (1) Night and swing permits allow for parking within the period of time printed on the permit. Parking on Saturday is allowed in unrestricted areas unless otherwise reserved for event parking as authorized by parking services.

(2) Gate-issued or machine-issued (~~(evening))~~ night permits are valid only until 7:30 a.m. of the following day.

(3) Night permit holders who purchase gatehouse parking weekdays between 2:30 p.m. and 4:00 p.m., will be charged the night extension rate.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-161 Parking fee payment. Regardless of payment method used, payment for a parking permit is the sole responsibility of the permit holder and failure to pay the parking permit fee is grounds for recall under WAC 478-116-184 (1)(d). The permit holder remains responsible for payment of parking fees until the permit is returned or expires. Payment for a parking permit may be made in one of the following ways:

(1) By cash, by Husky Card debit account (~~(debit)~~), and by check or money order payable to the University of Washington. In the case of payment by Husky Card debit account (~~(debit)~~), any previously uncollected fees will be charged to Husky Card accounts when sufficient balances become available.

(2) Permanent faculty and staff members regularly receiving University of Washington semimonthly paychecks may pay for a permit by payroll deduction.

(a) Deductions will be taken from the semimonthly paycheck for the current period and for all previous parking periods not yet collected. Persons selecting this plan must complete a payroll deduction authorization form online or in person in addition to the appropriate parking permit application.

(b) Deductions are terminated by completing a payroll deduction termination form and returning any unexpired permit.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-311 Motor vehicle fines and penalties. The following schedule of fines for violation of the rules listed below is hereby established:

OFFENSE	MAXIMUM FINE
01 Obstructing traffic or pedestrian movements	\$ 35.00
WAC 478-116-245	
02 Enter/exit without paying	25.00
WAC 478-116-251	
03 Failure to lock ignition and/or set brakes . . .	15.00
WAC 478-116-281	
04 Improper display of vehicle permit.	12.00
WAC 478-116-223	
05 Permit not registered to this vehicle	5.00
WAC 478-116-227	
06 Occupying more than one stall or space. . . .	20.00
WAC 478-116-271	
07 Parking in restricted parking area	35.00
WAC 478-116-251	

EXPEDITED

EXPEDITED

OFFENSE	MAXIMUM FINE
08 Parking in prohibited area WAC 478-116-253	35.00
09 Parking on planted areas WAC 478-116-261	25.00
10 Parking out of assigned area WAC 478-116-261	15.00
11 Parking over posted time limit WAC 478-116-251	30.00
12 Parking with no valid permit displayed WAC 478-116-201	30.00
13 Parking at expired meter WAC 478-116-211	30.00
14 Parking outside cycle area WAC 478-116-221	10.00
15 Parking in space/area not designated for parking WAC 478-116-261	25.00
16 Parking while privilege suspended WAC 478-116-184	100.00
17 Use of forged/stolen vehicle permit WAC 478-116-184 and 478-116-227	250.00
18 Use of revoked permit WAC 478-116-231	100.00
19 Unauthorized overnight parking of a motor home WAC 478-116-125	50.00
20 ((Impound)) <u>Impoundment</u> WAC 478-116-291	At cost
21 Other violations of the university parking and traffic rules	25.00
22 Parking in space designated for disability or wheelchair WAC 478-116-255	250.00
23 Penalty for failure to pay fine, respond, or comply with final decision of citation hearing office within time limits WAC 478-116-520	25.00

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-431 Notice and redemption of impounded vehicles. (1) Not more than one business day after impoundment of any vehicle, the University of Washington police department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington police department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington state department of licensing or the corresponding agency of any

other state or province. If a police officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to the owner. The notice shall contain the full particulars of the impoundment, redemption, and an opportunity to contest the propriety of the impoundment as provided in WAC 478-116-541.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Motor vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner who has a valid driver's license or person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt ((therefore)) for it, may redeem an impounded motor vehicle.

(b) Any person so redeeming a motor vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as are outstanding against the vehicle if impoundment was made pursuant to WAC 478-116-401 prior to redemption, except as provided in (c) of this subsection.

(c) Any person seeking to redeem a motor vehicle impounded under WAC 478-116-401, 478-116-411 or 478-116-421 has a right to contest the validity of impoundment or the amount of towing and storage charges and shall have the motor vehicle released upon requesting a review as provided in WAC 478-116-541, and paying any outstanding fines, towing and storage charges.

(3) In addition to any other penalty which may be imposed as a result of actions described in subsection (2)(c) of this section, campus parking privileges shall be suspended until all such debts are paid.

AMENDATORY SECTION (Amending WSR 01-11-136, filed 5/23/01, effective 6/23/01)

WAC 478-250-050 University rules coordination. (1) ((University rules)) Coordination of university rules shall be conducted by the ((administrative procedures)) rules coordination office, which reports to the office of the ((vice-president for university relations)) vice-provost.

(2) The director of the ((administrative procedures)) rules coordination office shall have knowledge of the subjects of rules being proposed or prepared within the university, maintain the records of any such action, and respond to public inquiries about possible, proposed, or existing rules and the identity of university personnel developing, reviewing, or commenting on them.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-250-060 Rule indexing. (1) Content. The university ((administrative procedures)) rules coordination office shall maintain an index of final orders, declaratory orders, interpretive statements, and policy statements, as

defined by RCW 42.17.260(5), issued after June 30, 1990, by the board of regents of the University of Washington, the president of the University of Washington, or their designees.

(2) Form. The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the following classifications: Date of implementation, organizational unit, or subject matter.

WSR 05-02-052
WITHDRAWAL OF
EXPEDITED RULE MAKING
HORSE RACING COMMISSION

[Filed January 4, 2005, 9:09 a.m.]

The Washington Horse Racing Commission wishes to withdraw the CR-105 expedited rule making filed on November 30, 2004, WSR 04-24-079.

R. J. Lopez
Administrative Services Manager

EXPEDITED



WSR 04-24-065
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 03-10—Filed November 30, 2004, 11:37 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: The dangerous waste regulations set forth waste management standards for all Washington state dangerous waste generators, transporters, and facilities. Federal rules were incorporated and state-only requirements were updated, including application of closure and financial assurance requirements to used oil and recycling facilities.

Citation of Existing Rules Affected by this Order: Amending chapter 173-303 WAC, Dangerous waste regulations.

Statutory Authority for Adoption: Chapters 70.105, 70.105D, and 15.54 RCW.

Other Authority: RCW 70.105.007.

Adopted under notice filed as WSR 04-14-094 on February 4, 2004; and WSR 04-19-072 on September 16, 2004.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 173-303-040 Definitions.

"Halogenated organic compounds" (HOC) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, or iodine which is/are bonded directly to a carbon atom. This definition does not apply to the federal land disposal restrictions of 40 CFR Part 268 which are incorporated by reference at WAC 173-303-140 (2)(a). Note: Additional information on HOCs may be found in *Chemical Testing Methods for Designating Dangerous Waste*, Ecology Publication #97-407, revised December 2004.

Rationale for change: The proposed changes to chemical testing methods have been withdrawn.

2. WAC 173-303-040 Definitions.

"Knowledge" means ~~there is~~ sufficient information about ~~both the waste constituents and the process generating a waste to reliably substitute for direct testing of the waste. To be sufficient and reliable, the "knowledge" used must provide information necessary to manage the waste in accordance with the requirements of this chapter. Such information must include the chemical, physical, and/or biological characteristics of the waste. (For example, if all chemical constituents used in an industrial process generating a waste are known and the formation of the waste by products from that industrial process are understood, that information may be sufficient without direct laboratory analysis to describe the waste for safe management under this chapter.)~~

Note: Knowledge as defined here is for the purpose of complying with WAC 173-303-070 (3)(e) and 173-303-300(2).

Note: "Knowledge" may be used by itself or in combination with testing to designate a waste pursuant to WAC 173-303-070 (3)(c), or to obtain a detailed chemical, physical, and/or biological analysis of a waste as required in WAC 173-303-300(2).

Rationale for change: In response to comments, the proposed rule language has been changed to eliminate con-

fusing or vague language and to provide greater clarity of ecology's intent.

3. WAC 173-303-045(3) References to EPA's regulations.

(3) The following sections and any cross-references to these citations are not incorporated or adopted by reference: 40 CFR Parts 260.20-260.22.

Rationale for change: This federal reference was modified for accuracy.

4. WAC 173-303-070 (2)(c)(i) Designation of dangerous waste.

(i) A ~~hazardous~~ dangerous waste that is listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits one or more characteristics of ignitability as defined under WAC 173-303-090(5), corrosivity as defined under WAC 173-303-090(6), or reactivity as defined under WAC 173-303-090(7) is not a ~~hazardous~~ dangerous waste, if the waste no longer exhibits any characteristic of ~~hazardous~~ dangerous waste identified in WAC 173-303-090 or any criteria identified in WAC 173-303-100.

(ii) The exclusion described in (c)(i) of this subsection also pertains to:

(A) Any solid waste generated from treating, storing, or disposing of a ~~hazardous~~ dangerous waste listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under (a) and (b) of this section.

(B) Wastes excluded under this section are subject to 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

Rationale for change: The specific subsections in WAC 173-303-081 and 173-303-082 for listed wastes were cited for clarity, the word "hazardous" was changed to "dangerous" for internal consistency with the state regulations, and the citation for incorporation of land disposal restrictions was added.

5. WAC 173-303-071 (3)(g)(i) Treated wood waste exclusion.

(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 that fails any state criteria if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use. ~~In order to meet the exclusion, Intended end use means~~ the wood product must have been ~~previously~~ used in typical treated wood applications (for example, fence posts, decking, poles, and timbers).

Rationale for change: Due to concerns regarding equivalency with the federal hazardous waste regulations for treated wood waste, the original language will be retained, with the proposed language serving as a clarification.

6. WAC 173-303-071 (3)(oo) Hazardous secondary materials for zinc fertilizers.

~~(oo) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions specified are satisfied:~~

(i) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in WAC 173-303-016 (5)(c)(ii).

(ii) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:

(A) Submit a one-time notice to the department that contains the name, address and EPA/state ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this subsection (3)(oo).

(B) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of nonearthen materials that provide structural support, and must have a floor, walls and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material, and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:

(I) Have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation; and

(II) Provide for effective drainage and removal of leaks, spills and accumulated precipitation; and

(III) Prevent run-on into the containment system.

(C) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this subsection (3)(oo).

(D) Maintain at the generator's or intermediate handler's facility for no less than three years records of all shipments of excluded hazardous secondary materials. For each shipment these records must at a minimum contain the following information:

(I) Name of the transporter and date of the shipment;

(II) Name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and

(III) Type and quantity of excluded secondary material in each shipment.

(iii) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

(A) Store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in (oo)(ii)(B) of this subsection.

(B) Submit a one-time notification to the department that, at a minimum, specifies the name, address and EPA/state ID number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded,

zinc-bearing hazardous secondary materials under the conditions specified in this subsection (3)(oo).

(C) Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

(D) Submit to the department an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial process(es) from which they were generated.

(iv) Nothing in this subsection preempts, overrides or otherwise negates the provision in WAC 173-303-070 (1) through (5), which requires any person who generates a solid waste to determine if that waste is a hazardous waste.

(v) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in (oo)(ii)(A) of this subsection, and that afterward will be used only to store hazardous secondary materials excluded under this paragraph, are not subject to the closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-695.

Rationale for change: This proposed exclusion that would exempt hazardous secondary materials from the definition of solid waste when those materials are used to make zinc fertilizers will not be included in the final rule. Comments received on the proposed exclusion opposed it as being less protective of human health and the environment than existing state requirements. Ecology is unaware of any manufacturers of zinc fertilizer in the state that will be adversely affected by Washington not adopting the exclusion at this time. The lack of any comments from fertilizer manufacturers or generators with zinc secondary hazardous waste that supported the proposal was a factor in the decision to withdraw this proposed exemption. It may be considered during a future rule making.

7. WAC 173-303-071 (3)(pp) Zinc fertilizers made from hazardous waste.

(pp) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under (oo) of this subsection, provided that:

Rationale for change: The reference to proposed WAC 173-303-071 (3)(oo) was deleted from the final rule since WAC 173-303-071 (3)(oo) is not being adopted.

8. WAC 173-303-081(3) Discarded chemical products.

(3) Dangerous waste numbers and mixtures. A waste which that has been designated as a discarded chemical product dangerous waste must be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which that caused the waste to be designated. If a person mixes A mixture of a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture must be designated. The mixture designation is the same as the designation for the discarded chemical product which that was

mixed with the solid waste unless it has been excluded under WAC 173-303-070 (2)(c) ~~or (d)~~. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004, DW designation, QEL of 2.2 lbs.) and 22 lbs. (10 kg) of a solid waste, would be designated DW, and identified as acute hazardous waste. The mixture would have the dangerous waste number P004.

Rationale for change: The sentence regarding mixtures was reworded in response to a comment from EPA requesting consistency with federal hazardous waste regulation language. The phrase "or (d)" was deleted since it referred to a nonexistent citation. Other changes are editorial.

9. WAC 173-303-082(3) Dangerous waste sources.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. ~~If a person mixes~~ A mixture of a solid waste with a waste that would be designated as a dangerous waste source under this section, ~~then the entire mixture is~~ must be designated as a dangerous waste source unless it has been excluded under WAC 173-303-070 (2)(c) ~~or (d)~~. The mixture has the same designation (DW), and the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

Rational for change: The sentence regarding mixtures was reworded in response to a comment from EPA requesting consistency with federal hazardous waste regulation language. The phrase "or (d)" was deleted since it referred to a nonexistent citation.

10. WAC 173-303-100 (5)(b)(i) Dangerous waste criteria - book designation.

(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~~ including the NIOSH RTECS, and checking this data against the toxic category table, below. If data are available for more than one of the ~~toxicity criteria~~ test endpoints (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 (for the same ~~criteria~~ test endpoint), 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.

Rationale for change: The term, "toxicity criteria," applies to the entire subsection on state toxicity, WAC 173-303-100(5). The proposed change to this subsection, (5)(b), used the term "toxicity criteria" inappropriately and has been replaced by the term "test endpoint." Also, a clarification was made to indicate that RTECS are part of the "available data."

11. WAC 173-303-100(6) Dangerous waste criteria - persistence.

(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* Publication #97-407, revised December 2004.

Rationale for change: The proposed changes to chemical testing methods have been withdrawn.

12. WAC 173-303-110 (3)(c) Sampling and testing methods.

(c) *Chemical Testing Methods for Designating Dangerous Waste*, Department of Ecology Publication #97-407, ~~revised December 2004~~ February 1998, describing methods for testing:

Rationale for change: The proposed changes to chemical testing methods have been withdrawn.

13. WAC 173-303-120 (3) and (4) Recycled wastes.

(3) The recyclable materials listed in (a) through (h) of this subsection are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840.

In addition to these requirements, owners and operators of facilities that receive recyclable materials from off-site, ~~must prepare closure plans in accordance with~~ are subject to WAC 173-303-610 (2) and (12) ~~and to.~~ ~~These facilities are also subject to financial requirements of~~ WAC 173-303-620 (1)(e).

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) Reserved;

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525); and

(h) Spent antifreeze that is recycled on-site or sent to be recycled off-site (see WAC 173-303-522).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, ~~recyclable materials received from off-site will be considered stored unless they are moved into an active recycling process within the department may determine on a case-by-case basis that recyclable materials received from off-site are not stored if they are~~

moved into an active recycling process within a period of time not to exceed seventy-two hours after being received. In making such a determination, the department will consider factors including, but not limited to, the types and volumes of wastes being recycled, operational factors of the recycling process, and, the compliance history of the owner or operator.

Rationale for change: The language has been revised, and applicability of financial requirements has been clarified in WAC 173-303-610(1). Based on equivalency concerns with the federal rule, this subsection was revised to be a case-by-case determination by ecology to allow up to seventy-two hours for staging of wastes prior to active recycling. The criteria ecology will consider is also identified in the revised rule, including but not limited to: The types and volumes of wastes being recycled, operational factors of the recycling process(es), and the compliance history of the operator. Ecology will apply this provision through compliance letters or agreed orders with individual facility operators.

14. WAC 173-303-200 (1)(b)(ii) and (iii) Accumulating dangerous waste on-site.

(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 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). At WAC 173-303-640(4)(c)(i) add "stress of installation" after "climatic conditions." (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 (at WAC 173-303-675 (4)(a)(v) add "stress of installation" after "climatic conditions") and maintains the following records at the facility:

Rationale for change: Review of the proposed incorporation of the performance track rule revealed the need to add the phrase "stress of installation" to the tank and drip pad requirements for equivalence with the federal regulations for accumulation. This was necessary because the referenced standards in the federal rule are to interim status facility requirements which include this phrase, whereas final facility standards do not.

15. WAC 173-303-200 (1)(e)(i) Accumulating wastes on-site.

(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 173-303-335 (Construction quality assurance program) and WAC 173-303-355 (SARA Title III coordination);

Rationale for change: The addition of this exception is an editorial clarification since WAC 173-303-335 does not apply to generators.

16. WAC 173-303-200 (2)(a)(ii) Satellite accumulation.

(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), ~~(e), and (f)~~ of this section.

Rationale for change: Ecology is withdrawing the proposed change to WAC 173-303-200 (2)(a)(ii) since the proposed change caused more confusion than clarification. Ecology will instead clarify its interpretation here, and will propose appropriate and clear changes in a future amendment.

Ecology's interpretation is that satellite accumulation areas are subject to generator requirements of WAC 173-303-200 (1)(e) and (f) for LQGs and WAC 173-303-201 for MQGs.

Ecology is authorized to implement federal hazardous waste regulations that are at least as stringent as, or more stringent than EPA's RCRA regulations. There are many instances where the state's dangerous waste regulations and implementation are different than EPAs. Ecology staff research EPA interpretations, guidance and Federal Register Notices to gain an understanding of why a particular regulation was promulgated and how EPA is interpreting it. In doing so, some regulations are interpreted differently at the state level. This is the case with applying additional standards to areas where dangerous waste is managed and generated throughout a generator's site, which may include areas where waste is generated and then added to a satellite accumulation container. Ecology is not unique in its interpretation of the need for additional safety and environmental standards at satellite areas. Other states such as Colorado also apply these types of regulations to satellite areas. Additionally, most of the violations that are found during routine inspections of facilities are found at satellite areas. In part, there are many more satellite areas at facilities than ninety day accumulation areas, therefore more instances to find violations.

In reviewing the history of satellite accumulation standards, EPA added this unique opportunity to store waste *without a permit* on site to allow businesses the opportunity to accumulate 'slowly generated wastes' for a long period of time. The extra time allowance enables the generator to fill the drum, making it more economical to dispose of since TSDs would charge for a full drum even if it was only 1/4 full at the end of ninety days. With this extra time in mind, a satellite drum could potentially be sitting in one location for a very long time without any safety measures to ensure it is in good shape. Many businesses use satellite accumulation areas as a way to reduce regulation during generation, to increase storage time, and to accumulate an economically viable shipment of waste. This results in many drums that are

filling frequently and a lot of waste that is moving in and around satellite areas.

Ecology has historically interpreted, and currently interprets, the generator regulations of WAC 173-303-200(1) and 173-303-201 (for LQGs and MQGs respectively) to apply to the entire site. Ecology does not agree with some commenters that WAC 173-303-200(2) is a stand-alone section that encompasses all the requirements for a satellite area. Considerable changes to improve ecology's interpretation of what constitutes a satellite area were made in 1993. Ecology defined and considered a satellite accumulation area as the footprint of the drum(s) with the same waste stream (not to exceed fifty-five gallons). EPA does not define what a satellite area is in their regulations nor do they even use the term satellite accumulation in their regulations. In 1993, ecology also listed container regulations that apply to a satellite area since the 'area' is defined as the footprint of the drum(s). WAC 173-303-630 (2), (4), (5)(a) and (b), (8)(a), and (9)(a) and (b) are the container management standards listed for a satellite drum. Ecology also listed WAC 173-303-200 (1)(d) to ensure that the words dangerous or hazardous waste were included on a satellite drum since WAC 173-303-630(3) only covers the risk labeling requirements. The consistent listing of the labeling requirements was to help generators have one labeling standard for both satellite and ninety day accumulation drums. Other applicable sections for satellite accumulation drums were not specifically listed in WAC 173-303-200(2), such as compliance with designation (WAC 173-303-170), counting (WAC 173-303-070), and site-wide requirements for contingency planning, personnel training and general inspections in WAC 173-303-200(1) and 173-303-201 for LQGs and MQGs respectively. The changes made in 1993 concentrated on clarifying what constitutes a satellite 'area' and the individual container management requirements that were needed. WAC 173-303-200 (2)(c) was added to allow an inspector to require security signage, secondary containment or other container management standards listed in WAC 173-303-200 (1)(b) if the area was being managed improperly. WAC 173-303-200 (1)(e) was not specifically called out during this time as ecology had thought it was clear that this was a site-wide requirement that would be implemented in all areas at the facility where dangerous waste was managed and generated.

Ecology believes that providing safety equipment for employees in areas where dangerous waste is generated or managed is common sense. If a satellite area were accumulating a flammable solvent, then it would make sense to provide a fire extinguisher and a spill kit nearby in the event of a fire or release of dangerous waste from the drum. It also makes sense to provide employees working in the area with evacuation routes and simple basic on-the-job training on how to safely manage the waste from the generation point into the drum. The contingency, training, and general inspection regulations are performance-based regulations that allow for maximum flexibility at facilities. Each facility is required to identify what type of training, inspections or emergency equipment is necessary for their particular business, situation, or area. Ecology does not set out specific requirements in these regulations but instead allows a business to set those

standards and then verify that they are in place and working properly.

Since the 1993 amendment, ecology has never been questioned nor challenged on this interpretation until very recently. Thus, the recent clarification was proposed to clarify ecology's historical and current stance on application of these rules in satellite areas. Ecology agrees that the clarification was not explained as well as it could have been which led many businesses to feel as though extra plans and inspections were required specifically in these areas instead of in a site-wide plan that is already required.

17. WAC 173-303-200 (4)(a)(iv)(A)(II) Accumulating dangerous wastes on-site.

(II) In tanks the generator complies with the applicable requirements of 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). At WAC 173-303-640 (4)(c)(i) add "stress of installation" after "climatic conditions"; and/or

Rationale for change:

In order to be equivalent to the federal rule for generators with wastewater treatment sludge, the phrase "stress of installation" was added to the tank requirements because the referenced standards in the federal rule are to interim status facility requirements which include this phrase whereas the final facility status standards, which are referenced in the state rule, do not.

18. WAC 173-303-201 (2)(e) Accumulating dangerous waste on-site.

(e) The generator does not need to comply with 40 CFR Part 265.176 and 478 40 CFR Subparts AA, BB, and CC, which have been incorporated by reference at WAC 173-303-400 (3)(a).

Rationale for change: The citation has been clarified.

19. WAC 173-303-220 (1)(b) Generator reporting.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site must comply with the annual reporting requirements of WAC 173-303-390, Facility reporting except for WAC 173-303-390 (2)(g) and (h).

Rationale for change: This proposed exception is being deleted to prevent a conflict with the federal hazardous waste regulations. It was proposed to clarify that ecology was not proposing to adopt federal waste minimization requirements for generators at this time. Ecology did not adopt federal waste minimization rules for generators, however, adoption of the proposed exception could potentially cause an authorization issue for the waste minimization requirements that apply to facilities, which ecology is adopting at this time.

20. WAC 173-303-300(2) General waste analysis.

(2) The owner or operator must obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), before ~~he~~ they stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter. The analysis must include or consist of either existing published or documented data on the dangerous waste, or on ~~ana-~~

lytical data from waste generated from similar processes, or data obtained by testing, or a combination of these.

(a) ~~When a dangerous waste management facility uses information or an owner or operator relies on knowledge from the generator to complete a waste profile for a waste for waste designation or for this detailed analysis (commonly known as a waste profile) instead of direct analysis analytical testing of a sample, that information must be documented and must meet the definition of "knowledge" as defined in WAC 173-303-040. To confirm the sufficiency and reliability of the information or "knowledge" used for the waste profile, the facility must do one or more of the following, as applicable:~~

(i) Be familiar with the generator's processes by conducting site visits, and reviewing sampling data and other information provided by the generator to ensure they are adequate for safe management of the waste;

(ii) Ensure waste analysis contained in documented studies on the generator's waste is based on representative and appropriate sampling and test methods;

(iii) Compare the generator's waste generating process to documented studies of similar waste generating processes to ensure the waste profile is accurate and current;

(iv) Obtain other information as predetermined by the department on a case-by-case basis to be equivalent.

(b) As required in WAC 173-303-380 (1)(c), records must be retained containing specific information that show compliance with this subsection for adequate sufficient and reliable information on the waste whether the owner or operator ~~conducts direct testing on the waste or relies on analytical testing of the waste or~~ knowledge from the generator, or a combination of these.

Rationale for change: The proposed rule language was changed in response to comments to eliminate confusing or vague language and to provide greater clarity of ecology's intent.

21. WAC 173-303-370 Manifest system.

Delete proposed (4), and move (5) to become new (6).

~~(4) Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility must comply with the generator requirements of WAC 173-303-170 through 173-303-230.~~

~~(5) Within three working days of the receipt of a shipment subject to 40 CFR part 262, subpart H (which is incorporated by reference at WAC 173-303-230(1)), the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.~~

(6) Within three working days of the receipt of a shipment subject to 40 CFR part 262, subpart H (which is incorporated by reference at WAC 173-303-230(1)), the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of

Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

Rationale for change: WAC 173-303-370 is being deleted since it duplicates an existing provision at WAC 173-303-280(1). Proposed subsection (5) was moved to become subsection (6) so as not to conflict with existing cross citations to this section.

22. WAC 173-303-400 (3)(c)(ix) Interim status facility standards.

(ix) "Subpart G - closure and post-closure." The third sentence in section 265.112(4) (d)(1) is modified to read "The owner or operator must submit the closure plan to the department at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with such a unit only such units." In addition, the sixth sentence of section 265.112(4) (d)(1) is modified to read "Owners or operators with approved closure plans must notify the department in writing at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with such a unit only such units." ~~The first sentence of 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 sixty days of completion of final closure, the owner or operator must submit to the department, by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan."~~ In addition, the clean-up levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

Rationale for change: A citation was corrected, and the precise sentences to which proposed changes were made have been identified. The proposal (and previously existing text) seemed to indicate that the modified sentences were replacing larger amounts of text in the federal regulation. The change clarifies that only certain sentences of the incorporated text were modified. The phrase "with such a unit" was changed to "with only such units" to maintain equivalence with the federal program since the original phrase made it appear that any facility that has a tank, container, or incinerator unit is subject to the forty-five day rather than the sixty or one hundred eighty day time period even if the facility has a land disposal unit or a BIF.

23. WAC 173-303-505 (1)(b)(iv) Special requirements for recyclable materials used in a manner constituting disposal.

~~(1)(b)(iv) 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.~~

Rationale for change: This provision, which had been moved to (1)(b)(iv) with the proposed amendments, has been deleted and will not appear in the final rule since it conflicts with, and is less stringent than, the new requirements for zinc

fertilizer being adopted. Prior to EPA's recent fertilizer rule, this state provision was more stringent than the federal regulations. However, with incorporation of the newer more stringent fertilizer requirements this provision must be removed since it is less stringent than the new applicable treatment standards.

24. WAC 173-303-515 (9)(a)(i) Standards for the management of used oil.

(i) Used oil and other materials managed under the standards for management ~~for~~ of used oil may be stored on-site without a permit for ninety days prior to entering an active recycling process. An active recycling process refers to a dynamic recycling operation that occurs within the recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities;

Rationale for change: Editorial correction.

25. WAC 173-303-573(4) Universal waste mercury-containing equipment.

(4) Applicability—Mercury-containing equipment.

(a) Mercury-containing equipment covered under this section. The requirements of this section apply to persons managing mercury-containing equipment, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Mercury-containing equipment not covered under this section. The requirements of this section do not apply to persons managing the following mercury-containing equipment:

(i) Mercury-containing equipment that is not yet a waste under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when mercury-containing equipment becomes a waste.

(ii) Mercury-containing equipment that is not a dangerous waste. Mercury-containing equipment that does not exhibit one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 is not dangerous waste.

(c) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

(ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(d) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) are exempt from 40 CFR 268.7 and 268.50 (incorporated by reference at WAC 173-303-140 (2)(a)) for mercury-containing equipment covered under this subsection.

Rationale for change: This addition was made for consistency with the proposed federal universal waste rule for mercury-containing equipment. It is necessary to include the information regarding the exemption from land disposal restrictions in the state rule since EPA has not yet finalized their rule and ecology's incorporation by reference of federal land disposal restrictions does not include this provision at this time.

26. WAC 173-303-573(38) Universal waste importing.

(38) Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this section, immediately after the waste enters the United States, as indicated ~~below~~ in paragraphs (a) through (c) of this subsection:

(a) A universal waste transporter is subject to the universal waste transporter requirements of subsections (28) through (34) of this section.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subsections (6) through (27) of this section, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subsections (35) through (37) of this section.

(d) Persons managing universal waste that is imported from an OECD country as specified at 40 CFR 262.58 (a)(1), which is incorporated by reference at WAC 173-303-230(1), are subject to paragraphs (a) through (c) of this subsection, in addition to the requirements of 40 CFR part 262 subpart H, which is incorporated by reference at WAC 173-303-230(1).

Rationale for change: Ecology proposed adopting the export requirements of the April 12, 1996 rule: Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision. These changes to the universal waste rule are required as part of the export rule for completeness. EPA implements these export requirements, but they are reflected in the state regulation for clarity and consistency.

27. WAC 173-303-610(1) Closure and post-closure.

(1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

~~(ii) Subsections (2) and (12) of this section apply to the owners and operators who receive recyclable dangerous waste or used oil from off-site and place them in recycling units.~~

(b) Subsections (7) through (11) of this section, (which concern post-closure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively; to containment buildings that are required under 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) to meet the requirements for landfills; and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) Owners and operators of off-site recycling facilities subject to WAC 173-303-120 (3) or (4), and off-site used oil processors subject to regulation under WAC 173-303-515(9) are subject to:

(i) WAC 173-303-610(2) Closure Performance Standard; and,

(ii) WAC 173-303-610(12) Off-site Recycling and Used Oil Processor Closure Plans.

(d) For the purposes of the closure and post-closure requirements, any portion of a facility which closes is subject to the applicable closure and post-closure standards even if the rest of the facility does not close and continues to operate.

(d) (e) Except for subsection (2)(a) of this section, the director may, in an enforceable document, replace all or part of the requirements of this section and the unit-specific requirements referenced in subsection (2)(b) of this section with alternative requirements 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 (or the unit-specific requirements referenced in subsection (2)(b) of this section) because the alternative requirements will protect human health and the environment.

Rationale for change: Applicability for closure requirements of recycling facilities and used oil processors has been moved to WAC 173-303-610 (1)(c) for clarity.

28. WAC 173-303-610 (3)(c)(i) Closure and post-closure.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which they expect to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which they expect to begin closure of a treatment or storage tank, container storage, or incinerator unit, or final closure of a facility with ~~such a unit~~ only such units.

Rationale for change: The phrase "with such a unit" was changed to "with only such units" to maintain equivalence with the federal program since the original phrase made it appear that any facility that has a tank, container, or incinerator unit is subject to the forty-five day rather than the sixty or one hundred eighty day time period even if the facility has a land disposal unit or a BIF.

29. WAC 173-303-610 (8)(d)(ii)(D).

(D) The owner/operator requests the director to apply alternative requirements under subsection (1)(d) of this section, WAC 173-303-645 (1)(e) or 173-303-620 (8)(d).

Rationale for change: Editorial correction.

30. WAC 173-303-610(12) Off-site recycling and used oil closure plans.

(12) Off-Site Recycling and Used Oil Processor Closure Plans. The owner or operator of an off-site recycling facility subject to regulation under WAC 173-303-120 (3), (4), or used oil processor or rerefiner subject to WAC 173-303-515(9) must have a written closure plan.

(a) Submittal. For new facilities, the closure plan must be submitted with the notification required under WAC 173-303-060. For existing facilities, the closure plan must be submitted within one hundred eighty days of the effective date of this regulation. For closure plans denied under (12)(b) of this section that will be resubmitted, the amended plan must be

resubmitted within 90 days after the owner or operator receives the denial.

(b) Review by department. Decision to approve or deny. Closure plans must be submitted to department for review, comment, approval or denial. The department decision to approve a closure plan must assure it is consistent with requirements in subsections (2) and (12) of this section. The department decision to deny a closure plan must be justified on the inability or unwillingness of the owner and operator to meet requirements in subsections (2) and (12) of this section or WAC 173-303-620 (1)(e). The department's decision may be appealed under the provisions of WAC 173-303-845.

(c) Availability. A copy of the approved closure plan and all updates to the plan must be maintained at the facility and furnished to the department upon request, including request by mail, until final closure is completed and certified in accordance with subsection (6) of this section.

(d) Contents of plan. The closure plan must identify steps necessary to perform final closure of ~~the facility~~ recycling units at any point during its active life. The closure plan must include at least:

(i) An estimate of the maximum inventory of dangerous wastes or used oil ever on-site over the active life of the facility;

(ii) Descriptions, schedules, and disposal or decontamination procedures in subsections (3), (4), (5), (6) of this section, except any provisions dealing with permits, permit applications, modifications or approvals. The term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit" in these subsections. Any references to permits or permit modifications in these subsections do not apply.

(e) Obligation to amend. At least sixty days prior to a major change at an off-site recycling or used oil processor/rerefining facility, the owners/operator of that facility must submit an amended closure plan. A major change may include the addition of a recycling or recovery process that is subject to WAC 173-303-120 (3) or (4), any increase in the maximum inventory of dangerous waste or used oil described in the previously approved closure plan, the closure of an existing resource reclamation unit, or a change in ownership or operational control. The department must approve or deny, with justification, the revised closure plan. Refer to (12)(a) of this section when a closure plan is denied if the closure plan needs to be resubmitted. Alternatively, the owner or operator may challenge the denial pursuant to WAC 173-303-845.

(f) Notification of closure. At least forty-five days prior to closure, an owner/operator must provide written notice to department of intent to close.

(g) Relationship to closure plans for permitted facilities. A facility owner/operator that is subject to permitting and closure planning requirements for storage, treatment or disposal that is also required to prepare a closure plan for off-site recycling or used oil processing/rerefining, may satisfy the requirements of this subsection by combining all closure requirements in a single closure plan.

Rationale for change: In response to comments, a process and time period for resubmitting closure plans that have been denied, and language regarding challenging the denial

have been added to the final rule. Also, the scope of the closure plan was modified to be limited to recycling units rather than to the recycling facility.

31. WAC 173-303-620 (1), (2), (3), (4), (6) and (8) 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.

(e) Except as provided in (1)(c) of this section, the requirements of subsections (3), (4), (8), (9) and (10) of this section, apply to owners and operators of off-site recycling facilities and processors/rerefiners of used oil, except the term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit."

(i) If the closure plan for an off-site recycling or used oil processing/rerefining facility has not been approved by the department within one year of submittal to the department, the department may determine the closure cost estimate and direct the facility to establish financial assurance in that amount. Note that the schedule for partially funded trust funds for existing facilities of WAC 173-303-620 (4)(c)(i) may apply.

(ii) Relationship to closure cost estimates and financial responsibility for permitted facilities. A facility owner/operator that is subject to closure cost estimating and financial responsibility requirements for dangerous waste management units and resource reclamation unit may choose to consolidate those requirements into a single mechanism for submittal to the department.

(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), or for off-site recycling or used oil processing facilities prepared in accordance with WAC 173-303-610(12);

(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;

(A) Except that, off-site recyclers subject to WAC 173-303-120 (3) or (4), or off-site used oil processors subject WAC 173-303-515(9) may exclude the estimated value for certain types of recyclable materials from the estimated cost of closing a recycling unit. This exclusion may include dangerous wastes or used oil held in tanks or containers that are dedicated solely to the management of recyclable materials that will require only incidental processing prior to producing a product that may be sold to the general public. Incidental processing may include simple screening or filtering to

remove minor amounts of foreign material or removal of less than five percent (5%) water by volume;; 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, or off-site recycling or used oil processing/re-refining 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)~~ (v) Closure insurance; or

~~(vi)~~ (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 for the mechanisms listed above as 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.

(c) 40 CFR 264.143 is modified by the following requirements:

(i) Partially funded trust funds of 264.143 (a)(3) may not be accepted as a mechanism for a closure trust fund for TSDs. Owners and operators of existing recycling units that become subject to this section may establish a partially funded closure trust fund with a pay-in period of ~~three~~ five years. The fund must be fully funded no later than ~~three~~ five years (and the first, second, ~~and~~ third, fourth, and fifth payments due no later than one, two, ~~and~~ three, four, and five year(s) respectively) after the date of the department's approval of the closure plan under WAC 173-303-610 (12)(b);

~~(ii) Financial or insurance institutions may not be used that are owned solely, or held in majority ownership, by the parent company of the TSD, off-site recycling or used oil processing facility seeking financial assurance;~~

~~(iii) Insurance companies providing closure coverage must have a current rating of financial strength of:~~

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa, ~~A~~ Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, ~~B++~~, B+ as rated by A.M. Best;

~~(iv) (iii) Ecology must be named as the secondary beneficiary on an insurance policy;~~

~~(v) (iv) Facility owners/operators requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.~~

(d) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/re-refining facilities regulated under WAC 173-303-515(9), must demonstrate financial assurance for closure of the facility or ~~resource reclamation~~ recycling units. In addition to the requirements of 40 CFR 264.143, as amended by this subsection, the financial assurance must meet the following requirements:

(i) For existing facilities choosing a surety bond guaranteeing payment, surety bond guaranteeing performance, letter of credit, insurance, financial test or corporate guarantee, the mechanism must be established within thirty-six months of the effective date of this section;

(ii) Owners and operators of existing facilities choosing a partially funded trust fund mechanism must establish a fully funded trust fund within ~~thirty-six~~ sixty months of approval of the closure plan by the department (see (c)(i) of this subsection);

~~(iv) (iii) For new facilities, financial assurance must be established and submitted to the department at least sixty days prior to the acceptance of the first shipment of wastes.~~

(e) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/re-refining facilities regulated under WAC 173-303-515(9) may request an alternative mechanism for financing the closure of recycling units that is determined by the department to be equivalent to one of the methods listed in (4)(a) of

this section. This may include any alternative mechanism as may be established through action by the Washington State Legislature.

(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, except that the use of partially funded trust funds, as provided in 40 CFR 264.145(a), will not be allowed by the department;

(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) ~~(iv)~~ Post-closure insurance; however, financial or insurance institutions providing such insurance ~~may not~~ must have a current rating of financial strength of:

(A) ~~Be owned solely, or held in majority ownership, by the parent company of the TSD seeking financial assurance; and~~

~~(B) Must have a current rating of financial strength of:~~

~~(H) (B) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;~~

~~(H) (B) Aaa, Aa-, A Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or~~

~~(H) (C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;~~

~~Financial test and corporate guarantee for post-closure care; or~~

(vi) ~~(v)~~ Financial test and corporate guarantee for post-closure care, except that the criterion for minimum tangible net worth in 40 CFR 264.145(e) ~~(f)~~ must be in an amount of at least twenty million dollars.

(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.

(8) Liability requirements.

(a) An owner or operator of a TSD facility, off-site recycling or used oil processing/refining 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, with the following additional requirements:

(i) ~~Financial or insurance institutions may not be used that are owned solely, or held in majority ownership, by the parent company of the TSD, off-site recycling or used oil processing facility seeking financial assurance coverage;~~

(ii) Insurance companies providing liability coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, ~~Aa-, A~~ Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, ~~B++, B+~~ as rated by A.M. Best;

(iii) ~~(i)~~ The department may file claims against liability insurance when contamination occurs as a result of releases or discharges of dangerous wastes or used oil from recycling units subject to regulation under this section to waters of the state as defined under chapter 90.48 RCW;

(iv) Facility owners/operators requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.

Rationale for change: A number of changes were made to these subsections in response to comments on the proposed amendments, including clarification of some requirements. In recognition of the cost burden associated with the proposed rule for providing financial assurance for closure, ecology made the following revisions to the final rule:

- Extended the trust fund pay-in period from thirty-six to sixty months (see WAC 173-303-620 (4)(d)(ii));
- Created an exclusion from the estimate of closure costs for recyclable materials that require incidental processing and are managed in clearly identifiable (dedicated) tanks or containers (see WAC 173-303-620 (3)(a)(iii)(A)); and,
- Created a provision that will allow an owner or operator to propose an alternative financial mechanism that is determined by ecology to be equivalent to one of the required mechanisms (see WAC 173-303-620 (4)(e)). This may include any mechanism that may be created by the Washington legislature.

By creating this extension, possible exclusion, and provision for an alternative mechanism, ecology believes that the costs for providing financial assurance for closure may be mitigated or reduced. At the same time, the department also recognizes that the reduced costs to facility owners and operators may be offset by some additional financial risk to the public.

Based on review of the comments associated with captive insurance and ratings of insurance companies, the justification for proposing the changes, evaluation of potential impacts in Washington, and the desire to address financial mechanisms in a timely manner, these changes were made in the final rule:

- Reinserting performance bonds as an acceptable mechanism for providing financial assurance for closure and post-closure at WAC 173-303-620 (4)(a)(iii) and (6)(a)(iii);
- Withdrawing the prohibition on captive insurance (proposed at WAC 173-303-620(4)(c)(ii), (6)(a)(iv)(A), (8)(a)(i)); and
- Keeping the requirement that insurance companies must meet minimum ratings by Standard and Pools, Moody and Best, but revising those ratings to accept one lower tier of ratings.

A change was made to clarify that ecology must be named as the secondary beneficiary in case the primary holder of the policy does not or cannot file claims on insurance for closure.

32. WAC 173-303-640 (4)(i)(D) and (E), (iv) and (v) Tank systems.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

(A) (i) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

(B) (ii) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in (i)(A) (i) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

(C) (iii) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: Three publications may be used, where applicable, as guidelines for assessing the overall condition of the tank system: *Tank Inspection, Repair, Alteration, and Reconstruction*, API Standard 653, Addendum 4 issued in December 1999; *Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste*, Ecology Publication No. 94-114; and *Steel Tank Institute publication #SP001-00 Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids* copyright 2000.

(D) (iv) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with ~~(h)(iv)(A) through (C) (i)(i) through (iii)~~ of this subsection.

(E) (v) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in ~~(h)(iv)(A) through (C) (i)(i) through (iii)~~ of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

Rationale for change: An incorrect reference to (h)(iv)(A) through (C) was found in two locations. In WAC 173-303-640 (4)(i)(D) and (E), the reference should be (i)(i) through (iii). The confusion was based on the letter "i" (eye) being confused with roman numeral "i" (one).

33. WAC 173-303-646 Corrective action.

WAC 173-303-646 has been broken down into the following sections:

		Old citation
WAC 173-303-64610	Purpose and applicability	WAC 173-303-646(1)
WAC 173-303-64620	Requirements	WAC 173-303-646(2)
WAC 173-303-64630	Use of the Model Toxics Control Act	WAC 173-303-646(3)
WAC 173-303-64640	Grandfathered corrective action management units (CAMUs)	<u>WAC 173-303-646 (4) through (6)</u>

Rationale for change: References to the subsections for grandfathered corrective action management units have been added.

34. WAC 173-303-64610 Corrective action management units.

WAC 173-303-64610 Purpose and applicability. (1) The provisions of this section, and WAC 173-303-64620 and 173-303-64630, establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

Rationale for change: References to WAC 173-303-64620 and 173-303-64630 were added for clarity.

35. WAC 173-303-64640 Grandfathered corrective action management units.

(1)(a) In accordance with the requirements of this subsection section and WAC 173-303-64610 through 173-303-64630, the department 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. Corrective action management unit means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

(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 WAC 173-303-64630 to fulfill the corrective action requirements of WAC 173-303-64620 or the corrective action requirements of WAC 173-303-645.

(2) Designation of a corrective action management unit.

PERMANENT

(a) When designating a CAMU, the director will do so in accordance with 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 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 control, minimize, or eliminate to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, to ground waters, to surface waters, or to the atmosphere 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 sections WAC 173-303-64650, 173-303-64660, and 173-303-64670.

(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 an 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).

(3) 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(4) or 40 CFR Part 265.113, which is incorporated by reference at WAC 173-303-400 (3)(a); 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.

Rationale for change: These subsections were retained in the final rule because they are required for grandfathered corrective action management units. The paragraphs were previously found at WAC 173-303-646 (4) through (6) and

were proposed to be deleted with the restructuring of corrective action management unit requirements. However, they will be retained in this location for a regulation that is equivalent to the federal rule. Language related to post-closure care at (2)(b)(iv) was added for equivalence with the federal rule. References to WAC 173-303-64610 through 173-303-64630 were added for clarity. Subsection was changed to "section" as an editorial correction.

36. WAC 173-303-64650(3) Corrective action management units.

(3) In accordance with the requirements of this section, the applicable portions of WAC 173-303-64610 through 173-303-64630, and with WAC 173-303-64660, the department may designate an area at a facility as a corrective action management unit for the purpose of treating, storing or disposing of CAMU-eligible waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. Corrective action management unit means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

Rationale for change: The citations were added for clarity.

37. WAC 173-303-64650 (3)(b) Corrective action management units.

(b) The department may prohibit, where appropriate, the placement of waste in a CAMU where the department has or receives information that such wastes have not been managed in compliance with applicable land disposal treatment standards of ~~40 CFR part 268, which is incorporated by reference at WAC 173-303-140 (2)(a)~~, or applicable unit design requirements of WAC 173-303-600 through 173-303-695, or applicable unit design requirements of WAC 173-303-400, or that noncompliance with other applicable requirements of this chapter likely contributed to the release of the waste.

Rationale for change: The CAMU amendments apply to state-only dangerous wastes as well as federally regulated wastes. The final rule cites to land disposal restrictions for all dangerous wastes. The citations were added for clarity.

38. WAC 173-303-64650 (3)(c)(iv) Corrective action management units.

(iv) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with WAC 173-303-140 ~~(4)(b)(iii)~~. Sorbents used to treat free liquids in CAMUs must meet the requirements of WAC 173-303-140 ~~(4)(b)(iv)~~.

Rationale for change: The citation was corrected.

39. WAC 173-303-64660 (2)(c) Designation of a corrective action management unit.

(c) Whether the disposal and/or release of the waste occurred before or after the land disposal requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140 (2)(a), or, if the waste is a state-only dangerous waste, the land disposal restrictions of WAC 173-303-140

~~(2)(b)~~, were in effect for the waste listing ~~or, characteristic, or criterion~~.

Rationale for change: The CAMU amendments apply to state-only dangerous wastes as well as federally regulated wastes. The final rule cites to land disposal restrictions for all dangerous wastes.

40. WAC 173-303-64660 (3)(c)(i) Designation of a corrective action management unit.

(i) Unless the department approves alternative requirements under (c)(ii) of this subsection, CAMUs that consist of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this subsection, composite liner means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane (FML) ~~or (geomembrane)~~; and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

Rationale for change: The rule language was clarified to show that flexible membrane liner and geomembrane are synonymous terms.

41. WAC 173-303-64660 (3)(d) Designation of a corrective action management unit.

(d) Minimum treatment requirements: Unless the wastes will be placed in a CAMU for storage and/or treatment only in accordance with subsection (4) of this section, CAMU-eligible wastes that, absent this subsection, would be subject to the treatment requirements of ~~40 CFR part 268, which are incorporated by reference at WAC 173-303-140 (2)(a)~~, and that the department determines contain principal hazardous constituents must be treated to the standards specified in (d)(iii) of this subsection.

Rationale for change: The CAMU amendments apply to state-only dangerous wastes as well as federally regulated wastes. The final rule cites to land disposal restrictions for all dangerous wastes.

42. WAC 173-303-64660 (d)(ii) Designation of a corrective action management unit.

(ii) In determining which constituents are "principal hazardous constituents," the department must consider all constituents which, absent this section, would be subject to the treatment requirements of ~~40 CFR part 268, which are incorporated by reference at WAC 173-303-140 (2)(a)~~.

Rationale for change: The CAMU amendments apply to state-only dangerous wastes as well as federally regulated wastes. The final rule cites to land disposal restrictions for all dangerous wastes.

43. WAC 173-303-64660 (3)(e) Designation of a corrective action management unit.

(e) Except as provided in subsection (4) of this section, requirements for ground water and ~~or~~ vadose zone monitoring and corrective action that are sufficient to:

Rationale for change: This change was made to ensure that the rule cannot be interpreted to allow either ground water or vadose zone monitoring. As written, it could have been interpreted as less stringent than the federal provision.

44. WAC 173-303-64660 (3)(f) Designation of a corrective action management unit.

(3)(f) Except as provided in subsection (4) of this section, requirements for closure will minimize the need for further maintenance; and control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of dangerous wastes, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, to ground waters, to surface waters, or to the atmosphere.

Rationale for change: This addition is for equivalence with the federal regulations. The statement already exists in relation specifically to post-closure, but to more closely adhere to the structure of the federal rule it is restated in this subsection.

45. WAC 173-303-64660 (4)(a) Corrective action management units.

(4) CAMUs used for storage and/or treatment only are CAMUs in which wastes will not remain after closure. Such CAMUs must be designated in accordance with all of the requirements of this subsection, except as follows. ~~(Note that staging pile requirements are incorporated by reference at WAC 173-303-64690.)~~

(a) CAMUs that are used for storage and/or treatment only and that operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554 (d)(1)(iii), (h), and (i) are subject to the requirements for staging piles at 40 CFR 264.554 (d)(1)(i) and (ii), § 264.554 (d)(2), § 264.554 (e) and (f), and § 264.554 (j) and (k) in lieu of the performance standards and requirements for CAMUs in this section at subsections (1) and (3)(c) through (f). The staging pile requirements of 40 CFR Part 264.554 are incorporated by reference at WAC 173-303-64690.

(b) CAMUs that are used for storage and/or treatment only and that do not operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554 (d)(1)(iii), (h), and (i), which are incorporated by reference:

Rationale for change: Wording to indicate incorporation of these federal citations has been clarified.

46. WAC 173-303-64670 (1)(a) Incorporation of a regulated unit within a CAMU.

(1) The department 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:

(a) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610(4) or 40 CFR Part 265.113, which is incorporated by reference at 173-303-400 (3)(a); and

Rationale for change: The citations were clarified.

47. WAC 173-303-646910 (1), (2), (3), (6), and (7) CAMU-eligible waste.

(1) Disposal of CAMU-eligible wastes into permitted ~~hazardous~~ dangerous waste landfills. (1) The department may approve placement of CAMU-eligible wastes in ~~hazardous~~ dangerous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of ~~RCRA 40 CFR part 268, which is incorporated by reference at~~ WAC 173-303-140(2), if the conditions in (a) through (c) of this subsection are met:

(a) The waste meets the definition of CAMU-eligible waste in WAC 173-303-64650 (3)(a) and (b).

(b) The department identifies principal hazardous constituents in such waste, in accordance with WAC 173-303-64660 (3)(d)(i) and (ii), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

(i) The treatment standards under WAC 173-303-64660 (3)(d)(iv); or

(ii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3)(d)(v)(A), (C), (D) or (E)(I); or

(iii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3)(d)(v)(E)(II), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

(c) The landfill receiving the CAMU-eligible waste must have a ~~RCRA hazardous~~ dangerous waste permit, meet the requirements for new landfills in WAC 173-303-665, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.

(2) The person seeking approval must provide sufficient information to enable the department to approve placement of CAMU-eligible waste in accordance with subsection (1) of this section. Information required by WAC 173-303-64660 (2)(a) through (c) for CAMU applications must be provided, unless not reasonably available.

(3) The department must provide public notice and a reasonable opportunity for public comment before approving CAMU-eligible waste for placement in an off-site permitted ~~hazardous~~ dangerous waste landfill, consistent with the requirements for CAMU approval at WAC 173-303-64660 (6). The approval must be specific to a single remediation.

(6) Generators of CAMU-eligible wastes sent off site to a ~~hazardous~~ dangerous waste landfill under this subsection must comply with the requirements of 40 CFR 268.7 (a)(4), which is incorporated by reference at WAC 173-303-140(2); off-site facilities treating CAMU-eligible wastes to comply with this section must comply with the requirements of Sec. 268.7 (b)(4), which is incorporated by reference at WAC 173-303-140(2), except that the certification must be with respect to the treatment requirements of subsection (1)(b) of this section.

(7) For the purposes of this subsection only, the "design of the CAMU" in WAC 173-303-64660 (3)(d)(v)(E) means design of the permitted ~~Subtitle C~~ dangerous waste landfill.

Rationale for change: For internal consistency, the word "hazardous" was changed to "dangerous" for landfills and permits. The CAMU amendments apply to state-only

dangerous wastes as well as federally regulated wastes. The final rule cites to land disposal restrictions for all dangerous wastes.

48. WAC 173-303-670 (1)(b)(ii) Incinerators.

(1)(b)(ii) The MACT standards do not replace the closure requirements of WAC 173-303-610 or the applicable requirements of WAC 173-303-280 through 173-303-400~~395~~, 173-303-645, 173-303-610, 173-303-620, 173-303-691, 173-303-692, and 173-303-902.

Rationale for change: The reference was changed since this provision applies to final status facilities. WAC 173-303-400 applies to Interim Status facilities.

49. WAC 173-303-670 (1)(b)(iv) Incinerators.

(iv) The following requirements remain in effect for startup, shutdown, and malfunction events if you elect to comply with 40 CFR 270.235(a)(1)(i), which is incorporated by reference, to minimize emissions of toxic compounds from these events:

Rationale for change: This addition clarifies that the provision cited in the federal regulations has been incorporate by reference into the state regulations.

50. WAC 173-303-802 (5)(a) Permits by rule.

(5)(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization ~~or wastewater treatment~~ unit that treats state-only dangerous wastes generated on or off site or federally regulated hazardous waste generated on site, or a wastewater treatment unit that treats dangerous wastes generated on or off site, will have a permit by rule, subject to limitations in (b) and (c) of this subsection, if they:

Rationale for change: This change was made in the final rule to clarify that elementary neutralization and totally enclosed treatment facilities may not treat federally regulated hazardous wastes that were generated off-site. The change applies only to wastewater treatment units as explained in the proposed amendment.

51. WAC 173-303-802 (5)(a)(iv)(I) Permits by rule.

(I) WAC 173-303-380 (1)(d), operating record, and WAC 173-303-380 (1)(a) when the owner or operator of a wastewater treatment unit is treating federally regulated wastewaters generated off-site;

Rationale for change: This record-keeping requirement was added to the final expanded permit-by-rule requirement for owners and operators of wastewater treatment units treating federally regulated hazardous wastes generated off-site. The information required in WAC 173-303-380 (1)(a) will be important to track the source and volumes of wastewater received and treated at a facility and is needed to prepare the annual report required in the permit-by-rule provisions (WAC 173-303-802 (5)(a)(iii)(J)).

52. WAC 173-303-805 (1)(b) Interim status permits.

(1)(b) Any person who owns or operates an "existing dangerous waste TSD facility" or a facility in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act or RCRA that renders the facility subject to the requirement to have a dangerous

waste permit will have interim status and will be treated as having been issued a permit to the extent he or she has:

Rationale for change: Editorial correction.

53. WAC 173-303-830 (4)(j)(i) MACT standards.

(j) Combustion facility changes to meet 40 CFR part 63 MACT standards. (Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to Part 63, you must get an air permit from ecology or the local air authority.) The following procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of this section, section L.9.

(i) Facility owners or operators must have complied with the Notification of Intent to Comply requirements of 40 CFR 63.1210 that were in effect prior to ~~May 14, 2001~~ October 11, 2000 (see 40 CFR Part 63 revised as of July 1, 2000) in order to request a permit modification under this section.

Rationale for change: The date was corrected for consistency with the federal rule being incorporated.

54. WAC 173-303-841 Integration with maximum achievable control technology (MACT) standards.

40 CFR 270.235, Options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events, is incorporated by reference. ~~This is~~ The incorporated provision is 40 CFR Part 270 subpart I, Integration with maximum achievable control technology (MACT) standards.

Rationale for change: The federal citation was clarified.

55. WAC 173-303-960 Special powers and authorities of the department.

(1) ~~Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health or the environment.~~

(2) ~~Notwithstanding any other provision of this chapter, upon receipt of evidence or with due cause the department may direct the attorney general to bring actions for injunctive, declaratory, or other relief to enforce any requirement of this chapter, or to bring suit to immediately restrain or obtain such other relief as may be necessary against any person contributing to the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste that may present an imminent and substantial endangerment to health or the environment. believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste may present a significant threat to health or the environment, the department may:~~

(a) ~~Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and~~

(b) ~~Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary.~~

Rationale for change: In the final rule, ecology is following the advice of the Attorney General's Office to revise

both WAC 173-303-960 (1) and (2). Ecology is striking the language regarding authority to conduct inspections because this authority already exists in RCW 70.105.130. The language of this section was revised to maintain consistency with RCW 70.105.120 while also retaining the term "imminent and substantial endangerment." By keeping the term "imminent and substantial endangerment" in this section, we trust that the courts will apply the legal tests that apply to ecology for proving the need for action, and that the courts will be guided by decisions of courts in other similar circumstances in Washington and other states.

If you would like to receive a copy of the rationale for the changes, the concise explanatory statement is available from Chipper Hervieux, P.O. Box 47600, Olympia, WA 98504. You may request a copy at pher461@ecy.wa.gov, or view the document at <http://www/laws-rules/activity/wac/173303.html>.

A final cost-benefit analysis is available by contacting Chipper Hervieux, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6756, fax (360) 407-6715, e-mail pher461@ecy.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 13, Amended 34, 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 28, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 30, 2004.

Linda Hoffman
Director

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

WAC 173-303-010 Purpose. This regulation implements chapter 70.105 RCW, the Hazardous Waste Management Act of 1976 as amended, and implements, in part, chapters 70.105A, 70.105D, and 15.54 RCW, and Subtitle C of Public Law 94-580, the Resource Conservation and Recovery Act, which the legislature has empowered the department to implement. The purposes of this regulation are to:

(1) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;

Note: The terms public health and human health are used in this chapter interchangeably.

(2) Provide for surveillance and monitoring of dangerous and extremely hazardous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;

(3) Provide the form and rules necessary to establish a system for manifesting, tracking, reporting, monitoring,

recordkeeping, sampling, and labeling dangerous and extremely hazardous wastes;

(4) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous and extremely hazardous waste transfer, treatment, storage, and disposal facilities;

(5) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

(6) Establish and administer a program for permitting dangerous and extremely hazardous waste management facilities; and

(7) Encourage recycling, reuse, reclamation, and recovery to the maximum extent possible.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-030 Abbreviations. The following abbreviations are used in this regulation.

((1)) ASTM - American Society for Testing Materials

((2)) APHA - American Public Health Association

((3)) CDC - Center for Disease Control

((4)) CFR - Code of Federal Regulations

((5)) DOT - Department of Transportation

((6)) °C - degrees Celsius

((7)) DW - dangerous waste

((8)) DWS - drinking water standards of the Safe Drinking Water Act

((9)) EHW - extremely hazardous waste

((10)) EP - extraction procedure

((11)) EPA - Environmental Protection Agency

((12)) °F - degrees Fahrenheit

((13)) g - gram

((14)) IARC - International Agency for Research on Cancer

IFC - International Fire Code

((15)) kg - kilogram (one thousand grams)

((16)) L - liter

((17)) lb - pound

((18)) LC₅₀ - median lethal concentration

((19)) LD₅₀ - median lethal dose

((20)) M - molar (gram molecular weights per liter of solution)

((21)) mg - milligram (one thousandth of a gram)

((22)) NFPA - National Fire Protection Association

((23)) NIOSH - National Institute for Occupational Safety and Health

((24)) pH - negative logarithm of the hydrogen ion concentration

((25)) POTW - publicly owned treatment works

((26)) ppm - parts per million (weight/weight)

((27)) RCRA - Resource Conservation and Recovery Act

((28)) RCW - Revised Code of Washington

((29)) TSD facility - treatment, storage, or disposal facility

((30)) UBC - Uniform Building Code

((31)) UFC - Uniform Fire Code

- ((32)) USCG - United States Coast Guard
 ((33)) USGS - United States Geological Survey
 ((34)) WAC - Washington Administrative Code
 ((35)) % - percent
 ((36)) # - number

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

WAC 173-303-040 Definitions. When used in this chapter, the following terms have the meanings given below.

"Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

"Active portion" means that portion of a facility which is not a closed portion, and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

The effective date of the waste's designation by 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

"Active range" means a military range that is currently in service and is being regularly used for range activities.

"Acute hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P", including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation "AHW" will be used in this chapter to refer to those dangerous and mixed wastes which are acute hazardous wastes. Note - the terms acute and acutely are used interchangeably.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of dangerous waste from its point of generation to a storage or treatment tank(s), between dangerous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Batch" means any waste which is generated less frequently than once a month.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive elec-

trical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Berm" means the shoulder of a dike.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit will be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

"By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Carcinogenic" means a material known to contain a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both IARC and either IRIS or HEAST.

"Chemical agents and chemical munitions" are defined as in 50 U.S.C. section 1521 (j)(1).

"Cleanup-only facility" means a site, including any contiguous property owned or under the control of the owner or operator of the site, where the owner or operator is or will be treating, storing, or disposing of remediation waste, including dangerous remediation waste, and is not, has not and will not be treating, storing or disposing of dangerous waste that is not remediation waste. A cleanup-only facility is not a "facil-

ity" for purposes of corrective action under WAC 173-303-646.

"Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

"Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

"Commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

"Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and includes, but is not limited to, limes, gypsum, and manipulated animal manures and vegetable compost. The commercial fertilizer must be registered with the state or local agency regulating the fertilizer in the locale in which the fertilizer is being sold or applied.

"Compliance procedure" means any proceedings instituted pursuant to the Hazardous Waste Management Act as amended in 1980 and 1983, and chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

"Component" means either the tank or ancillary equipment of a tank system.

"Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of WAC 173-303-695.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten human health or environment.

"Contract" means the written agreement signed by the department and the state operator.

~~("Corrective action management unit" means an area that is used to treat, store or dispose only remediation wastes~~

~~for implementing corrective action under WAC 173-303-646 or other clean up activities.)~~

"Corrosion expert" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents that have caused a waste to be a dangerous waste under this chapter.

"Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste. (See also "extremely hazardous waste," "hazardous waste," and "mixed waste" definitions.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 40 CFR Part 268 Subpart D (incorporated by reference in WAC 173-303-140 (2)(a)); process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least seventy-five percent of their original volume. A mixture of debris that has not been treated to the standards provided by 40 CFR 268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Department" means the department of ecology.

"Dermal LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

"Designated facility" means a dangerous waste treatment, storage, or disposal facility that has received a permit (or interim status) in accordance with the requirements of this

chapter, has received a permit (or interim status) from another state authorized in accordance with 40 CFR Part 271, has received a permit (or interim status) from EPA in accordance with 40 CFR Part 270, has a permit by rule under WAC 173-303-802(5), or is regulated under WAC 173-303-120 (4)(c) or 173-303-525 when the dangerous waste is to be recycled, and that has been designated on the manifest pursuant to WAC 173-303-180(1). If a waste is destined to a facility in an authorized state that has not yet obtained authorization to regulate that particular waste as dangerous, then the designated facility must be a facility allowed by the receiving state to accept such waste. The following are designated facilities only for receipt of state-only waste; they cannot receive federal hazardous waste from off-site: Facilities (~~(with permit by rule under WAC 173-303-802(5)(a) and facilities)~~) operating under WAC 173-303-500 (2)(c).

"Designation" is the process of determining whether a waste is regulated under the dangerous waste lists, WAC 173-303-080 through 173-303-082; or characteristics, WAC 173-303-090; or criteria, WAC 173-303-100. The procedures for designating wastes are in WAC 173-303-070. A waste that has been designated as a dangerous waste may be either DW or EHW.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in WAC 173-303-573 (9)(a), (b) and (c) and 173-303-573 (20)(a), (b) and (c). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

"Dioxins and furans (D/F)" means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

"Director" means the director of the department of ecology or his designee.

"Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment.

"Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

"Domestic sewage" means untreated sanitary wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment.

"Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

"Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kick-back or drip-

page from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel.

"Enforceable document" means an order, consent decree, plan or other document that meets the requirements of 40 CFR 271.16(e) and is issued by the director to apply alternative requirements for closure, post-closure, ground water monitoring, corrective action or financial assurance under WAC 173-303-610 (1)(d), 173-303-645 (1)(e), or 173-303-620 (8)(d) or, as incorporated by reference at WAC 173-303-400, 40 CFR 265.90(f), 265.110(d), or 265.140(d). Enforceable documents include, but are not limited to, closure plans and post-closure plans, permits issued under chapter 70.105 RCW, orders issued under chapter 70.105 RCW and orders and consent decrees issued under chapter 70.105D RCW.

"Environment" means any air, land, water, or ground water.

"EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

"Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, regulations, and ordinances and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

"Extremely hazardous waste" means those dangerous and mixed wastes designated in WAC 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

"Facility" means:

- All contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them). Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" are used interchangeably.

- For purposes of implementing corrective action under WAC ((173-303-646(2) or (3))) 173-303-64620 or 173-303-64630, "facility" also means all contiguous property under the control of an owner or operator seeking a permit under

chapter 70.105 RCW or chapter 173-303 WAC and includes the definition of facility at RCW 70.105D.020(4).

"Facility mailing list" means the mailing list for a facility maintained by the department in accordance with WAC 173-303-840 (3)(e)(I)(D).

"Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility. Areas only subject to generator standards WAC 173-303-170 through 173-303-230 need not be included in final closure.

"Fish LC50" means the concentration that will kill fifty percent of the exposed fish in a specified time period. For book designation, LC50 data must be derived from an exposure period greater than or equal to twenty-four hours. A hierarchy of species LC50 data should be used that includes (in decreasing order of preference) salmonids, fathead minnows (*Pimephales promelas*), and other fish species. For the ninety-six-hour static acute fish toxicity test, described in WAC 173-303-110 (3)(b)(i), coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), or brook trout (*Salvelinus fontinalis*) must be used.

"Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

"Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

"Ground water" means water which fills voids below the land surface and in the earth's crust.

"Halogenated organic compounds" (HOC) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, or iodine which is/are bonded directly to a carbon atom. This definition does not apply to the federal land disposal restrictions of 40 CFR Part 268 which are incorporated by reference at WAC 173-303-140 (2)(a). Note: Additional information on HOCs may be found in *Chemical Testing Methods for Designating Dangerous Waste*, Ecology Publication #97-407.

"Hazardous debris" means debris that contains a hazardous waste listed in WAC 173-303-9903 or 173-303-9904, or that exhibits a characteristic of hazardous waste identified in WAC 173-303-090.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

"Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

"Ignitable waste" means a dangerous waste that exhibits the characteristic of ignitability described in WAC 173-303-090(5).

"Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"Inactive range" means a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not been put to a new use that is incompatible with range activities.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

"Independent qualified registered professional engineer" means a person who is licensed by the state of Washington, or a state which has reciprocity with the state of Washington as defined in RCW 18.43.100, and who is not an employee of the owner or operator of the facility for which construction or modification certification is required. A qualified professional engineer is an engineer with expertise in the specific area for which a certification is given.

"Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy: Cement kilns; lime kilns; aggregate kilns; phosphate kilns; blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces); titanium dioxide chloride process oxidation reactors; coke ovens; methane reforming furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and halogen acid furnaces (HAFs) for the production of acid from halogenated dangerous waste generated by chemical production facilities

where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for dangerous waste burned as fuel, dangerous waste fed to the furnace has a minimum halogen content of 20% as-generated. The department may decide to add devices to this list on the basis of one or more of the following factors:

The device is designed and used primarily to accomplish recovery of material products;

The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

The device burns or reduces raw materials to make a material product;

The device is in common industrial use to produce a material product; and

Other factors, as appropriate.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

"Knowledge" means sufficient information about a waste to reliably substitute for direct testing of the waste. To be sufficient and reliable, the "knowledge" used must provide information necessary to manage the waste in accordance with the requirements of this chapter.

Note: "Knowledge" may be used by itself or in combination with testing to designate a waste pursuant to WAC 173-303-070 (3)(c), or to obtain a detailed chemical, physical, and/or biological analysis of a waste as required in WAC 173-303-300(2).

"Lamp," also referred to as "universal waste lamp" means any type of high or low pressure bulb or tube portion of an electric lighting device that generates light through the discharge of electricity either directly or indirectly as radiant energy. Universal waste lamps include, but are not limited to, fluorescent, mercury vapor, metal halide, high-pressure sodium and neon. As a reference, it may be assumed that four, four-foot, one-inch diameter unbroken fluorescent tubes are equal to 2.2 pounds in weight.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

"Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

"Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this section) who accumulates 11,000 pounds or more total of universal waste (batteries, thermostats, mercury-containing equipment, and lamps calculated collectively) and/or who accumulates more than 2,200 pounds of lamps at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 11,000 pounds or more total of universal waste and/or 2,200 pounds of lamps is accumulated.

"Leachable inorganic waste" means solid dangerous waste (i.e., passes paint filter test) that is not an organic/carbonaceous waste and exhibits the toxicity characteristic (dangerous waste numbers D004 to D011, only) under WAC 173-303-090(8).

"Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of dangerous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of dangerous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

"Major facility" means a facility or activity classified by the department as major.

"Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin,

routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

"Manufacturing process unit" means a unit which is an integral and inseparable portion of a manufacturing operation, processing a raw material into a manufacturing intermediate or finished product, reclaiming spent materials or reconditioning components.

"Marine terminal operator" means a person engaged in the business of furnishing wharfage, dock, pier, warehouse, covered and/or open storage spaces, cranes, forklifts, bulk loading and/or unloading structures and landings in connection with a highway or rail carrier and a water carrier. A marine terminal operator includes, but is not limited to, terminals owned by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen and stevedores who operate port terminal facilities.

"Mercury-containing equipment" means a device or part of a device (excluding batteries, thermostats, and lamps) that contains elemental mercury necessary for its operation. Examples of mercury-containing equipment include thermometers, manometers, and electrical switches.

"Micronutrient fertilizer" means a produced or imported commercial fertilizer that contains commercially valuable concentrations of micronutrients but does not contain commercially valuable concentrations of nitrogen, phosphoric acid, available phosphorous, potash, calcium, magnesium, or sulfur. Micronutrients are boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

"Military" means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: Confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include nonnuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

"Military range" means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other

ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

"Miscellaneous unit" means a dangerous waste management unit where dangerous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR Part 146, containment building, corrective action management unit, temporary unit, staging pile, or unit eligible for a research, development, and demonstration permit under WAC 173-303-809.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 CFR 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 40 CFR 265.193 (g)(2) as adopted by reference in WAC 173-303-400(3), a new tank system is one for which construction commences after February 3, 1989. (See also "existing tank system.")

"New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

"Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

"Off-specification used oil fuel" means used oil fuel that exceeds any specification level described in Table 1 in WAC 173-303-515.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way which they control and to which the public does not have access, are also considered on-site property.

"Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

"Oral LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

"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.

"Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through ((173-303-670)) 173-303-695 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

"Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

The department, pursuant to this chapter;

United States EPA, pursuant to 40 CFR Part 270; or

Another state authorized by EPA, pursuant to 40 CFR Part 271.

"Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

"Persistence" means the quality of a material that retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions. Persistent compounds are either halogenated organic compounds (HOC) or polycyclic aromatic hydrocarbons (PAH) as defined in this section.

"Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

"Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

"Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more fused benzene rings. For purposes of this chapter, the PAHs of concern for designation are: Acenaphthene, acenaphthylene, fluorene, anthracene, fluoranthene, phenanthrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, pyrene, chrysene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene, dibenzo[(a,e), (a,h), (a,i), and (a,l)] pyrenes, and dibenzo (a,j) acridine.

"Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

"Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (that is, sorted), and fines, drosses and related materials that have been agglomerated. Note: Shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (WAC 173-303-071 (3)(gg)).

"Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

"Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

"Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields to make sound professional judgments regarding ground water monitoring and contaminant fate and transport. Sufficient training and experience may be demonstrated by state registration, professional certifications, or completion of accredited university courses.

"Reactive waste" means a dangerous waste that exhibits the characteristic of reactivity described in WAC 173-303-090(7).

"Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

"Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

"Recycle" means to use, reuse, or reclaim a material.

"Recycling unit" is a contiguous area of land, structures and equipment where materials designated as dangerous waste or used oil are placed or processed in order to recover useable products or regenerate the original materials. For the purposes of this definition, "placement" does not mean "storage" when conducted within the provisions of WAC 173-303-120(4). A container, tank, or processing equipment alone does not constitute a unit; the unit includes containers, tanks or other processing equipment, their ancillary equipment and secondary containment system, and the land upon which they are placed.

"Registration number" means the number assigned by the department of ecology to a transporter who owns or leases and operates a ten-day transfer facility within Washington state.

"Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

July 26, 1982, for wastes regulated by 40 CFR Part 261;

October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

"Release" means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous wastes, or dangerous constituents as defined at WAC ((173-303-646 (1)(e))) 173-303-64610(4), into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous wastes or dangerous constituents and includes the definition of release at RCW 70.105D.020(20).

"Remediation waste" means all solid and dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that ~~((contain listed dangerous wastes or that exhibit a dangerous waste characteristic or criteria when))~~ are managed for implementing cleanup.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and that is subsequently reused to treat, store, or dispose of dangerous waste. "Replacement unit" does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state approved corrective action.

"Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

"Reuse or use" means to employ a material either:

As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation

bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

"Satellite accumulation area" means a location at or near any point of generation where hazardous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated ninety-day accumulation area or storage area. The 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 into the satellite containers.

"Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

"Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb of sludge treated on a wet-weight basis.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this section) who does not accumulate 11,000 pounds or more total of universal waste (batteries, thermostats, mercury-containing equipment, and lamps, calculated collectively) and/or who does not accumulate more than 2,200 pounds of lamps at any time.

"Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of WAC 173-303-090 (6)(a)(iii).

"Solid waste management unit" or "SWMU" means any discernible location at a facility, as defined for the purposes of corrective action, where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at a facility at which solid wastes, including spills, have been routinely and systematically released. Such units include regulated units as defined by chapter 173-303 WAC.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. *Sorb* means to either adsorb or absorb, or both.

"Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial and industrial establishments, if the ash residues are designated as dangerous waste only by this chapter and not designated as hazardous waste by 40 CFR Part 261.

"Special waste" means any state-only dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is: Corrosive waste (WAC 173-303-090 (6)(b)(ii)), toxic waste that has Category D toxicity (WAC 173-303-100(5)), PCB waste (WAC 173-303-9904 under State Sources), or persistent waste that is not EHW (WAC 173-303-100(6)). Any solid waste that is regulated by the United States EPA as hazardous waste cannot be a special waste.

"Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"Stabilization" and "solidification" means 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.

"Staging pile" means an accumulation of solid, nonflowing, remediation waste that is not a containment building or a corrective action management unit and that is used for temporary storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activities.

"State-only dangerous waste" means a waste designated only by this chapter, chapter 173-303 WAC, and is not regulated as a hazardous waste under 40 CFR Part 261.

"State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

"Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

"Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect dangerous waste for transport to dangerous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed

primarily of nonearthen materials to provide structural support.

"Tank system" means a dangerous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Temporary unit" means a tank or container that is not an accumulation unit under WAC 173-303-200 and that is used for temporary treatment or storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activities.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of dangerous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the dangerous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of WAC 173-303-573 (9)(b)(ii) or (20)(b)(ii).

"TLM₉₆" means the same as "Aquatic LC₅₀."

"Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

"Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, buildings, piers, and other similar areas where shipments of dangerous waste are held, consolidated, or transferred within a period of ten days or less during the normal course of transportation.

"Transport vehicle" means a motor vehicle, water vessel, or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, steamship, etc.) is a separate transport vehicle.

"Transportation" means the movement of dangerous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of dangerous waste.

"Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

"Treatability study" means a study in which a dangerous waste is subjected to a treatment process to determine: Whether the waste is amenable to the treatment process; what pretreatment (if any) is required; the optimal process conditions needed to achieve the desired treatment; the efficiency of a treatment process for a specific waste or wastes; or the characteristics and volumes of residuals from a particular

treatment process. Also included in this definition for the purpose of the exemptions contained in WAC 173-303-071 (3)(r) and (s), are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of dangerous waste.

"Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

"Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

"Unexploded ordnance (UXO)" means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating dangerous waste without posing a threat of release of dangerous waste to the environment.

"Universal waste" means any of the following dangerous wastes that are subject to the universal waste requirements of WAC 173-303-573:

Batteries as described in WAC 173-303-573(2);

Thermostats as described in WAC 173-303-573(3);
((and))

Lamps as described in WAC 173-303-573(5); and
Mercury-containing equipment as described in WAC 173-303-573(4).

"Universal waste handler":

Means:

A generator (as defined in this section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Does not mean:

A person who treats (except under the provisions of WAC 173-303-573 (9)(a), (b), or (c) or (20)(a), (b), or (c)) disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Waste-derived fertilizer" means a commercial fertilizer that is derived in whole or in part from solid waste as defined in chapter 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include fertilizers derived from biosolids or biosolid products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility which is subject to regulation under either:

Section 402 or section 307(b) of the Federal Clean Water Act; or

Chapter 90.48 RCW, State Water Pollution Control Act, provided that the waste treated at the facility is a state-only dangerous waste; and

Handles dangerous waste in the following manner:

Receives and treats or stores an influent wastewater; or

Generates and accumulates or treats or stores a wastewater treatment sludge; and

Meets the definition of tank or tank system in this section.

"Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

"Zone of engineering control" means an area under the control of the owner/operator that, upon detection of a dangerous waste release, can be readily cleaned up prior to the release of dangerous waste or dangerous constituents to ground water or surface water.

Any terms used in this chapter which have not been defined in this section have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the

singular include the plural, and words in the plural include the singular.

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 02-03, filed 3/13/03, effective 4/13/03)

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))~~ 2003, except for the following: The National Environmental Performance Track Program accumulation requirements, incorporated at WAC 173-303-200(5), are from the April 22, 2004, Federal Register Volume 69, Number 78. 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 ~~((+))~~(1); and 265.430.

(c) 40 CFR Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (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) The following sections and any cross-references to these citations are not incorporated or adopted by reference: 40 CFR Parts 260.20-260.22.

(4) 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 173-303-060 Notification and identification numbers. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility must have a current EPA/state identification number (EPA/state ID#). An EPA/state ID# is issued to TSD facilities and generators by site. A state registration number is assigned to transfer facilities by site. Any person who offers a dangerous waste to a

transporter or to a dangerous waste TSD facility (~~(which)~~ that does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled or withdrawn, is in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received their ID#, must notify the department by obtaining and completing a Washington State ~~((Notification of Dangerous Waste Activities (Form 2)))~~ Dangerous Waste Site Identification Form according to the instructions on the form and submitting the completed form to the department. Any person already assigned an EPA/state ID# must notify the department of any changes to their company's name, mailing address, ownership, physical location, or type of dangerous waste activity, by submitting a revised form ((2)). A revised form ((2)) must be submitted prior to adding or dropping any of the following activities: Permitted treating, storing and/or disposing, immediate recycling, transporting, permit by rule, and/or treatment by generator. ~~((For changes of company name, mailing address, or ownership, the generator may submit a corrected Verification Form (part of the Dangerous Waste Annual Report) in lieu of a revised Form 2.))~~ Any change in site location will require the issuance of a new EPA/state ID# for waste generation and management facilities. An EPA/state ID# may not be used at new company locations. A company that has obtained an ID# as a "transporter only" can move to a new location and continue to use the same ID#. A revised ~~((notification Form 2))~~ Dangerous Waste Site Identification Form must be submitted to the department. ~~((Notification of dangerous waste activities, Form 2))~~ A Dangerous Waste Site Identification Form and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# will be considered cancelled only after all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-070(8), 173-303-220, and 173-303-390. Any person who has withdrawn or cancelled their ID# must submit an annual report up to the effective date of cancellation or withdrawal. The generator should write the effective date on the ~~((notification form))~~ Dangerous Waste Site Identification Form for the cancellation or withdrawal; it is the date by which all regulated waste activities (generation, transportation, and management) have ceased at the site.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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) Except as provided at WAC 173-303-070 (2)(c), 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 runoff. Precipitation runoff will not be considered a dangerous waste if it can be shown that the runoff has not been contaminated with the dangerous waste, or that the runoff is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the runoff 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.)~~ (i) A dangerous waste that is listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits one or more characteristics of ignitability as defined under WAC 173-303-090(5), corrosivity as defined under WAC 173-303-090(6), or reactivity as defined under WAC 173-303-090(7) is not a dangerous waste, if the waste no longer exhibits any characteristic of dangerous waste identified in WAC 173-303-090 or any criteria identified in WAC 173-303-100.

(ii) The exclusion described in (c)(i) of this subsection also pertains to:

(A) Any solid waste generated from treating, storing, or disposing of a dangerous waste listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under (a) and (b) of this section.

(B) Wastes excluded under this section are subject to 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

(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), (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)))~~ 173-350 WAC (Solid waste handling standards), 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.

(d) If a small quantity generator's used oil is to be recycled by being burned for energy recovery or re-refined, the used oil is subject to WAC 173-303-515.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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~~) that fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use. Intended end use means the wood product must have been used in typical treated wood applications (for example, fence posts, decking, poles, and timbers).

(ii) Wood treated with other preservatives provided such treated wood (~~is~~) and wood waste (for example, sawdust and shavings) are, 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~~) chapter 173-350 WAC, Solid waste handling standards, 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 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~~) WPCB 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))~~) NAICS codes 331111 and 332111), 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
Lead	0.15
Mercury	0.009

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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))~~ NAICS code 324110) and are inserted into the petroleum refining process (~~((SIC code 2911))~~ NAICS code 324110 - 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))~~ NAICS codes 211111, 211112, 213111, 213112, 541360, 237120, 238910, 324110, 486110, 486910, 486210, 221210, 486210, 487110, 488210, 488999, 722310, 424710, 454311, 454312, 424720, 425110, 425120). 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))~~ NAICS code 324110) 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))~~ NAICS code is (~~(2869))~~ 325110, 325120, 325188, 325192, 325193, or

325199, but where operations may also include ((SIC codes 2821, 2822, and 2865)) NAICS codes 325211, 325212, 325110, 325132, 325192; 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, K174, K175, K176, K177, and K178 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)) As of February 13, 2001, leachate or gas condensate ((will)) derived from K169 - K172 is no longer ((be)) exempt if it is stored or managed in a surface impoundment prior to discharge. After November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 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)(i) Controlled substances, legend drugs, and over-the-counter drugs that are state-only dangerous wastes.

(A) Controlled substances as defined and regulated by chapter 69.50 RCW (Schedule I through V);

(B) Legend drugs as defined and regulated by chapter 69.41 RCW; and

(C) Over-the-counter drugs as defined and regulated by chapter 69.60 RCW.

(ii) Controlled substances, legend drugs, and over-the-counter drugs that are held in the custody of law enforcement agencies or possessed by any licensee as defined and regulated by chapter 69.50 RCW or Title 18 RCW and authorized to possess drugs within the state of Washington are excluded, provided the drugs are disposed of by incineration in a controlled combustion unit with a heat input rate greater than 250 million British thermal units/hour, a combustion zone temperature greater than 1500 degrees Fahrenheit, or a facility permitted to incinerate municipal solid waste.

(iii) For the purposes of this exclusion the term "drugs" means:

(A) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(B) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(C) Substances (other than food) intended to affect the structure or any function of the body of man or other animals, as defined in RCW 18.64.011(3). (Note: RCW 18.64.011(3)(d) is intentionally not included in the definition of drugs for this exclusion.)

(iv) When possessed by any licensee the term drugs used in this exclusion means finished drug products.

(oo) Reserve.

(pp) Zinc fertilizers made from hazardous wastes provided that:

(i) The fertilizers meet the following contaminant limits:

(A) For metal contaminants:

<u>Maximum Allowable Total Concentration Constituent in Fertilizer, per Unit (1%) of Zinc (ppm)</u>	
<u>Arsenic</u>	<u>0.3</u>
<u>Cadmium</u>	<u>1.4</u>
<u>Chromium</u>	<u>0.6</u>

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Maximum Allowable Total Concentration Constituent in Fertilizer, per Unit (1%) of Zinc (ppm)

<u>Lead</u>	<u>2.8</u>
<u>Mercury</u>	<u>0.3</u>

(B) For dioxin contaminants the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of (pp)(ii) of this subsection. Such records must at a minimum include:

(A) The dates and times product samples were taken, and the dates the samples were analyzed;

(B) The names and qualifications of the person(s) taking the samples;

(C) A description of the methods and equipment used to take the samples;

(D) The name and address of the laboratory facility at which analyses of the samples were performed;

(E) A description of the analytical methods used, including any cleanup and sample preparation methods; and

(F) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (3)(pp).

(qq) Debris. 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, which is incorporated by reference at WAC 173-303-140 (2)(a); 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.

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

WAC 173-303-077 Requirements for universal waste. The wastes listed in this section are exempt from regulation under WAC 173-303-140, 173-303-170 through 173-303-9907 (except for WAC 173-303-960), and except as

specified in WAC 173-303-573, and therefore are not fully regulated as dangerous waste. The wastes listed in this section are subject to regulation under WAC 173-303-573:

- (1) Batteries as described in WAC 173-303-573(2);
- (2) Thermostats as described in WAC 173-303-573(3);
- ((and))
- (3) Mercury-containing equipment as described in WAC 173-303-573(4); and
- (4) Lamps as described in WAC 173-303-573(5).

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-081 Discarded chemical products. (1) A waste will be designated as a dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers, inner liners, or residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the "P" or "U" discarded chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty as described in WAC 173-303-160(2);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, will be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

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(i) For chemicals designated on the "P" discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated DW and are identified as acute hazardous wastes;

(ii) For chemicals, and for residues from the cleanup of spills involving chemicals, designated on the "U" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the "P" discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160(2). Such wastes are designated DW and are identified as acute hazardous wastes;

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the "P" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW and are identified as acute hazardous wastes.

(b) A person's total monthly waste quantity is the sum of all their wastes which share a common quantity exclusion limit (e.g., the total quantity of all discarded chemical products with a 2.2 pound QEL, the total quantity of all residues contaminated by discarded chemical products with a 2.2 pound QEL, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste ~~((which))~~ that has been designated as a discarded chemical product dangerous waste must be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals ~~((which))~~ that caused the waste to be designated. ~~((If a person mixes))~~ A mixture of a solid waste with a waste that would be designated as a discarded chemical product under this section ~~((, then the entire mixture))~~ must be designated. The mixture designation is the same as the designation for the discarded chemical product ~~((which))~~ that was mixed with the solid waste unless it has been excluded under WAC 173-303-070 (2)(c). For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004, DW designation, QEL of 2.2 lbs.) and 22 lbs. (10 kg) of a solid waste, would be designated DW, and identified as acute hazardous waste. The mixture would have the dangerous waste number P004.

(4) Reserve.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-082 Dangerous waste sources. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste that is listed or is a residue from the management of a waste listed on the dangerous waste sources list must be designated a dangerous waste, and identified as DW.

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) is a dangerous waste generator (and may not be considered a small quantity generator as pro-

vided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. These wastes are designated DW and identified as acute hazardous wastes;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection, or of an acute hazardous waste listed in WAC 173-303-9904 under specific sources ("K" wastes). Note: Acute hazardous K listed wastes are followed by an "H." These wastes are designated DW and identified as acute hazardous wastes; or

(c) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. ~~((If a person mixes))~~ A mixture of a solid waste with a waste that would be designated as a dangerous waste source under this section ~~((, then the entire mixture is))~~ must be designated as a dangerous waste source unless it has been excluded under WAC 173-303-070 (2)(c). The mixture has the same designation (DW), and the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) 40 CFR Part 261 Appendix VII *Basis for Listing Hazardous Waste* is adopted by reference.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-090 Dangerous waste characteristics.

(1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section are the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, 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 their waste exceeds 220 lbs. (100 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test

method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas that is defined in 49 CFR 173.115 and is determined to be flammable by the test methods described in that regulation; or,

(iv) It is an oxidizer, if it is defined as such in 49 CFR 173.127 (~~and 173.128~~).

(b) A solid waste that exhibits the characteristic of ignitability must be designated DW, and assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a);

(ii) It is liquid and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a); or

(iii) It is solid or semisolid which, upon testing using Method 9045 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW 846), results in a pH less than or equal to 2, or greater than or equal to 12.5.

(b) A solid waste that exhibits the characteristic of corrosivity because:

(i) It has either of the properties described in (a)(i) or (ii) of this subsection will be designated DW, and assigned the dangerous waste number of D002;

(ii) It only has the property described in (a)(iii) of this subsection will be designated DW, and assigned the dangerous waste number of WSC2.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate

toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.54, or a Class 1 explosive, Division 1.1, Division 1.2, Division 1.3, and Division 1.5, as defined in 49 CFR 173.50.

(b) A solid waste that exhibits the characteristic of reactivity must be designated DW, and assigned the dangerous waste number of D003.

(8) Toxicity characteristic.

(a) A solid waste exhibits the characteristic of toxicity if, using the *Toxicity Characteristic Leaching Procedure* (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a), the extract from a representative sample of the waste contains any of the contaminants listed in the toxicity characteristic list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this subsection.

(b) A solid waste that exhibits the toxicity characteristic has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) Toxicity characteristic list. Any waste that contains contaminants which occur at concentrations at or above the DW threshold must be designated DW.

TOXICITY CHARACTERISTICS LIST:

Maximum Concentration of Contaminants for the Toxicity Characteristic

Dangerous Waste Number	Contaminant	(Chemical Abstracts Services #)	DW (mg/L)
D004	Arsenic	(7440-38-2)	5.0
D005	Barium	(7440-39-3)	100.0
D018	Benzene	(71-43-2)	0.5
D006	Cadmium	(7440-43-9)	1.0
D019	Carbon tetrachloride	(56-23-5)	0.5
D020	Chlordane	(57-74-9)	0.03
D021	Chlorobenzene	(108-90-7)	100.0
D022	Chloroform	(67-66-3)	6.0
D007	Chromium	(7440-47-3)	5.0
D023	o-Cresol	(95-48-7)/1/	200.0
D024	m-Cresol	(108-39-4)/1/	200.0
D025	p-Cresol	(106-44-5)/1/	200.0
D026	Cresol	/1/	200.0
D016	2,4-D	(94-75-7)	10.0
D027	1,4-Dichlorobenzene	(106-46-7)	7.5
D028	1,2-Dichloroethane	(107-06-2)	0.5

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Dangerous Waste Number	Contaminant	(Chemical Abstracts Services #)	DW (mg/L)
D029	1,1-Dichloroethylene	(75-35-4)	0.7
D030	2,4-Dinitrotoluene	(121-14-2)/2/	0.13
D012	Endrin	(72-20-8)	0.02
D031	Heptachlor (and its epoxide)	(76-44-8)	0.008
D032	Hexachlorobenzene	(118-74-1)/2/	0.13
D033	Hexachlorobutadiene	(87-68-3)	0.5
D034	Hexachloroethane	(67-72-1)	3.0
D008	Lead	(7439-92-1)	5.0
D013	Lindane	(58-89-9)	0.4
D009	Mercury	(7439-97-6)	0.2
D014	Methoxychlor	(72-43-5)	10.0
D035	Methyl ethyl ketone	(78-93-3)	200.0
D036	Nitrobenzene	(98-95-3)	2.0
D037	Pentachlorophenol	(87-86-5)	100.0
D038	Pyridine	(110-86-1)/2/	5.0
D010	Selenium	(7782-49-2)	1.0
D011	Silver	(7440-22-4)	5.0
D039	Tetrachloroethylene	(127-18-4)	0.7
D015	Toxaphene	(8001-35-2)	0.5
D040	Trichloroethylene	(79-01-6)	0.5
D041	2,4,5-Trichlorophenol	(95-95-4)	400.0
D042	2,4,6-Trichlorophenol	(88-06-2)	2.0
D017	2,4,5-TP (Silvex)	(93-72-1)	1.0
D043	Vinyl chloride	(75-01-4)	0.2

- /1/ If 0-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used.
- /2/ At the time the TC rule was adopted, the quantitation limit was greater than the calculated regulatory level. The quantitation limit therefore became the regulatory level.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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.
- (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~~) including the NIOSH RTECS, and checking this data against the toxic category table, below. If data (~~is~~) are available for more than one of the (~~toxicity criteria~~) test endpoints (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 (~~for the same test endpoint~~), 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 ₅₀ (mg/L)*	Oral (Rat) LD ₅₀ (mg/kg)	Inhalation (Rat) LC ₅₀ (mg/L)	Dermal (Rabbit) LD ₅₀ (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

* The LC₅₀ data must be from an exposure period greater than or equal to twenty-four hours. LC₅₀ data from any species is acceptable, however, if salmonid LC₅₀ data is available it will supersede all other fish data. If salmonid data is unavailable but fathead minnow data is available, it will supersede all other fish species data.

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Toxic Category	Fish LC ₅₀ (mg/L)*	Oral (Rat) LD ₅₀ (mg/kg)	Inhalation (Rat) LC ₅₀ (mg/L)	Dermal (Rabbit) LD ₅₀ (mg/kg)
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Note: "Inhalation LC₅₀" 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 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)) Publication #97-407.

(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.

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Example 2. A waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .020%. The total halogenated organic compound concentration would be:

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:

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.

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 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-104 ((Generic)) State-specific dangerous waste numbers. (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations and for listed and characteristic waste codes that are unique to Washington state.

(2) Characteristics. A waste ((which)) that exhibits any of the dangerous waste characteristics, WAC 173-303-090, must be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste (see WAC 173-303-090).

For state-only solid corrosive wastes, the dangerous waste number of WSC2 must be assigned.

(3) Criteria. The following table must be used for assigning dangerous waste numbers to wastes designated by the dangerous waste criteria at WAC 173-303-100.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01 _____	EHW
WT02 _____	DW

	Persistent Dangerous Wastes
	Halogenated
	Organic Compounds
WP01 _____	EHW
WP02 _____	DW
	Polycyclic Aromatic Hydrocarbons
WP03 _____	EHW

(4) State source listed PCB wastes (WAC 173-303-9904) must be assigned the dangerous waste code of WPCB.

(5) Labpacks. State-only EHW labpacks must be assigned the dangerous waste code of WL01 and DW labpacks must be assigned the waste code WL02.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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

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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~~) 1200 Pennsylvania Ave., NW, 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 Isoteniscope, ASTM Standard D 2879-92.

(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 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-120 Recycled, reclaimed, and recovered wastes. (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed (except that, unless provided otherwise in an international agreement as specified in 40 CFR 262.58: See export requirements at 40 CFR 261.6(3)(i)(A) and (B) that are incorporated by reference at WAC 173-303-230(1);

(ii) Reserve;

(iii) Reserved;

(iv) Scrap metal that is not excluded under WAC 173-303-071 (3)(ff);

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered

from oil-bearing dangerous wastes where such recovered oil is already excluded under WAC 173-303-071 (3) (cc));

(vi) Reserve;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)).

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The ~~((following))~~ recyclable materials listed in (a) through (h) of this subsection are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840(:(;)).

In addition to these requirements, owners and operators of facilities that receive recyclable materials from off-site are subject to WAC 173-303-610 (2) and (12) and to WAC 173-303-620 (1)(e).

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) Reserved;

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525); and

(h) Spent antifreeze that is recycled on-site or sent to be recycled off-site (see WAC 173-303-522).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, ~~((recyclable materials received from off-site will be considered stored unless they are moved into an active recycling process within twenty-four))~~ the department may determine on a case-by-case basis that recyclable materials received from off-site are not stored if they are moved into an active recycling process within a period of time not to exceed seventy-two hours after being received. In making such a determination, the department will consider factors including, but not limited to, the types and volumes of wastes being recycled, operational factors of the recycling process, and the compliance history of the owner or operator. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from permitting unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060,

(ii) WAC 173-303-120 (4)(e),

(iii) WAC 173-303-283 through 173-303-290,

(iv) WAC 173-303-310 through 173-303-395,

(v) WAC 173-303-610 (2) and (12).

(vi) WAC 173-303-620 (1)(e).

(vii) WAC 173-303-630 (2) through (10), and

~~((+))~~ (viii) WAC 173-303-640 (2) through (10) ~~((except 173-303-640 (8)(e) 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 esti-~~

~~mate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section)))~~ except that requirements to post-closure planning or care in WAC 173-303-640(8) will not apply to closure of recycling units. In lieu of the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

(vii) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners and operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-800 through 173-303-840,

(C) WAC 173-303-140 (2)(a),

(D) WAC 173-303-120 (4)(e);

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

(e) Owners and operators of facilities subject to dangerous waste permitting requirements with dangerous waste management units that recycle hazardous wastes are subject to the requirements of WAC 173-303-690, 173-303-691 (Air emission standards for process vents and equipment leaks), and WAC 173-303-692 (Air emission standards for tanks, surface impoundments, and containers) for final status facilities, and 40 CFR Part 265 Subparts AA, BB, and CC, incorporated by reference at WAC 173-303-400(3) for interim status facilities.

(5) Used oil that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic or criteria is not subject to the requirements of this chapter except for 40 CFR Part 279 which is incorporated by reference at WAC 173-303-515. Used oil that is recycled includes any used oil that is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(6) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in 40 CFR 262.58(a)(1)) for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is sub-

ject to either the manifesting requirements at WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-161 Overpacked containers (lab-packs). Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Dangerous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification drum shipping container which meets all of the requirements of 49 CFR Parts 173, 178, and 179. The overpack container must not exceed a capacity of 416-liter (110 gallon). The overpack container must have a sufficient quantity of sorbent material to completely sorb all of the liquid contents of the inside containers. The sorbent in overpack containers to be placed in a landfill must be nonbiodegradable in accordance with WAC 173-303-140 (4)(b)(iv). The outer container must be full after it has been packed with inside containers and sorbent material;

(3) The sorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with WAC 173-303-395 (1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090 (7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator for five years and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

(7) Such disposal is in compliance with the requirements of WAC 173-303-140 (2)(a). Persons who incinerate labpacks according to the requirements in 40 CFR 268.42(c)(1) (incorporated by reference at WAC 173-303-140 (2)(a)) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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)(xiii)(A)(IV) or 173-303-600 (3)(p)(i)(D) or (3)(p)(iv), 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.

(6) Any person who exports or imports hazardous waste subject to the manifesting requirements of WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573, to or from the countries listed in 40 CFR 262.58(a)(1) for recovery must comply with 40 CFR 262 sub-

part H. 40 CFR 262 subpart H is incorporated by reference at WAC 173-303-230(1).

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

WAC 173-303-190 Preparing dangerous waste for transport. The generator must fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator must package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179.

(2) Labeling. The generator must label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator must:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or equivalent words and information, displayed in accordance with 49 CFR 172.304:

HAZARDOUS WASTE - State and federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington state department of ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....
.....
.....

Manifest Document Number

.....

(4) Placarding. The generator will placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

(5) State-only dangerous waste that is not regulated as a hazardous waste under 40 CFR Part 261 or as a hazardous material under 49 CFR must fulfill the following requirements before transport:

(a) Package in a nonleaking, nonsievable container or in a package that is equivalent to the manufacturing and testing specifications for packagings and containers of 49 CFR Parts 173, 178 and 179.

(b) Mark each package containing one (~~hundred ten~~) thousand gallons or less with the following:

(i) Washington State Dangerous Waste-State law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology. The generator's name and address and manifest number must also be included; and

(ii) The state shipping description as described in WAC 173-303-180(7).

(c) Use of any other markings for a state-only dangerous waste is prohibited.

(6) State-only dangerous waste that is also regulated as a hazardous material under 49 CFR must be packaged, labeled and marked in accordance with WAC 173-303-190 (1), (2), (3) and (5)(b)(i).

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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 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 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). At WAC 173-303-640 (4)(c)(i) add "stress of installation" after "climatic conditions." (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 (at WAC 173-303-675 (4)(a)(v) add "stress of installation" after "climatic conditions") and maintains the following records at the facility:

PERMANENT

(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) and WAC 173-303-610(5).

(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 173-303-335 (Construction quality assurance program) and 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 satel-

lite 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.

(4)(a) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without a permit or without having interim status provided that:

(i) The generator has implemented pollution prevention practices that reduce the amount of any dangerous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(ii) The F006 waste is legitimately recycled through metals recovery;

(iii) No more than 44,000 pounds of F006 waste is accumulated on-site at any one time; and

(iv) The F006 waste is managed in accordance with the following:

(A) The F006 waste is placed:

(I) In containers and the generator complies with the applicable requirements of WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a); and/or

(II) In tanks and the generator complies with the applicable requirements of 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). At WAC 173-303-640 (4)(c)(i) add "stress of installation" after "climatic conditions"; and/or

(III) In containment buildings and the generator complies with subpart DD of 40 CFR part 265 which is incorporated by reference at WAC 173-303-400(3), and 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 prior to operation of the unit. The owner or operator must maintain the following records at the facility:

- A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

- Documentation that the unit is emptied at least once every one hundred eighty days.

(B) In addition, such a generator is exempt from all the requirements in subparts G and H of 40 CFR part 265, except for 265.111 and 265.114 which are incorporated by reference at WAC 173-303-400(3).

(C) The date upon which each period of accumulation begins is clearly marked and 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"; and

(E) The generator complies with the requirements for owners or operators in WAC 173-303-330, 173-303-340, and 173-303-350, and with 40 CFR 268.7(a)(5) which is incorporated by reference at WAC 173-303-140 (2)(a).

(b) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without a permit or without having interim status if the generator complies with the requirements of (a)(i) through (iv) of this subsection.

(c) A generator accumulating F006 in accordance with (a) and (b) of this subsection who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than 44,000 pounds of F006 waste on-site is an operator of a storage facility and is subject to the facility and permit requirements of this chapter unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the 44,000 pound accumulation limit. Such extensions and exceptions may be granted by the department if F006 waste must remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than 44,000 pounds of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accu-

mulation limit may be granted at the discretion of the department on a case-by-case basis.

(5) National environmental performance track. 40 CFR Part 262.34 (j), (k), and (l) are incorporated by reference, except that:

(a) 262.34(j)(3)(i) (container management) is replaced with the first sentence of WAC 173-303-200 (1)(b)(i) and WAC 173-303-630(7) (secondary containment); and

(b) 262.34(j)(3)(ii) (tank standards) is replaced with WAC 173-303-200 (1)(b)(ii); and

(c) 262.34(j)(3)(iii) (drip pads) is replaced with WAC 173-303-200 (1)(b)(iii), except for (A) and (B); and

(d) 262.34(j)(6) is replaced with WAC 173-303-200 (1)(c) and (d); and

(e) The first sentence of 262.34(j)(7) is replaced with WAC 173-303-200 (1)(e) and (f). The second sentence is replaced with: In addition, the generator is exempt from all the requirements of WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5). However, where drip pads are subject to closure requirements in WAC 173-303-675(6), the applicable portions of WAC 173-303-610 and WAC 173-303-620 continue to apply.

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

WAC 173-303-201 Special accumulation standards.

(1) This section applies to persons who generate more than 220 pounds but less than 2200 pounds per calendar month and do not accumulate on-site more than 2200 pounds of dangerous waste. The special provisions of this section do not apply to acutely hazardous wastes or Toxic EHW (WT01) that exceed the QEL that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste on-site, persons who generate no more than 2200 pounds per month or who accumulate on-site no more than 2200 pounds of dangerous waste at any one time are subject to all applicable provisions of WAC 173-303-200 except as follows:

(a) In lieu of the ninety-day accumulation period, dangerous wastes may be accumulated for one hundred eighty days or less. The department may, on a case-by-case basis, grant a maximum ninety-day extension to this one hundred eighty-day period if the generator must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, and the dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

(b) The generator need not comply with WAC 173-303-330 (Personnel training);

(c) In lieu of the contingency plan and emergency procedures required by WAC 173-303-350 and 173-303-360, the generator must comply with the following:

(i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (c)(iv) of this subsection. This employee is the emergency coordinator.

(ii) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.):

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practicable, clean up the dangerous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty-four hour toll free number 800/424-8802). The report must include the following information:

(I) The name, address, and EPA/state identification number of the generator;

(II) Date, time, and type of incident (e.g., spill or fire);

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any;

(d) For waste that is placed in tanks, generators must comply with WAC 173-303-202 in lieu of WAC 173-303-200 (1)(b);

(e) ~~((The generator must comply with WAC 173-303-630 (1), (2), (4), (5), (6), and (9).))~~ The generator does not need to comply with 40 CFR Part 265.176 and ~~((178))~~ 40 CFR Subparts AA, BB, and CC, which have been incorporated by reference at WAC 173-303-400 (3)(a).

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-210 Generator recordkeeping. (1) The generator must keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy must be retained for at least five years from the date the waste was accepted by the initial transporter.

(2) The generator must keep a copy of each annual report and exception report as required by WAC 173-303-220 for a

period of at least five years from the due date of each report. The generator must keep a copy of his most recent ~~((notification (Form 2)))~~ Dangerous Waste Site Identification Form until he is no longer defined as a generator under this chapter.

(3) Waste designation records.

(a) The generator must keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste for at least five years from the date that the waste was last transferred for on-site or off-site treatment, storage, or disposal.

(b) At a minimum, test results must include:

(i) The sample source, sampling date, and sampling procedure used;

(ii) The laboratory performing the test;

(iii) The testing date, and testing method used;

(iv) The analytical result, or the quantitative range of the testing method for analytes not detected.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-200 or 173-303-201 must be retained for at least five years, including, but not limited to such items as inspection logs.

(5) The periods of retention for any records described in this section will be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

(6) All generator records, including plans required by this chapter, will be made available and furnished upon request by the director.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-220 Generator reporting. The generator must submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator or any person who has obtained an EPA/state identification number pursuant to WAC 173-303-060 must submit an annual report to the department, on the Dangerous Waste Annual Report according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site must comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

Reporting for exports of hazardous waste is required on the annual report form. In addition, a separate annual report requirement is set forth at 40 CFR 262.56, which is incorporated by reference at WAC 173-303-230(1).

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports (including engineering reports, plans, and specifications) concerning the quantities and disposition of the generator's dangerous waste.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

Federal export requirements, administered by EPA, are set forth at 40 CFR 262 Subparts E and H and 40 CFR ((261.5)), 261.6 (a)(3)(i)(A) and (B), ((262.41, and 263.20)) and specify the procedures applicable to generators and transporters of hazardous waste (as defined in WAC 173-303-040). These requirements are incorporated by reference. Copies of any forms or reports submitted to the administrator of United States EPA as required by 40 CFR 262 Subpart E must also be submitted to the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer must comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number must be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

(c) A person who imports hazardous waste must obtain the manifest form from the consignment state if the state supplies the manifest and requires its use. If the consignment state does not supply the manifest form, then the manifest form may be obtained from any source.

(3) Empty containers. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use will not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars must handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

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

WAC 173-303-240 Requirements for transporters of dangerous waste. (1) Applicability. This section establishes standards that apply to persons transporting dangerous waste and transporters who own or lease and operate a transfer facility.

(2) A transporter must have a current EPA/state ID#. Transporters must comply with the notification and identification requirements of WAC 173-303-060. A transporter who has previously obtained an EPA/state ID# in another state is not required to obtain a new ID# when operating in Washington state. Transporters who must comply with the generator requirements as a result of a spill at a transfer facility or during transport must obtain a separate generator EPA/state ID# for the spill.

(3) Any person who transports a dangerous waste must comply with the requirements of WAC 173-303-240 through 173-303-270, when the dangerous waste must be manifested in accordance with WAC 173-303-180.

(4) Any person who transports a dangerous waste must also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(5) These requirements do not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners or operators of permitted TSD facilities.

(6) Transfer facility. The requirements of this subsection apply to a transporter or marine terminal operator who owns or leases and operates a transfer facility. Transfer of a shipment of dangerous waste from one transport vehicle to another transport vehicle, from one container to another container, and from one transporter to another transporter and any ten-day storage activities may only occur at a transfer facility that is registered with the department. A transporter may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), (3), and (5) for ten days or less at a transfer facility: Provided, That he or she complies with the following:

(a) A transporter who owns or leases and operates a transfer facility within Washington that is related to their dangerous waste transportation activities must register with the department. Washington registration is not required for a transporter whose activities are limited to passing through Washington with shipments of dangerous waste or picking up shipments from Washington generators or delivering shipments to designated treatment, storage or disposal facilities. In order to obtain registration, a transporter must complete a ~~((Notification of Dangerous Waste Activities Form 2 per Form 2))~~ Dangerous Waste Site Identification Form according to the instructions and submit it to the department;

(b) Maintains ten-day storage records that include the dates that a manifested shipment of dangerous waste entered the facility and departed the facility. The ten-day records must be retained for a period of three years from the date the shipment was transported from the transfer facility;

(c) WAC 173-303-310 (1) and (2), Security. Instead of WAC 173-303-310(2) for an enclosed or an open flatbed transport vehicle parked at a transfer facility that has no twenty-four-hour surveillance system or natural or artificial barrier, the transport vehicle must meet the placarding requirements of 49 CFR Part 172 and be secured (that is, locked) or the shipment must be transferred to a secured area of the facility to prevent unknowing entry and minimize unauthorized entry;

(d) WAC 173-303-320, General inspection. Instead of keeping inspection records for a period of five years from the date of inspection in WAC 173-303-320 (2)(d), inspection records must be kept at the transfer facility for one year from the date of inspection;

(e) WAC 173-303-330, Personnel training;

(f) WAC 173-303-340, Preparedness and prevention except WAC 173-303-340(3), Aisle space;

(g) WAC 173-303-350, Contingency plan and emergency procedures;

(h) WAC 173-303-360, Emergencies;

(i) WAC 173-303-630 (2), (3), (4), (5)(a) and (b), (8), (9)(a) and (b) and (10), Use and management of containers;

(j) WAC 173-303-630(7) in areas where waste is transferred from container to container and in areas where containers are stored outside in the weather. The secondary containment system must be completed by October 15, 2001. The department may, on a case-by-case basis, grant an extension to the required completion date if the transporter has a design and has entered into binding financial or other agreements for construction prior to October 15, 2001;

(k) The requirements of WAC 173-303-630(7) may be required in areas other than those described in WAC 173-303-240 (6)(j) if the department determines that there is a potential threat to public health and the environment due to the nature of the wastes being stored or due to a history of spills or releases from waste stored in containers.

(7) Transporter exemptions. A transporter will not be required to comply with the following:

(a) The requirements of WAC 173-303-240(6) in the event of an emergency or other unforeseen event beyond the reasonable control of the transporter during transit over public highway, rail track or water route and the waste shipment

is loaded, reloaded or transferred to another transport vehicle or container to facilitate transportation;

(b) The requirements of WAC 173-303-240 (6)(i) and (j) for dangerous waste that is stored in a secured, enclosed transport vehicle, intermodal container or portable tank during the time it is parked at a transfer facility;

(c) The requirements of WAC 173-303-240 (6)(i) and (j) for a transfer facility that is located at a pier, dock or barge unloading facility and associated with the loading and unloading of water vessels: Provided, That the dangerous waste shipment is stored within a transport unit, as defined under 49 CFR Part 176, and accepted by the approval authority of the United States Coast Guard;

(d) The requirements of WAC 173-303-240 (6)(j) for dangerous waste that is stored within a building: Provided, That the floor is compatible with and sufficiently impervious to the waste stored and is designed and operated so that any release or spill will be captured within the building and will prevent any waste from migrating to the soil, ground water or surface water.

(8) A transporter who accumulates or stores manifested shipments of dangerous waste for more than ten days at a transfer facility is subject to the dangerous waste management facility general requirements and permit requirements of this chapter with respect to the storage of those wastes.

(9) Reference to WAC 173-303-200 in WAC 173-303-240(4) does not constitute authority for storage in excess of ten days for a transporter who owns or leases and operates a transfer facility.

(10) The regulations in WAC 173-303-250 through 173-303-260 do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with WAC 173-303-400 (2)(c)(xiii)(A)(IV) or (xiii)(D) or WAC 173-303-600 (3)(p)(i)(D) or (3)(p)(iv), and WAC 173-303-800 (7)(c)(i)(C) or (D).

(11) A transporter of hazardous waste subject to the manifesting requirements of WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573, that is being imported from or exported to any of the countries listed in 40 CFR 262.58(a)(1) for purposes of recovery is subject to this section and to all other relevant requirements of 40 CFR subpart H part 262, including, but not limited to, 40 CFR 262.84 for tracking documents. 40 CFR subpart H is incorporated by reference at WAC 173-303-230(1).

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1) A transporter must not accept dangerous waste from a generator unless it is accompanied by a manifest signed by the generator in accordance with WAC 173-303-180, Manifest.

In the case of exports other than those subject to 40 CFR subpart H part 262 (which is incorporated by reference at WAC 173-303-230(1)), a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed in accordance with the provisions of WAC 173-303-180, such

waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of 40 CFR subpart H part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84.

(2) Before transporting a dangerous waste shipment, the transporter must sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter must insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility must:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter must deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section, the transporter must contact the generator for further directions, and must revise the manifest according to the generator's instructions.

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States must:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-290 Required notices. (1)(a) The facility owner or operator who is receiving dangerous waste from sources outside the United States must notify the appropriate regional office of the department annually, and in writing at least four weeks in advance of the date the first shipment of waste is expected to arrive at the facility. The notification must be in writing, signed by the importer and operator of the receiving facility, and include the following information:

((a)) (i) Name, street address, mailing address, and telephone number of the exporter.

((b)) (ii) Name, street address, mailing address, telephone number, and EPA/state ID number of the importer and receiving facility.

~~((e))~~ (iii) A description of the dangerous waste and the EPA/state waste numbers, U.S. DOT proper shipping name, hazard class and ID number (UNNA) for each hazardous waste as identified in 49 CFR Parts 171 through 177.

~~((d))~~ (iv) The estimated frequency or rate at which such waste is to be imported and the period of time over which such waste is to be imported.

~~((e))~~ (v) The estimated total quantity of the dangerous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).

~~((f))~~ (vi) A description of the manner by which the dangerous waste will be treated, stored, disposed of, or recycled by the receiving facility.

Upon request by the department, the importer and/or receiving facility must furnish to the department any additional information regarding the importation of dangerous waste.

(b) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR part 262, subpart H (incorporated by reference at WAC 173-303-230(1)) must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

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

WAC 173-303-300 General waste analysis. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator must obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), before ~~((he))~~ they store((s)), treat((s)), or dispose((s)) of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter ~~((173-303-WAC))~~. The analysis ~~((may))~~ must include or consist of existing published or documented data on the dangerous waste, or on waste generated

from similar processes, or data obtained by testing, ~~((if necessary))~~ or a combination of these.

(a) When an owner or operator relies on knowledge from the generator for waste designation or for this detailed analysis (commonly known as a waste profile) instead of analytical testing of a sample, that information must be documented and must meet the definition of "knowledge" as defined in WAC 173-303-040. To confirm the sufficiency and reliability of the "knowledge" used for the waste profile, the facility must do one or more of the following:

(i) Be familiar with the generator's processes by conducting site visits, and reviewing sampling data and other information provided by the generator to ensure they are adequate for safe management of the waste;

(ii) Ensure waste analysis contained in documented studies on the generator's waste is based on representative and appropriate sampling and test methods;

(iii) Compare the generator's waste generating process to documented studies of similar waste generating processes to ensure the waste profile is accurate and current;

(iv) Obtain other information as predetermined by the department on a case-by-case basis to be equivalent.

(b) As required in WAC 173-303-380 (1)(c), records must be retained containing specific information that show compliance with this subsection for sufficient and reliable information on the waste whether the owner or operator relies on analytical testing of the waste or knowledge from the generator, or a combination of these.

(3) The owner or operator of an off-site facility must confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis must be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator must develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste, or nondangerous waste if applicable under WAC 173-303-610 (4)(d), will be analyzed, and the rationale for selecting these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsections (1) through (4) of this section);

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in WAC 173-303-400(3) which incorporates by reference the regulations in 40 CFR Part 265 Subparts F through R 265.1034, 265.1063(d), 265.1084, 268.4(a) and 268.7 for interim status facilities and in WAC 173-303-140 (4)(b), 173-303-395(1), 173-303-630 through 173-303-670, and 40 CFR 264.1034, 264.1063(d), 264.1083, 268.4(a) and 268.7 for final status facilities;

(g) For off-site facilities, the waste analysis that dangerous waste generators have agreed to supply;

(h) For surface impoundments exempted from land disposal restrictions under 40 CFR 268.4(a), incorporated by reference in WAC 173-303-140(2), the procedures and schedules for:

(i) The sampling of impoundment contents;

(ii) The analysis of test data; and

(iii) The annual removal of residues that are not delisted under 40 CFR 260.22 or which exhibit a characteristic of hazardous waste and either:

(A) Do not meet applicable treatment standards of 40 CFR Part 268, Subpart D; or

(B) Where no treatment standards have been established;

(I) Such residues are prohibited from land disposal under 40 CFR 268.32 or RCRA section 3004(d); or

(II) Such residues are prohibited from land disposal under 40 CFR 268.33(f).

(i) For owners and operators seeking an exemption to the air emission standards of subpart CC in accordance with Sec. 264.1082, incorporated by reference at WAC 173-303-692, or with 265.1083, incorporated by reference at WAC 173-303-400 (3)(a):

(A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

(6) For off-site facilities, the waste analysis plan required in subsection (5) of this section must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

(a) The procedures which will be used to determine the identity of each movement of waste managed at the facility;

(b) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

(c) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use

to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

Comment: WAC 173-303-806 requires that the waste analysis plan be submitted with Part B of the permit application.

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

WAC 173-303-320 General inspection. (1) The owner or operator must inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) ~~((He must keep))~~ The schedule must be kept at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule must indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. At a minimum the inspection schedule must also include the applicable items and frequencies required for the specific waste management methods described in 40 CFR Part 265 Subparts F through R, 265.1033, 265.1052, 265.1053, 265.1058 and 265.1084 through 265.1090, for interim status facilities and in WAC 173-303-630 through 173-303-680, and 40 CFR 264.1033, 264.1052, 264.1053, 264.1058 and 264.1083 through 264.1089 for final status facilities; and

(d) The owner or operator must keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least five years from the date of inspection.

(3) The owner or operator must remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

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

WAC 173-303-370 Manifest system. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in subsection (4) of this section, on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection (4) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or shipping paper to the generator. However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must send a copy of the signed and dated shipping paper to the generator; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variations in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator and transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following are acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in subsection (4) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may send the shipment on to the alternate facility designated on the manifest or shipping paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in (b) of this subsection, then the owner or operator must take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

(6) Within three working days of the receipt of a shipment subject to 40 CFR part 262, subpart H (which is incorporated by reference at WAC 173-303-230(1)), the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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

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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, 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;

(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;

(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;

(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;

(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;

(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; ~~(and)~~

(p) Any records required under WAC 173-303-280(6); and

(q) A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that they generate to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the

permittee which minimizes the present and future threat to human health and the environment.

(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 ¹
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-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

Footnote: ¹Single-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

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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 02-03, filed 3/13/03, effective 4/13/03)

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 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 facilities), 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) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and

(i) 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 97-03, filed 1/12/98, effective 2/12/98)**WAC 173-303-395 Other general requirements.** (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with (a) and (b) of this subsection, the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator must inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection must be performed in the presence of a professional person who is familiar with the ((Uniform)) International Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator must enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator must design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or

sanitary water discharge, control of volatile air emissions, etc.).

(3) Reserve.

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste may not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile must be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes

covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: Provided, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan may not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents 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 owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or sign must be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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.

(A) Batteries as described in WAC 173-303-573(2); ~~((and))~~

(B) Thermostats as described in WAC 173-303-573(3)((-));

(C) Mercury-containing equipment as described in WAC 173-303-573(4); and

(D) 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." The third sentence in section 265.112 (d)(1) is modified to read "The owner or operator must submit the closure plan to the department at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit.

or final closure of a facility with only such units." In addition, the sixth sentence of section 265.112 (d)(1) is modified to read "Owners or operators with approved closure plans must notify the department in writing at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units." The first sentence of 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(---), the owner or operator must submit to the department, by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan." 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 (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), 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 02-03, filed 3/13/03, effective 4/13/03)

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 registrant 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 these 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) Antiskid/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.

(iii) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(A) They are zinc fertilizers excluded according to WAC 173-303-071 (3)(pp); or

(B) They meet the applicable treatment standards in subpart D of Part 268, which is incorporated by reference at

WAC 173-303-140 (2)(a) for each hazardous waste that they contain.

(Note: Fertilizers that contain recyclable material derived from state-only waste must also meet the treatment standards in WAC 173-303-140 (2)(a) that apply to the characteristics of dangerous waste that the state-only waste exhibits.)

(iv) 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 registrant submits the information described in (b)(v)(A) or (B) of this subsection. However, the information requirements in (b)(v)(A) of this subsection may not be required if: The registrant provides documentation that the fertilizer has been previously registered in Washington state two or more times using the information in (b)(v)(A) of this subsection, and the source materials used to manufacture the product have not changed.

(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.

(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 02-03, filed 3/13/03, effective 4/13/03)

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.) In addition, the following are incorporated by reference for boilers and industrial furnaces that burn hazardous waste: 40 CFR 266.100(b)(1), 266.100(d)(1), 266.100(d)(3) intro, and 266.100(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.

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 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 recordkeeping 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 173-303-515 Standards for the management of used oil. (1) **Purpose.** The purpose of this section is to provide used oil management standards for generators, transporters, collection centers, aggregation points, transfer facilities, processors, and re-refiners, burners, and marketers of used oil.

(2) **Definitions.** In addition to the terms used in this chapter, the definitions of 40 CFR Part 279 are incorporated by reference when managing used oil under this section. The term "hazardous waste" used in 40 CFR Part 279 means "dangerous waste" as defined in WAC 173-303-040.

(3) **Applicability.** This section identifies those materials subject to regulation as used oil. For the purpose of this section, the applicability statements of 40 CFR Part 279.10 are incorporated by reference, except 40 CFR Part 279.10 (b)(2) and (3), and as modified below.

Materials containing or otherwise contaminated with or derived from used oil: The term "materials" used in 40 CFR Part 279.10 does not include dangerous waste.

(4) **Used oil specifications.** For the purpose of managing materials under this section, 40 CFR Part 279.11 and 40

CFR Part 261.3 (a)(2)(v) (rebuttable presumption) are incorporated by reference.

The table is included below for the reader's convenience.

Table 1—Used Oil Exceeding any Specification Level is Subject to this Section When Burned for Energy Recovery

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100° F minimum
Total halogens	4,000 ppm maximum\1\

Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

\1\ Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under 40 CFR 279.10(b)(1). Such used oil is subject to 40 CFR Subpart H of Part 266 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(5) **Prohibitions.** The prohibitions of 40 CFR Part 279.12 are incorporated by reference. The prohibitions for managing materials under this section include those listed in 40 CFR Part 279.12 and the following:

(a) Materials designating as EHW or ((W001)) **WPCB** cannot be managed under this section when burned for energy recovery. Note: Materials managed under this section containing 2 ppm or greater PCBs are subject to applicable requirements of 40 CFR Part 761.20(e).

(b) Metal working fluids that are formulated with chlorinated compounds such as chlorinated paraffins or chlorinated alkene polymers cannot be managed under this section when burned for energy recovery.

(c) Ethylene glycol based fluids cannot be managed under this section. These fluids are subject to section WAC 173-303-522 when recycled.

(d) The use of used oil or other materials managed under this section as a dust suppressant is prohibited.

(e) Materials to be managed under this section are prohibited from being mixed with any dangerous waste. If any material managed under this section is mixed with dangerous waste, the resultant mixture is dangerous waste and must be managed as such.

(6) **Standards for used oil generators.** This subsection applies to all used oil generators and persons managing materials under this section. The standards for used oil generators of 40 CFR Parts 279.20 through 279.24 are incorporated by reference except 40 CFR Part 279.21. Used oil generators and persons managing materials under this subsection are subject to the federal regulations listed above and the following:

(a) Storage requirements for containers and tanks.

(i) Containers must be closed at all times, except when adding or removing materials managed under this section.

(ii) Containers and tanks must not be opened, handled, managed or stored in a manner that may cause the container or tank to leak or rupture.

(b) Secondary containment requirements for storage of material managed under this section in tanks and containers.

The department may require secondary containment, on a case-by-case basis, in accordance with some or all of the requirements in WAC 173-303-630(7) and 173-303-640(4) if the department determines that a potential for spills and discharges, mismanagement, or other factors pose a threat to human health or the environment.

(c) Self-transport to approved collection centers. In addition to 40 CFR Part 279.24(a), generators may self-transport quantities greater than 55 gallons to a used oil collection center: Provided, That the owner/operator of the center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator.

(7) **Standards for used oil collection centers and aggregation points.** For the purpose of managing materials under this section, 40 CFR Parts 279.30 through 279.32 are incorporated by reference. The standards for used oil collection centers under this subsection are those federal regulations listed above and the following modifications:

In addition to the requirements of 40 CFR Part 279.31, the owner or operator of a used oil collection center may accept greater than 55 gallons of used oil from generators: Provided, That:

(a) The requirements for a used oil transfer facility (40 CFR Parts 279.40 through 279.47) are complied with while that used oil is on site; and

(b) The owner/operator of the collection center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator of the used oil; and

(c) Such records are kept on site for a period of three years.

(8) **Standards for used oil transporters and transfer facilities.** For the purpose of managing materials under this section, 40 CFR Parts 279.40 through 279.47 are incorporated by reference. The standards for used oil transfer facilities under this subsection are those federal regulations listed above and the following modifications:

Additional reports. Upon determination by the department that the storage of used oil 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 used oil. This authority applies to tanks and secondary containment systems used to store used oil 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 used oil or the generation of hazardous by-products (e.g., hydrogen sulfide gas). Those 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.

PERMANENT

(a) 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.

(b) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (a) 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 used oil until the repairs or improvements are completed and approved by the department.

(9) **Standards for used oil processors and re-refiners.** For the purpose of managing materials under this section, 40 CFR Parts 279.50 through 279.59 are incorporated by reference. The standards for used oil processors and re-refiners under this subsection are those federal regulations listed above and the following:

(a) In addition to the general facility standards of 40 CFR Part 279.52, owners and operators of used oil processing and/or rerefining facilities regulated under this subsection are subject to the following:

(i) Used oil and other materials managed under ((this subsection)) the standards for management of used oil may be stored on-site without a permit for ninety days prior to entering an active recycling process. An active recycling process refers to a dynamic recycling operation that occurs within the recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities;

(ii) Facility closure standards of WAC 173-303-610 (2) and (12); and

(iii) Financial requirements of WAC 173-303-620 (1)(e).

(b) Additional reports. Upon determination by the department that the storage of used oil 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 used oil. This authority applies to tanks and secondary containment systems used to store used oil 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 used oil or the generation of hazardous by-products (for example, hydrogen sulfide gas). Those 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.

(i) 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.

(ii) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (b) 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 used oil until such repairs or improvements are completed and approved by the department.

(10) **Standards for used oil burners who burn off-specification.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.60 through 279.67 are incorporated by reference.

(11) **Standards for used oil fuel marketers.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.70 through 279.75 are incorporated by reference.

(12) **Standards for disposal of used oil.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.80 through 279.82(a) are incorporated by reference.

(13) **Testing required.** Notwithstanding any other provisions of this section, the department may require any person to test their used oil according to the methods set forth in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication, SW-846* to either determine if the used oil is on-specification as described in WAC 173-303-515(4), determine whether the used oil contains a listed hazardous waste, or determine if the used oil is prohibited from being managed as used oil in WAC 173-303-515(5).

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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, rutherfordium, 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); and

(iii) For precious metals exported to or imported from designated OECD member countries for recovery, 40 CFR subpart H of part 262 (incorporated by reference at WAC 173-303-230(1)) and WAC 173-303-290 (1)(b). For precious metals exported to or imported from non-OECD countries for recovery, 40 CFR subpart E (incorporated by reference at WAC 173-303-230(1)) and WAC 173-303-230(2).

(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 accompa-

nying 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 173-303-573 Standards for universal waste management. (1) Scope.

(a) This section establishes requirements for managing the following:

- (i) Batteries as described in subsection (2) of this section;
- (ii) Thermostats as described in subsection (3) of this section; ~~(and)~~
- (iii) Mercury-containing equipment as described in subsection (4) of this section; and
- (iv) Lamps as described in subsection (5) of this section.

(b) This section provides an alternative set of management standards in lieu of regulation under the rest of this chapter except for WAC 173-303-050, 173-303-145, and 173-303-960.

(2) Applicability—Batteries.

(a) Batteries covered under this section.

(i) The requirements of this section apply to persons managing batteries, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(ii) Spent lead-acid batteries which are not managed under WAC 173-303-120 (3)(f) and 173-303-520, are subject to management under this section.

(b) Batteries not covered under this section. The requirements of this section do not apply to persons managing the following batteries:

(i) Spent lead-acid batteries that are managed under WAC 173-303-120(3) and 173-303-520.

(ii) Batteries, as described in WAC 173-303-040, that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070, including those that do not meet the criteria for waste generation in (c) of this subsection.

(iii) Batteries, as described in WAC 173-303-040, that are not dangerous waste. A battery is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100.

(c) Generation of waste batteries.

(i) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

(ii) An unused battery becomes a waste on the date the handler decides to discard it.

(3) Applicability—Mercury thermostats.

(a) Thermostats covered under this section. The requirements of this section apply to persons managing thermostats, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Thermostats not covered under this section. The requirements of this section do not apply to persons managing the following thermostats:

(i) Thermostats that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when thermostats become wastes.

(ii) Thermostats that are not dangerous waste. A thermostat is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100.

(c) Generation of waste thermostats.

(i) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

(ii) An unused thermostat becomes a waste on the date the handler decides to discard it.

~~(4) ((Applicability—Household—and—conditionally—exempt—small—quantity—generator—waste—~~

~~(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this section:~~

~~(i) Household wastes that are exempt under WAC 173-303-071 (3)(c) and are also of the same type as the universal wastes defined at WAC 173-303-040; and/or~~

~~(ii) Small quantity generator wastes that are conditionally exempt under WAC 173-303-070(8) and are also of the same type as the universal wastes defined at WAC 173-303-040.~~

~~(b) Persons who commingle the wastes described in (a)(i) and (ii) of this subsection together with universal waste regulated under this section must manage the commingled waste under the requirements of this section:)) **Applicability—Mercury-containing equipment.**~~

(a) Mercury-containing equipment covered under this section. The requirements of this section apply to persons managing mercury-containing equipment, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Mercury-containing equipment not covered under this section. The requirements of this section do not apply to persons managing the following mercury-containing equipment:

(i) Mercury-containing equipment that is not yet a waste under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when mercury-containing equipment becomes a waste.

(ii) Mercury-containing equipment that is not a dangerous waste. Mercury-containing equipment that does not exhibit one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 is not dangerous waste.

(c) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

(ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(d) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) are exempt from 40 CFR 268.7 and 268.50 (incorporated by reference at WAC 173-303-140 (2)(a)) for mercury-containing equipment covered under this subsection.

(5) Applicability—Lamps.

(a) Lamps covered under this section. The requirements of this section apply to persons managing lamps, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Lamps not covered under this section. The requirements of this section do not apply to persons managing the following lamps:

(i) Lamps that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when lamps become wastes.

(ii) Lamps that are not dangerous waste. Lamps that do not exhibit one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 are not dangerous waste.

(c) Generation of waste lamps.

(i) A used lamp becomes a waste on the date it is discarded.

(ii) An unused lamp becomes a waste on the date the handler decides to discard it.

(6) Applicability—Small quantity handlers of universal waste. Subsections (6) through (16) of this section apply to small quantity handlers of universal waste (as defined in WAC 173-303-040).

(7) Prohibitions.

A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (13) of this section; or by managing specific wastes as provided in subsection (9) of this section.

(8) Notification.

A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.

(9) Waste management.

(a) Universal waste batteries. A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(iii) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer

products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it is subject to all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats and mercury-containing equipment. A small quantity handler of universal waste must manage universal waste thermostats and mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must ~~((contain))~~ place in a container any universal waste thermostat or mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions ~~((in a container))~~. The container must be closed, structurally sound, compatible with the contents of the thermostat or device, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats or mercury-containing equipment provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(iii)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats or mercury-containing equipment must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units or mercury-containing equipment).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A small quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A small quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A small quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents the container from being exposed to the elements.

(10) Labeling/markings.

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Mercury-containing equipment, or a container in which the equipment is contained, must be labeled or marked

clearly with any of the following phrases: "Universal Waste Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(d) Universal waste lamps (i.e., each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(11) Accumulation time limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling each individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(12) Employee training.

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(13) Response to releases.

(a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with WAC 173-303-170 through 173-303-230.

(14) Off-site shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180.

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected, or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a small quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste,

the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(15) Tracking universal waste shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

(16) Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) must:

(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a) (1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 CFR Subpart E of Part 262 which is incorporated by reference at WAC 173-303-230(1); and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(17) Applicability—Large quantity handlers of universal waste.

Subsections (17) through (27) of this section apply to large quantity handlers of universal waste (as defined in WAC 173-303-040).

(18) Prohibitions.

A large quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (24) of this section; or by managing specific wastes as provided in subsection (20) of this section.

(19) Notification.

(a)(i) Except as provided in (a)(ii) of this subsection, a large quantity handler of universal waste must have sent written notification of universal waste management to the department, and received an EPA Identification Number, before meeting or exceeding the 11,000 pound storage limit and/or before meeting or exceeding the 2,200 pound storage limit for lamps.

(ii) A large quantity handler of universal waste who has already notified the department of their dangerous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(b) This notification must include:

(i) The universal waste handler's name and mailing address;

(ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(iii) The address or physical location of the universal waste management activities;

(iv) A list of all of the types of universal waste managed by the handler (e.g., batteries, thermostats, mercury-containing equipment, or lamps);

(v) A statement indicating that the handler is accumulating more than 11,000 pounds of universal waste at one time and the types of universal waste (e.g., batteries, thermostats, mercury-containing equipment, or lamps) the handler is accumulating above this quantity, and/or a statement indicating that the handler is accumulating more than 2,200 pounds of lamps at one time. (For example, if a handler is accumulating ((~~5,000~~)) 4,000 pounds of batteries, ((~~5,500~~)) 4,500 pounds of thermostats, 2,000 pounds of mercury-containing equipment and 600 pounds of universal waste lamps, they would notify for having 11,100 pounds of universal waste at one time - likewise, if a handler is accumulating ((~~2,000~~)) 1,000 pounds of batteries, ((~~5,000~~)) 4,000 pounds of thermostats, 2,000 pounds of mercury-containing equipment and 2,400 pounds of universal waste lamps, they would also need to notify for exceeding the 2,200 pound limit for universal waste lamps.)

(20) Waste management.

(a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(iii) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in

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compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste thermostats and mercury-containing equipment. A large quantity handler of universal waste must manage universal waste thermostats and mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must ~~((contain))~~ place in a container any universal waste thermostat or mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions ~~((in a container))~~. The container must be closed, structurally sound, compatible with the contents of the thermostat or mercury-containing equipment, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A large quantity handler of universal waste may remove thermostat or mercury-containing ampules from universal waste thermostats or mercury-containing equipment provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(iii)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats or mercury-containing equipment must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units or equipment).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements

of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A large quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A large quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents a container from being exposed to the elements.

(21) Labeling/marketing.

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with the any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

(b) Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Mercury-containing equipment, or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(d) Universal waste lamp (i.e., each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(22) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from

another handler, unless the requirements of (b) of this subsection are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling the individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on site that identifies the date the universal waste being accumulated became a waste or was received;

(iv) Maintaining an inventory system on site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(23) Employee training.

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(24) Response to releases.

(a) A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(25) Off-site shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transport universal waste off site, the handler becomes a uni-

versal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected; or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a large quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(26) Tracking universal waste shipments.

(a) Receipt of shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date of receipt of the shipment of universal waste.

(b) Shipments off site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(ii) The quantity of each type of universal waste sent (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date the shipment of universal waste left the facility.

(c) Record retention.

(i) A large quantity handler of universal waste must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(ii) A large quantity handler of universal waste must retain the records described in (b) of this subsection for at least three years from the date a shipment of universal waste left the facility.

(27) **Exports.**

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58 (a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) must:

(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 CFR 262 Subpart E which is incorporated by reference at WAC 173-303-230(1); and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(28) **Applicability—Universal waste transporters.**

Subsections (28) through (34) of this section apply to universal waste transporters (as defined in WAC 173-303-040).

(29) **Prohibitions.**

A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (32) of this section.

(30) **Waste management.**

(a) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR Part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a dangerous waste if it is subject to the Hazardous Waste Manifest Requirements

of the U.S. Environmental Protection Agency specified in WAC 173-303-180. Because universal waste does not require a dangerous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under WAC 173-303-180, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste."

(31) **Storage time limits.**

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements for small or large quantity handlers (subsections (6) through (27) of this section) while storing the universal waste.

(32) **Response to releases.**

(a) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter must determine whether any material resulting from the release is dangerous waste, and if so, it is subject to all applicable requirements of this chapter. If the waste is determined to be a dangerous waste, the transporter is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(33) **Off-site shipments.**

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR Part 172.

(34) **Exports.**

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58 (a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and

(b) The shipment is delivered to the facility designated by the person initiating the shipment.

(35) Applicability—Destination facilities. Subsections (35) through (37) of this section apply to destination facilities.

(a) The owner or operator of a destination facility (as defined in WAC 173-303-040) is subject to all applicable requirements of WAC 173-303-140 and 173-303-141, 173-303-280 through 173-303-525, 173-303-600 through 173-303-695, 173-303-800 through 173-303-840, and the notification requirement at WAC 173-303-060:

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with WAC 173-303-120 (4)(c).

(36) Off-site shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:

(i) Send the shipment back to the original shipper; or

(ii) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing dangerous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the shipper. The department will provide instructions for managing the dangerous waste.

(d) If the owner or operator of a destination facility receives a shipment of nondangerous, nonuniversal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(37) Tracking universal waste shipments.

(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (for example, batteries ((⊕)), thermostats, mercury-containing equipment, or lamps);

(iii) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(38) Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this section, immediately after the waste enters the United States, as indicated ((below)) in (a) through (c) of this subsection:

(a) A universal waste transporter is subject to the universal waste transporter requirements of subsections (28) through (34) of this section.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subsections (6) through (27) of this section, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subsections (35) through (37) of this section.

(d) Persons managing universal waste that is imported from an OECD country as specified at 40 CFR 262.58 (a)(1), which is incorporated by reference at WAC 173-303-230(1), are subject to (a) through (c) of this subsection, in addition to the requirements of 40 CFR part 262 subpart H, which is incorporated by reference at WAC 173-303-230(1).

(39) General—Petitions. Subsections (39) and (40) of this section address petitions to include other wastes under this section.

(a) Any person seeking to add a dangerous waste or a category of dangerous waste to this section may petition for a regulatory amendment under subsections (39) and (40) of this section and WAC 173-303-910 (1) and (7).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the department that regulation under the universal waste regulations of this section is: Appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the dangerous waste program. The petition must include the information required by WAC 173-303-910 (1)(b). The petition should also address as many of the factors listed in subsection (40) of this section as are appropriate for the waste or waste category addressed in the petition.

(c) The department will evaluate petitions using the factors listed in subsection (40) of this section. The department will grant or deny a petition using the factors listed in subsection (40) of this section. The decision will be based on the weight of evidence showing that regulation under this section is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the dangerous waste program.

(40) Factors for petitions to include other wastes under this section.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in WAC 173-303-081 or 173-303-082, or (if not listed) a proportion of the waste stream exhibits one or more characteristics or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100. (When a characteristic waste is added to the universal waste regulations of this section by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in WAC 173-303-040 will be amended to include only the dangerous waste portion of the waste cate-

gory (e.g., dangerous waste batteries.) Thus, only the portion of the waste stream that does exhibit one or more characteristics or criteria (i.e., is dangerous waste) is subject to the universal waste regulations of this section;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other dangerous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to subsections (9), (20), and (30) of this section; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under this section will increase the likelihood that the waste will be diverted from nondangerous waste management systems (e.g., the municipal waste stream, nondangerous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with the Hazardous Waste Management Act chapter 70.105 RCW, this chapter, and RCRA Subtitle C.

(g) Regulation of the waste or category of waste under this section will improve implementation of and compliance with the dangerous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

(41) Applicability—Household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this section:

(i) Household wastes that are exempt under WAC 173-303-071 (3)(c) and are also of the same type as the universal wastes defined at WAC 173-303-040; and/or

(ii) Small quantity generator wastes that are conditionally exempt under WAC 173-303-070(8) and are also of the same type as the universal wastes defined at WAC 173-303-040.

(b) Persons who commingle the wastes described in (a)(i) and (ii) of this subsection together with universal waste regulated under this section must manage the commingled waste under the requirements of this section.

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

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-695, is to establish minimum statewide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-695, the final facility standards include WAC 173-303-280 through 173-303-395.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the underground injection control program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) The owner or operator of a POTW which treats, stores, or disposes of dangerous waste provided he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter ~~((173-304))~~ 173-350 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240~~((5))~~(6);

(h) 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;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit 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);

(k) 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);

(l) The compaction or sorting 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);

(m) 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);

(n) 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);

(o) 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.

(i) Batteries as described in WAC 173-303-573(2);

(ii) Thermostats as described in WAC 173-303-573(3);
(~~and~~)

(iii) Mercury-containing equipment as described in WAC 173-303-573(4); and

(iv) Lamps as described in WAC 173-303-573(5);

(p)(i) Except as provided in (p)(ii) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(A) A discharge of a dangerous waste;

(B) An imminent and substantial threat of a discharge of dangerous waste;

(C) A discharge of a material that, when discharged, becomes a dangerous waste;

(D) 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.

(ii) 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.

(iii) Any person who is covered by (p)(i) of this subsection 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.

(iv) 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;

(q) WAC 173-303-578 identifies when the requirements of WAC 173-303-600 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.

(4) Reserve.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

(6) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

(7) The final facility requirements apply to owners or operators of all facilities that treat, store, or dispose of hazardous wastes referred to in 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140(2).

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

WAC 173-303-610 Closure and post-closure. (1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) through (11) of this section, (which concern post-closure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively; to containment buildings that are required under 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) to meet the requirements for landfills; and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) Owners and operators of off-site recycling facilities subject to WAC 173-303-120 (3) or (4), and off-site used oil processors subject to regulation under WAC 173-303-515(9) are subject to:

(i) WAC 173-303-610(2) Closure performance standard; and

(ii) WAC 173-303-610(12) Off-site recycling and used oil processor closure plans.

(d) For the purposes of the closure and post-closure requirements, any portion of a facility which closes is subject to the applicable closure and post-closure standards even if the rest of the facility does not close and continues to operate.

~~((d))~~ (e) Except for subsection (2)(a) of this section, the director may, in an enforceable document, replace all or part of the requirements of this section and the unit-specific requirements referenced in subsection (2)(b) of this section with alternative requirements 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 (or the unit-specific requirements referenced in subsection (2)(b) of this section) because the alternative requirements will protect human health and the environment.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, surface water, ground water, or the atmosphere; and

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4), or 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) For soils, ground water, surface water, and air, the numeric cleanup levels calculated using ~~((residential))~~ unrestricted use exposure assumptions according to the Model Toxics Control Act Regulations, chapter 173-340 WAC as ~~((now))~~ of the effective date or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(ii) For all structures, equipment, bases, liners, etc., clean closure standards will be set by the department on a case-by-case basis in accordance with the closure performance standards of WAC 173-303-610 (2)(a)(ii) and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680(2), and 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a Class 1 modification with prior approval under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

(v) A detailed description of the steps needed to remove or decontaminate all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and runoff control;

(vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each dangerous waste management unit and the time

required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.); and

(viii) For facilities that use trust funds to establish financial assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(ix) For facilities where the director has applied alternative requirements under subsection (1)(d) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8)(d), the closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(b) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(A) Changes in operating plans or facility design affect the closure plan; or

(B) There is a change in the expected year of closure, if applicable; or

(C) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan; or

(D) The owner/operator requests the director apply alternative requirements under subsection (1)(d) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8)(d).

(iii) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with

the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.

(iv) The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which ~~(he)~~ they expect(s) to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which ~~(he)~~ they expect(s) to begin ~~(final)~~ closure of a ~~(facility with only)~~ treatment or storage tank(s), container storage, or incinerator unit~~(s to be closed)~~, or final closure of a facility with only such units.

(ii) The date when he "expects to begin closure" must be either:

(A) No later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or facility has the capacity to receive additional dangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit; or

(B) For units meeting the requirements of subsection (4)(d) of this section, no later than thirty days after the date on which the dangerous waste management unit receives the known final volume of nondangerous wastes, or if there is a reasonable possibility that the dangerous waste management unit will receive additional nondangerous wastes, no later than one year after the date on which the unit received the most recent volume of nondangerous wastes. If the owner or operator can demonstrate to the department that the dangerous waste management unit has the capacity to receive additional nondangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.

(iii) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.

(iv) Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection will preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at a dangerous waste management unit or facility, the owner or operator must treat, remove from the unit or facility, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is a reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at the dangerous waste management unit or facility. The department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a)(i) and (b)(i) of this subsection must be made as follows: The demonstrations in (a)(i) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b)(i) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period unless the owner or operator is otherwise subject to the deadlines in (d) of this subsection.

(d) The department may allow an owner or operator to receive only nondangerous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of dangerous wastes at that unit if:

(i) The owner or operator requests a permit modification in compliance with all applicable requirements in WAC 173-303-830 and 40 CFR Part 124 and in the permit modification request demonstrates that:

(A) The unit has the existing design capacity as indicated on the part A application to receive nondangerous wastes; and

(B) There is a reasonable likelihood that the owner or operator or another person will receive nondangerous wastes in the unit within one year after the final receipt of dangerous wastes; and

(C) The nondangerous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this part; and

(D) Closure of the dangerous waste management unit would be incompatible with continued operation of the unit or facility; and

(E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

(ii) The request to modify the permit includes an amended wastes analysis plan, ground water monitoring and response program, human exposure assessment required under RCRA section 3019, and closure and post-closure plan, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of dangerous constituents in the nondangerous wastes, and changes in closure activities, including the expected year of closure if applicable under subsection (3)(a)(viii) of this section, as a result of the receipt of nondangerous wastes following the final receipt of dangerous wastes; and

(iii) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of nondangerous wastes following receipt of the final volume of dangerous wastes; and

(iv) The request to modify the permit and the demonstration referred to in (d)(i) and (ii) of this subsection are submitted to the department no later than one hundred twenty days prior to the date on which the owner or operator of the facility receives the known final volume of dangerous wastes at the unit, or no later than ninety days after the effective date of this rule in the state in which the unit is located, whichever is later.

(e) In addition to the requirements in (d) of this subsection, an owner or operator of a dangerous wastes surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004 (o)(1) and 3005 (j)(1) or 42 U.S.C. 3004 (o)(2) or (3) or 3005 (j)(2), (3), (4) or (13) must:

(i) Submit with the request to modify the permit:

(A) A contingent corrective measures plan, unless a corrective action plan has already been submitted under WAC 173-303-645(10); and

(B) A plan for removing dangerous wastes in compliance with (e)(ii) of this subsection; and

(ii) Remove all dangerous wastes from the unit by removing all dangerous liquids, and removing all dangerous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(iii) Removal of dangerous wastes must be completed no later than ninety days after the final receipt of dangerous wastes. The department may approve an extension to this deadline if the owner or operator demonstrates that the removal of dangerous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(iv) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters of constituents specified in the permit or that exceeds the facility's ground water protection standard at the point of compliance, if applicable, is detected in accordance with the requirements in WAC 173-303-645, the owner or operator of the unit:

(A) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by (e)(i) of this subsection no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(B) May continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(C) May be required by the department to implement corrective measures in less than one year or to cease the receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

(v) During the period of corrective action, the owner or operator must provide semiannual reports to the department that describe the progress of the corrective action program, compile all ground water monitoring data, and evaluate the effect of the continued receipt of nondangerous wastes on the effectiveness of the corrective action.

(vi) The department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in (e)(iv) of this subsection, or fails to make substantial progress in implementing corrective action and achieving the facility's ground water protection standard or background levels if the facility has not yet established a ground water protection standard.

(vii) If the owner or operator fails to implement corrective measures as required in (e)(iv) of this subsection or if the department determines that substantial progress has not been made pursuant to (e)(vi) of this subsection the department will:

(A) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in (a) and (b) of this subsection and provide a detailed statement of reasons for this determination; and

(B) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.

(C) If the department receives no written comments, the decision will become final five days after the close of the comment period. The department will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days of the final notice and that closure must begin in accordance with the deadlines in (a) and (b) of this subsection.

(D) If the department receives written comments on the decision, it will make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the department determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in (a) and (b) of this subsection.

(E) The final determinations made by the department under (e)(vii)(C) and (D) of this subsection are not subject to administrative appeal.

(5) Disposal or decontamination of equipment, structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), or under the authority of WAC 173-303-680 (2) and (4). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. Within sixty days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas), and within sixty days of the completion of final closure, the owner or operator must submit to the department by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Post-closure care and use of property.

(a) Post-closure care for each dangerous waste management unit subject to post-closure requirements must begin after completion of closure of the unit and continue for thirty years after that date and must consist of at least the following:

(i) Ground water monitoring and reporting as required by WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(ii) Maintenance and monitoring of waste containment systems as applicable.

(b) Any time preceding partial closure of a dangerous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the post-closure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the dangerous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure); or

(ii) Extend the post-closure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health.

(d) Post-closure use of property on or in which dangerous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in subsection (8) of this section.

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and certain piles from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have

written contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the post-closure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the post-closure plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed to comply with WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680 during the post-closure care period, to ensure:

(A) The integrity of the cap and final cover or other containment structures in accordance with the requirements of 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(B) The function of the facility monitoring equipment;

(iii) The name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the post-closure care period;

(iv) And, for facilities where the director has applied alternative requirements under subsection (1)(d) of this section, WAC 173-303-645 (1)(e) or 173-303-620 (8)(d), the post-closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(c) Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved post-closure plan during the remainder of the post-closure period.

(d) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended post-closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan whenever:

(A) Changes in operating plans or facility design affect the approved post-closure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan; or

(D) The owner/operator requests the director to apply alternative requirements under subsection (1)(d) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8)(d).

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent post-closure plan under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved post-closure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. No later than the submission of the certification of closure of each dangerous waste disposal unit, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other dangerous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the

dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(10) Notice in deed to property.

(a) No later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the department a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(A) The land has been used to manage dangerous wastes;

(B) Its use is restricted under this section; and

(C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

(c) If the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, he must request a modification to the post-closure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of post-closure care. No later than sixty days after completion of the established post-closure care period for each dangerous waste disposal unit, the owner or operator must submit to the department, by registered mail, a certification that the post-closure care period for the dangerous waste disposal unit was performed in

accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under WAC 173-303-620(6).

(12) Off-site recycling and used oil processor closure plans. The owner or operator of an off-site recycling facility subject to regulation under WAC 173-303-120 (3), (4), or used oil processor or rerefiner subject to WAC 173-303-515(9) must have a written closure plan.

(a) Submittal. For new facilities, the closure plan must be submitted with the notification required under WAC 173-303-060. For existing facilities, the closure plan must be submitted within one hundred eighty days of the effective date of this regulation. For closure plans denied under (b) of this subsection that will be resubmitted, the amended plan must be resubmitted within ninety days after the owner or operator receives the denial.

(b) Review by department. Decision to approve or deny. Closure plans must be submitted to department for review, comment, approval or denial. The department decision to approve a closure plan must assure it is consistent with requirements in subsections (2) and (12) of this section. The department decision to deny a closure plan must be justified on the inability or unwillingness of the owner and operator to meet requirements in subsections (2) and (12) of this section or WAC 173-303-620 (1)(e). The department's decision may be appealed under the provisions of WAC 173-303-845.

(c) Availability. A copy of the approved closure plan and all updates to the plan must be maintained at the facility and furnished to the department upon request, including request by mail, until final closure is completed and certified in accordance with subsection (6) of this section.

(d) Contents of plan. The closure plan must identify steps necessary to perform final closure of recycling units at any point during its active life. The closure plan must include at least:

(i) An estimate of the maximum inventory of dangerous wastes or used oil ever on-site over the active life of the facility;

(ii) Descriptions, schedules, and disposal or decontamination procedures in subsections (3), (4), (5), (6) of this section, except any provisions dealing with permits, permit applications, modifications or approvals. The term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit" in these subsections. Any references to permits or permit modifications in these subsections do not apply.

(e) Obligation to amend. At least sixty days prior to a major change at an off-site recycling or used oil processor/rerefining facility, the owners/operator of that facility must submit an amended closure plan. A major change may include the addition of a recycling or recovery process that is subject to WAC 173-303-120 (3) or (4), any increase in the maximum inventory of dangerous waste or used oil described in the previously approved closure plan, the closure of an existing resource reclamation unit, or a change in ownership

or operational control. The department must approve or deny, with justification, the revised closure plan. Refer to (a) of this subsection when a closure plan is denied if the closure plan needs to be resubmitted. Alternatively, the owner or operator may challenge the denial pursuant to WAC 173-303-845.

(f) Notification of closure. At least forty-five days prior to closure, an owner/operator must provide written notice to department of intent to close.

(g) Relationship to closure plans for permitted facilities. A facility owner/operator that is subject to permitting and closure planning requirements for storage, treatment or disposal that is also required to prepare a closure plan for off-site recycling or used oil processing/rerefining, may satisfy the requirements of this subsection by combining all closure requirements in a single closure plan.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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.

(e) Except as provided in (c) of this subsection, the requirements of subsections (3), (4), (8), (9) and (10) of this section, apply to owners and operators of off-site recycling facilities and processors/rerefiners of used oil, except the

term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit."

(i) If the closure plan for an off-site recycling or used oil processing/re-refining facility has not been approved by the department within one year of submittal to the department, the department may determine the closure cost estimate and direct the facility to establish financial assurance in that amount. Note that the schedule for partially funded trust funds for existing facilities of WAC 173-303-620 (4)(c)(i) may apply.

(ii) Relationship to closure cost estimates and financial responsibility for permitted facilities. A facility owner/operator that is subject to closure cost estimating and financial responsibility requirements for dangerous waste management units and resource reclamation unit may choose to consolidate those requirements into a single mechanism for submittal to the department.

(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), or for off-site recycling or used oil processing facilities prepared in accordance with WAC 173-303-610(12);

(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;

Except that, off-site recyclers subject to WAC 173-303-120 (3) or (4), or off-site used oil processors subject to WAC 173-303-515(9) may exclude the estimated value for certain types of recyclable materials from the estimated cost of closing a recycling unit. This exclusion may include dangerous wastes or used oil held in tanks or containers that are dedicated solely to the management of recyclable materials that will require only incidental processing prior to producing a product that may be sold to the general public. Incidental processing may include simple screening or filtering to remove minor amounts of foreign material or removal of less than five percent water by volume; 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, or off-site recycling or used oil processing/rerefining 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 for the mechanisms listed above as 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.

(c) 40 CFR 264.143 is modified by the following requirements:

(i) Partially funded trust funds of 264.143(a)(3) may not be accepted as a mechanism for a closure trust fund for TSDs. Owners and operators of existing recycling units that become subject to this section may establish a partially funded closure trust fund with a pay-in period of five years. The fund must be fully funded no later than five years (and the first, second, third, fourth, and fifth payments due no later than one, two, three, four, and five year(s) respectively) after the date of the department's approval of the closure plan under WAC 173-303-610 (12)(b):

(ii) Insurance companies providing closure coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(iii) Ecology must be named as secondary beneficiary on an insurance policy;

(iv) Facility owners/operators requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.

(d) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-515(9), must demonstrate financial assurance for closure of the facility or recycling units. In addition to the requirements of 40 CFR 264.143, as amended by this subsection, the financial assurance must meet the following requirements:

(i) For existing facilities choosing a surety bond guaranteeing payment, surety bond guaranteeing performance, letter of credit, insurance, financial test or corporate guarantee, the mechanism must be established within thirty-six months of the effective date of this section;

(ii) Owners and operators of existing facilities choosing a partially funded trust fund mechanism must establish a fully

funded trust fund within sixty months of approval of the closure plan by the department (see (c)(i) of this subsection);

(iii) For new facilities, financial assurance must be established and submitted to the department at least sixty days prior to the acceptance of the first shipment of wastes.

(e) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-515(9) may request an alternative mechanism for financing the closure of recycling units that is determined by the department to be equivalent to one of the methods listed in (a) of this subsection. This may include any alternative mechanism as may be established through action by the Washington state legislature.

(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 postclosure 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, except that the use of partially funded trust funds, as provided in 40 CFR 264.145(a), will not be allowed by the department;

(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; however, financial or insurance institutions providing such insurance must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best; or

(vi) Financial test and corporate guarantee for post-closure care, except that the criterion for minimum tangible net worth in 40 CFR 264.145(f) must be in an amount of at least twenty million dollars.

(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 postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility, off-site recycling or used oil processing/refining 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, with the following additional requirements:

(i) Insurance companies providing liability coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(ii) The department may file claims against liability insurance when contamination occurs as a result of releases or discharges of dangerous wastes or used oil from recycling units subject to regulation under this section to waters of the state as defined under chapter 90.48 RCW;

(iii) Facility owners/operators requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.

(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), 264.147 (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 264.147(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 173-303-630 Use and management of containers. (1) Applicability. The regulations in this section apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-360.

(3) Identification of containers. The owner or operator must label containers in a manner which adequately identifies the major risk(s) associated with the contents of the containers 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 owner or operator must affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(c) A minimum thirty-inch separation is required between aisles of containers holding dangerous waste(s). A row of drums must be no more than two drums wide.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the

containment system caused by corrosion, deterioration, or other factors. The owner or operator must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum twenty-five year storm of twenty-four hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids and so that uncontaminated precipitation can be drained promptly for convenience of operation. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need to be considered in this determination.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in (a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids, do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: Provided, That:

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) The department may require generators to protect their containers from the elements by means of a building or other protective covering if the department determines that such protection is necessary to prevent a release of waste or waste constituents due to the nature of the waste or design of the container. The building or other protective covering must

allow adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the ((Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1997 edition)) International Fire Code's "American Table of Distances for Storage of Explosives" Table 3304.5.2(2) or "Table of Separation Distances for Low Explosives" Table 3304.5.2(3), 2003 edition, or the version adopted by the local fire district.

(b) The owner or operator must design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the ((Uniform)) International Fire Code. Where no specific standard or requirements are specified in the ((Uniform)) International Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet #30, "Flammable and Combustible Liquids Code," must be used. The owner/operator must also comply with the requirements of WAC 173-303-395 (1)(d).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes must be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

(11) Air emission standards. The owner or operator must manage all hazardous waste placed in a container in accordance with the applicable requirements of 40 CFR Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

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

WAC 173-303-640 Tank systems. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tank systems to treat or store dangerous waste, except as (b), (c), and (d) of this subsection provides otherwise.

(b) Tank systems that are used to store or treat dangerous waste which contain no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subsection (4) of this section. To demonstrate

the absence or presence of free liquids in the stored/treated waste, the test method described in WAC 173-303-110 (3)(a) must be used.

(c) Tank systems, including sumps, as defined in WAC 173-303-040, that serve as part of a secondary containment system to collect or contain releases of dangerous wastes are exempted from the requirements in subsection (4)(a) of this section.

(d) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in WAC 173-303-040 and regulated under WAC 173-303-675, must meet the requirements of this section.

(2) Assessment of existing tank system's integrity.

(a) For each existing tank system, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in (b) of this subsection, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that attests to the tank system's integrity by January 12, 1988, for underground tanks that do not meet the requirements of subsection (4) of this section and that cannot be entered for inspection, or by January 12, 1990, for all other tank systems.

(b) Tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, must conduct this assessment within twelve months after the date that the waste becomes a dangerous waste.

(c) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

(i) Design standard(s), if available, according to which the tank system was constructed;

(ii) Dangerous characteristics of the waste(s) that have been and will be handled;

(iii) Existing corrosion protection measures;

(iv) Documented age of the tank system, if available (otherwise, an estimate of the age); and

(v) Results of a leak test, internal inspection, or other tank system integrity examination such that:

(A) For nonenterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

(B) For other than nonenterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that addresses cracks, leaks, corrosion, and erosion.

Note: ~~((The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low Pressure Storage Tanks," 4th edition, 1981.))~~ Three publications may be used, where applicable, as guidelines in conducting other than a leak test: Tank Inspection, Repair, Alteration, and Reconstruction, API Standard 653, Addendum 4 issued in December 1999; Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste, Ecology Publication No. 94-114; and Steel Tank Institute publication

#SP001-00 Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids copyright 2000.

(d) If, as a result of the assessment conducted in accordance with (a) of this subsection, a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of subsection (7) of this section.

(e) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(3) Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must obtain (and for facilities that are pursuing or have obtained a final status permit, submit to the department, at time of submittal of Part B information) a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of dangerous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment (which will be used by the department to review and approve or disapprove the acceptability of the tank system design at facilities which are pursuing or have obtained a final status permit) must include, at a minimum, the following information:

(i) Design standard(s) according to which tank system(s) are constructed;

(ii) Dangerous characteristics of the waste(s) to be handled;

(iii) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

(A) Factors affecting the potential for corrosion, including but not limited to:

(I) Soil moisture content;

(II) Soil pH;

(III) Soil sulfides level;

(IV) Soil resistivity;

(V) Structure to soil potential;

(VI) Influence of nearby underground metal structures (e.g., piping);

(VII) Existence of stray electric current;

(VIII) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

(B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

(I) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;

(II) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

(III) Electrical isolation devices such as insulating joints, flanges, etc.

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(iv) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

(v) Design considerations to ensure that:

(A) Tank foundations will maintain the load of a full tank;

(B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is either placed in a saturated zone, or is located less than five hundred feet from a fault which has had displacement in Holocene times; and

(C) Tank systems will withstand the effects of frost heave.

(b) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(c) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

- (i) Weld breaks;
- (ii) Punctures;
- (iii) Scrapes of protective coatings;
- (iv) Cracks;
- (v) Corrosion;
- (vi) Other structural damage or inadequate construction/ installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(d) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(e) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed into use.

(f) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

Note: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping," and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping System," may be used, where applicable, as guidelines for proper installation of piping systems.

(g) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under (a)(iii) of this subsection, or other corrosion protection if the department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(h) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of (b) through (g) of this subsection, that attest that the tank system was properly designed and installed and that repairs, pursuant to (c) and (e) of this subsection, were performed. These written statements must also include the certification statement as required in WAC 173-303-810 (13)(a).

(4) Containment and detection of releases.

(a) In order to prevent the release of dangerous waste or dangerous constituents to the environment, secondary containment that meets the requirements of this subsection must be provided (except as provided in (f) and (g) of this subsection):

(i) For all new tank systems or components, prior to their being put into service;

(ii) For all existing tank systems used to store or treat Dangerous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1989;

(iii) For those existing tank systems of known and documented age, within two years after January 12, 1989, or when the tank system has reached fifteen years of age, whichever comes later;

(iv) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1989; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches fifteen years of age, or within two years of January 12, 1989, whichever comes later; and

(v) For tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, within the time intervals required in (a)(i) through (iv) of this subsection, except that the date that a material becomes a dangerous waste must be used in place of January 12, 1989.

(b) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of (b) of this subsection, secondary containment systems must be at a minimum:

(i) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operations (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of dangerous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the department that removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

Note: If the collected material is a dangerous waste under WAC 173-303-070, it is subject to management as a dangerous waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-400 and WAC 173-303-600 through 173-303-695. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a publicly owned treatment works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.

(d) Secondary containment for tanks must include one or more of the following devices:

(i) A liner (external to the tank);

(ii) A vault;

(iii) A double-walled tank; or

(iv) An equivalent device as approved by the department.

(e) In addition to the requirements of (b), (c), and (d) of this subsection, secondary containment systems must satisfy the following requirements:

(i) External liner systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event.

(C) Free of cracks or gaps; and

(D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(ii) Vault systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;

(C) Constructed with chemical-resistant water stops in place at all joints (if any);

(D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(I) Meets the definition of ignitable waste under WAC 173-303-090(5); or

(II) Meets the definition of reactive waste under WAC 173-303-090(7), and may form an ignitable or explosive vapor.

(F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(iii) Double-walled tanks must be:

(A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

(B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

(C) Provided with a built-in continuous leak detection system capable of detecting a release within twenty-four hours, or at the earliest practicable time, if the owner or operator can demonstrate to the department, and the department concludes, that the existing detection technology or site conditions would not allow detection of a release within twenty-four hours.

Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled pip-

ing) that meets the requirements of (b) and (c) of this subsection except for:

(i) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shutoff devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shutoff devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this subsection if the department finds, as a result of a demonstration by the owner or operator that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous waste or dangerous constituents into the ground water, or surface water at least as effectively as secondary containment during the active life of the tank system or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with (g)(ii) of this subsection, be exempted from the secondary containment requirements of this section.

(i) In deciding whether to grant a variance based on a demonstration of equivalent protection of ground water and surface water, the department will consider:

(A) The nature and quantity of the wastes;

(B) The proposed alternate design and operation;

(C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and ground water; and

(D) All other factors that would influence the quality and mobility of the dangerous constituents and the potential for them to migrate to ground water or surface water.

(ii) In deciding whether to grant a variance based on a demonstration of no substantial present or potential hazard, the department will consider:

(A) The potential adverse effects on ground water, surface water, and land quality taking into account:

(I) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

(II) The hydrogeological characteristics of the facility and surrounding land;

(III) The potential for health risks caused by human exposure to waste constituents;

(IV) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(V) The persistence and permanence of the potential adverse effects.

(B) The potential adverse effects of a release on ground water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground water flow;

(II) The proximity and withdrawal rates of ground water users;

(III) The current and future uses of ground water in the area; and

(IV) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality.

(C) The potential adverse effects of a release on surface water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground water flow;

(II) The patterns of rainfall in the region;

(III) The proximity of the tank system to surface waters;

(IV) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; and

(V) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality.

(D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

(I) The patterns of rainfall in the region; and

(II) The current and future uses of the surrounding land.

(iii) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7) of this section, except subsection (7)(d) of this section; and

(B) Decontaminate or remove contaminated soil to the extent necessary to:

(I) Enable the tank system for which the variance was granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

(II) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water.

(C) If contaminated soil cannot be removed or decontaminated in accordance with (g)(iii)(B) of this subsection, comply with the requirements of subsection (8) of this section.

(iv) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7)(a), (b), (c), and (d) of this section; and

(B) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed or if ground water has been contaminated, the owner or operator must comply with the requirements of subsection (8)(b) of this section; and

(C) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the

requirements of (a) through (f) of this subsection or reapply for a variance from secondary containment and meet the requirements for new tank systems in subsection (3) of this section if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed and ground water or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(i) The department must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in (g) of this subsection according to the following schedule:

(A) For existing tank systems, at least twenty-four months prior to the date that secondary containment must be provided in accordance with (a) of this subsection.

(B) For new tank systems, at least thirty days prior to entering into a contract for installation.

(ii) As part of the notification, the owner or operator must also submit to the department a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in (g)(i) or (ii) of this subsection;

(iii) The demonstration for a variance must be completed within one hundred eighty days after notifying the department of an intent to conduct the demonstration; and

(iv) If a variance is granted under this subsection, the department will require the permittee to construct and operate the tank system in the manner that was demonstrated to meet the requirements for the variance.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

~~((A))~~ (i) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

~~((B))~~ (ii) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in ~~(i)((A))~~ (i) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

~~((C))~~ (iii) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: ~~((The practices described in the American Petroleum Institute (API) Publication Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," 4th edition, 1981.))~~ Three publications may be used, where applicable, as guidelines for assessing the overall condition of the tank system: Tank Inspection, Repair, Alteration, and Reconstruction, API Standard 653, Addendum 4 issued in December 1999; Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste, Ecology Publication No. 94-114; and Steel Tank Institute publication #SP001-00 Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids copyright 2000.

~~((D))~~ (iv) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with ~~((h)(iv)(A) through (C))~~ (i)(i) through (iii) of this subsection.

~~((E))~~ (v) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in ~~((h)(iv)(A) through (C))~~ (i)(i) through (iii) of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

(5) General operating requirements.

(a) Dangerous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

(i) Spill prevention controls (e.g., check valves, dry disconnect couplings);

(ii) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(iii) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of subsection (7) of this section if a leak or spill occurs in the tank system.

(d) All tank systems holding dangerous waste must be marked with labels or signs to identify the waste contained in the tank. The label or sign must be legible at a distance of at least fifty feet, and must bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tank system(s). (Note—If there already is a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.)

(e) All tank systems holding dangerous wastes which are acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(6) Inspections.

(a) The owner or operator must develop and follow a schedule and procedure for inspecting overfill controls.

(b) The owner or operator must inspect at least once each operating day:

(i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(ii) Data gathered from monitoring any leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(iii) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of dangerous waste (e.g., wet spots, dead vegetation).

Note: WAC 173-303-320 requires the owner or operator to remedy any deterioration or malfunction he finds. Subsection (7) of this section requires the owner or operator to notify the department within twenty-four hours of confirming a leak. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of a release.

(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(i) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(ii) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(d) The owner or operator must document in the operating record of the facility an inspection of those items in (a) through (c) of this subsection. The owner or operator must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of dangerous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of waste from tank system or secondary containment system.

(i) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of

dangerous waste to the environment and to allow inspection and repair of the tank system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) Containment of visible releases to the environment. The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(i) Prevent further migration of the leak or spill to soils or surface water; and

(ii) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) Notifications, reports.

(i) Any release to the environment (~~(, except as provided in (d)(ii) of this subsection,)~~) must be reported to the department (~~(within twenty-four hours of its detection)~~) and other authorities immediately in accordance with WAC 173-303-145. Any release above the "reportable quantity" must also be reported to the National Response Center pursuant to 40 CFR Part 302.

(ii) (~~(A leak or spill of dangerous waste is exempted from the requirements of (d) of this subsection if it is:~~

~~(A) Less than or equal to a quantity of one pound, or the "Reportable Quantity" (RQ) established in 40 CFR Part 302, whichever is less; and~~

~~(B) Immediately contained and cleaned up;~~
~~(iii))~~ Within thirty days (or fifteen days if classified as an emergency) of detection of a release to the environment, a report containing the following information must be submitted to the department:

(A) Likely route of migration of the release;

(B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the department as soon as they become available;

(D) Proximity to downgradient drinking water, surface water, and populated areas; and

(E) Description of response actions taken or planned.

(F) In the event of an emergency, additional information as required by WAC 173-303-360.

(e) Provision of secondary containment, repair, or closure.

(i) Unless the owner/operator satisfies the requirements of (e)(ii) through (iv) of this subsection, the tank system must be closed in accordance with subsection (8) of this section.

(ii) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(iii) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(iv) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the compo-

ment of the system from which the leak occurred with secondary containment that satisfies the requirements of subsection (4) of this section before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of (f) of this subsection are satisfied. If a component is replaced to comply with the requirements of this subitem, that component must satisfy the requirements for new tank systems or components in subsections (3) and (4) of this section. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with subsection (4) of this section prior to being returned to use.

(f) Certification of major repairs. If the owner/operator has repaired a tank system in accordance with (e) of this subsection, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with WAC 173-303-810 (13)(a) that the repaired system is capable of handling dangerous wastes without release for the intended life of the system. This certification must be submitted to the department within seven days after returning the tank system to use.

Note: See WAC 173-303-320 for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of certain releases.

(8) Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as dangerous waste, unless WAC 173-303-070 (2)(a) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in WAC 173-303-610 and 173-303-620.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in (a) of this subsection, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see WAC 173-303-665(6)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of subsection (4)(b) through (f) of this section and is not exempt from the secondary containment requirements in accordance with subsection (4)(g) of this section, then:

(i) The closure plan for the tank system must include both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection.

(ii) A contingent post-closure plan for complying with (b) of this subsection must be prepared and submitted as part of the permit application.

(iii) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under (a) of this subsection.

(iv) Financial assurance must be based on the cost estimates in (c)(iii) of this subsection.

(v) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under this chapter (WAC 173-303-610 and 173-303-620).

(9) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in tank systems unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395 (1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank system is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the NFPA-30 *Flammable and Combustible Liquids Code* -1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator must also comply with the requirements of WAC 173-303-395 (1)(d).

(10) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

(11) Air emission standards. The owner or operator must manage all hazardous waste placed in a tank in accordance with the applicable requirements of 40 CFR Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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)~~) 173-303-64620). 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)~~) 173-303-64620), 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)~~) 173-303-64620) 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 runoff;

(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 ¹
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

¹ 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 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 per-

mit 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

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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 conductivity 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 performance 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 monitoring 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 contamination 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 corrective 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 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-646 Corrective action. WAC 173-303-646 has been broken down into the following sections:

		<u>Old citation</u>
<u>WAC 173-303-64610</u>	<u>Purpose and applicability</u>	<u>WAC 173-303-646(1)</u>
<u>WAC 173-303-64620</u>	<u>Requirements</u>	<u>WAC 173-303-646(2)</u>
<u>WAC 173-303-64630</u>	<u>Use of the Model Toxics Control Act</u>	<u>WAC 173-303-646(3)</u>
<u>WAC 173-303-64640</u>	<u>Grandfathered corrective action management units (CAMUs)</u>	<u>WAC 173-303-646 (4) through (6)</u>
<u>WAC 173-303-64650</u>	<u>Corrective action management unit (CAMU)</u>	<u>WAC 173-303-646(4)</u>
<u>WAC 173-303-64660</u>	<u>Designation of a corrective action management unit</u>	<u>WAC 173-303-646(5)</u>
<u>WAC 173-303-64670</u>	<u>Incorporation of a regulated unit within a CAMU</u>	<u>WAC 173-303-646(6)</u>
<u>WAC 173-303-64680</u>	<u>Temporary units (TUs)</u>	<u>WAC 173-303-646(7)</u>
<u>WAC 173-303-64690</u>	<u>Staging piles</u>	<u>WAC 173-303-646(8)</u>

PERMANENT

		Old citation
WAC 173-303-646910	Disposal of CAMU-eligible wastes into permitted hazardous waste landfills	
WAC 173-303-646920	Disposal of CAMU-eligible wastes into permitted hazardous waste landfills located outside Washington	

~~((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 waste 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.~~

PERMANENT

~~(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.~~~~(e) 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 an 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;~~

~~(e) 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.")~~

NEW SECTION

WAC 173-303-64610 Purpose and applicability. (1) The provisions of this section, and WAC 173-303-64620 and 173-303-64630, establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(2) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(3) The provisions of this section do not apply to cleanup-only facilities.

(4) 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).

NEW SECTION

WAC 173-303-64620 Requirements. (1) 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.

(2) 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.

(3) 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.

(4) At a minimum, corrective actions must be consistent with the following requirements of chapter 173-340 WAC.

(a) 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.

(b) WAC 173-340-360, selection of cleanup actions.

(c) WAC 173-340-400, implementation of the cleanup action.

(d) WAC 173-340-410, compliance monitoring requirements.

(e) WAC 173-340-420, periodic review.

(f) WAC 173-340-440, institutional controls.

(g) WAC 173-340-700 through 173-340-760, cleanup standards.

NEW SECTION

WAC 173-303-64630 Use of the Model Toxics Control Act. (1) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under WAC 173-303-64620 using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(2) 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 WAC 173-303-64620 and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(3) 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.

NEW SECTION

WAC 173-303-64640 Grandfathered corrective action management units (CAMUs). (1)(a) In accordance with the requirements of this section and WAC 173-303-64610 through 173-303-64630, the department 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. Corrective action management unit means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

(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 WAC 173-303-64630 to fulfill the corrective action requirements of WAC 173-303-64620 or the corrective action requirements of WAC 173-303-645.

(2) Designation of a corrective action management unit.

(a) When designating a CAMU, the director will do so in accordance with 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 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 control, minimize, or eliminate to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, to ground waters, to surface waters, or to the atmosphere 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 WAC 173-303-64650, 173-303-64660, and 173-303-64670.

(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 an 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).

(3) 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(4) or 40 CFR Part 265.113, which is incorporated by reference at WAC 173-303-400 (3)(a); 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.

NEW SECTION

WAC 173-303-64650 Corrective action management unit (CAMU). (1) Except as provided in subsection (2) of this section, CAMUs are subject to the requirements of this section and WAC 173-303-64660 and 173-303-64670.

(2) CAMUs that were approved before April 22, 2002, or for which substantially complete applications (or equivalents) were submitted to the department on or before Novem-

ber 20, 2000, are subject to the requirements in WAC 173-303-64640 for grandfathered CAMUs; CAMU waste, activities, and design will not be subject to the standards in WAC 173-303-64650 and 173-303-64660, so long as the waste, activities, and design remain within the general scope of the CAMU as approved.

(3) In accordance with the requirements of this section, the applicable portions of WAC 173-303-64610 through 173-303-64630, and with WAC 173-303-64660, the department may designate an area at a facility as a corrective action management unit for the purpose of treating, storing or disposing of CAMU-eligible waste that originates at the same facility in order to implement remedies under this section or to implement other cleanup actions. Corrective action management unit means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at the facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

(a) CAMU-eligible waste means:

(i) All solid and dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either dangerous or nondangerous) from ongoing industrial operations at a site are not CAMU-eligible wastes.

(ii) Wastes that would otherwise meet the description in (a)(i) of this subsection are not "CAMU-Eligible Wastes" where:

(A) The wastes are dangerous wastes found during cleanup in intact or substantially intact containers, tanks, or other nonland-based units found above ground, unless the wastes are first placed in the tanks, containers or nonland-based units as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or

(B) The department exercises the discretion in (b) of this subsection to prohibit the wastes from management in a CAMU.

(iii) Notwithstanding (a)(i) of this subsection, where appropriate, as-generated nondangerous waste may be placed in a CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.

(b) The department may prohibit, where appropriate, the placement of waste in a CAMU where the department has or receives information that such wastes have not been managed in compliance with applicable land disposal treatment standards of WAC 173-303-140(2), or applicable unit design requirements of WAC 173-303-600 through 173-303-695, or applicable unit design requirements of WAC 173-303-400, or that noncompliance with other applicable requirements of this chapter likely contributed to the release of the waste.

(c) Prohibition against placing liquids in CAMUs.

(i) The placement of bulk or noncontainerized liquid dangerous waste or free liquids contained in dangerous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.

(ii) The requirements in WAC 173-303-140 (4)(b)(ii) for placement of containers holding free liquids in landfills apply to placement in a CAMU except where placement facilitates the remedy selected for the waste.

(iii) The placement of any liquid which is not a dangerous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to WAC 173-303-140 (4)(b)(v).

(iv) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with WAC 173-303-140 (4)(b)(iii). Sorbents used to treat free liquids in CAMUs must meet the requirements of WAC 173-303-140 (4)(b)(iv).

(d) Placement of CAMU-eligible waste into or within a CAMU does not constitute land disposal of dangerous waste.

(e) Consolidation or placement of CAMU-eligible waste into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(4) 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.

(5) 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 WAC 173-303-64630 to fulfill the corrective action requirements of WAC 173-303-64620 or the corrective action requirements of WAC 173-303-645.

NEW SECTION

WAC 173-303-64660 Designation of a corrective action management unit. (1) The department must designate a CAMU that will be used for storage and/or treatment only in accordance with subsection (4) of this section. When designating all other CAMUs, the department will do so in accordance with WAC 173-303-64650 and 173-303-64670, and the following:

(a) The CAMU will facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(b) 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;

(c) The CAMU will include uncontaminated areas of the facility only if including such areas for the purposes of managing CAMU-eligible wastes is more protective than management of such wastes at contaminated areas of the facility;

(d) 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;

(e) When appropriate and practicable, the CAMU will expedite the timing of remedial activity implementation;

(f) 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

(g) 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.

(2) The owner/operator must provide sufficient information to enable the department to designate a CAMU in accordance with the criteria in this section. This must include, unless not reasonably available, information on:

(a) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal and/or release);

(b) Whether the waste was listed or identified as dangerous at the time of disposal and/or release; and

(c) Whether the disposal and/or release of the waste occurred before or after the land disposal requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140 (2)(a), or, if the waste is a state-only dangerous waste, the land disposal restrictions of WAC 173-303-140 (2)(b), were in effect for the waste listing, characteristic, or criterion.

(3) When designating a CAMU, the department will specify, in the permit or order, requirements for the CAMU including the following:

(a) The areal configuration of the CAMU;

(b) Except as provided in subsection (5) of this section, requirements for CAMU-eligible waste management within the CAMU including specification of applicable design, operation, treatment, and closure requirements;

(c) Minimum design requirements. CAMUs, except as provided in subsection (4) of this section, into which wastes are placed must be designed in accordance with the following:

(i) Unless the department approves alternate requirements under (c)(ii) of this subsection, CAMUs that consist of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this subsection, composite liner means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML) (geomembrane), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

(ii) Alternate requirements. The department may approve alternate requirements if:

(A) The department finds that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at least as effectively as the liner and leachate collection systems in (c)(i) of this subsection; or

(B) The CAMU is to be established in an area with existing significant levels of contamination, and the department finds that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

(d) Minimum treatment requirements: Unless the wastes will be placed in a CAMU for storage and/or treatment only in accordance with subsection (4) of this section, CAMU-eligible wastes that, absent this subsection, would be subject to the treatment requirements of WAC 173-303-140(2), and that the department determines contain principal hazardous constituents must be treated to the standards specified in (d)(iii) of this subsection.

(i) Principal hazardous constituents are those constituents that the department determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

(A) In general, the department will designate as principal hazardous constituents:

(I) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3} ; and

(II) Noncarcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

(B) The department will also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to ground water are substantially higher than cleanup levels or goals at the site; when making such a designation, the department may consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

(C) The department may also designate other constituents as principal hazardous constituents that the department determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

(ii) In determining which constituents are "principal hazardous constituents," the department must consider all constituents which, absent this section, would be subject to the treatment requirements of WAC 173-303-140(2).

(iii) Waste that the department determines contains principal hazardous constituents must meet treatment standards determined in accordance with (d)(iv) or (v) of this subsection.

(iv) Treatment standards for wastes placed in CAMUs.

(A) For nonmetals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by (d)(iv)(C) of this subsection.

(B) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by (d)(iv)(C) of this subsection.

(C) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in 40 CFR 268.48 Table UTS, which is incorporated by reference at WAC 173-303-140 (2)(a).

(D) For waste exhibiting the dangerous characteristic of ignitability, corrosivity or reactivity, the waste must also be treated to eliminate these characteristics.

(E) For debris, the debris must be treated in accordance with 40 CFR 268.45, which is incorporated by reference at WAC 173-303-140 (2)(a), or by methods or to levels established under (d)(iv)(A) through (D) of this subsection or (d)(v) of this subsection, whichever the department determines is appropriate.

(F) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the department may specify a leaching test other than the TCLP (SW846 Method 1311, WAC 173-303-110 (3)(a)) to measure treatment effectiveness, provided the department determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

(v) Adjusted standards. The department may adjust the treatment level or method in (d)(iv) of this subsection to a higher or lower level, based on one or more of the following factors, as appropriate. The adjusted level or method must be protective of human health and the environment:

(A) The technical impracticability of treatment to the levels or by the methods in (d)(iv) of this subsection;

(B) The levels or methods in (d)(iv) of this subsection would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated under state or federal law);

(C) The views of the affected local community on the treatment levels or methods in (d)(iv) of this subsection as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

(D) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in (d)(iv) of this subsection;

(E) The long-term protection offered by the engineering design of the CAMU and related engineering controls:

(I) Where the treatment standards in (d)(iv) of this subsection are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility; or

(II) Where cost-effective treatment has been used and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665 (2)(h) and (j); or

(III) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665 (2)(h) and (j); or

(IV) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or

(V) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or laterally expanded CAMUs in (c)(i) and (ii) of this

subsection, or the CAMU provides substantially equivalent or greater protection.

(vi) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

(vii) For the purpose of determining whether wastes placed in CAMUs have met site-specific treatment standards, the department may, as appropriate, specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal dangerous constituents. This specification will be based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.

(e) Except as provided in subsection (4) of this section, requirements for ground water and vadose zone monitoring and corrective action that are sufficient to:

(i) 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

(ii) 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.

(iii) Require notification to the department and corrective action as necessary to protect human health and the environment for releases to ground water from the CAMU.

(f) Except as provided in subsection (4) of this section, requirements for closure will minimize the need for further maintenance; and control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of dangerous wastes, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, to ground waters, to surface waters, or to the atmosphere.

(i) Requirements for closure will include, as appropriate and deemed necessary by the department, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes; and

(B) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

(ii) In establishing closure requirements for CAMUs under subsection (3) of this section, the department will consider the following factors:

(A) CAMU characteristics;

(B) Volume of wastes which will remain in place after CAMU closure;

(C) Potential for releases from the CAMU;

(D) Physical and chemical characteristics of the waste;

(E) 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

(F) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(iii) Cap requirements:

(A) At final closure of the CAMU, for areas in which wastes will remain after closure of the CAMU, with constituent concentrations at or above remedial levels or goals applicable to the site, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the following performance criteria, except as provided in (f)(iii)(B) of this subsection:

(I) Provide long-term minimization of migration of liquids through the closed unit;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the cover;

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(V) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(B) The department may determine that modifications to (f)(iii)(A) of this subsection are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

(iv) The department 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.

(4) CAMUs used for storage and/or treatment only are CAMUs in which wastes will not remain after closure. Such CAMUs must be designated in accordance with all of the requirements of this subsection, except as follows.

(a) CAMUs that are used for storage and/or treatment only and that operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554(d)(1)(iii), (h), and (i) are subject to the requirements for staging piles at 40 CFR 264.554(d)(1)(i) and (ii), § 264.554(d)(2), § 264.554(e) and (f), and § 264.554(j) and (k) in lieu of the performance standards and requirements for CAMUs in this section at subsections (1) and (3)(c) through (f). The staging pile requirements of 40 CFR Part 264.554 are incorporated by reference at WAC 173-303-64690.

(b) CAMUs that are used for storage and/or treatment only and that do not operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554(d)(1)(iii), (h), and (i), which are incorporated by reference:

(i) Must operate in accordance with a time limit, established by the department, that is no longer than necessary to achieve a timely remedy selected for the waste; and

(ii) Are subject to the requirements for staging piles at 40 CFR 264.554(d)(1)(i) and (ii), 264.554(d)(2), 264.554(e) and (f), and 264.554(j) and (k) in lieu of the performance standards and requirements for CAMUs in this section at subsections (1) and (3)(d) and (f).

(5) CAMUs into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (3)(c)(i) of this section, caps at subsection (3)(f)(iii) of this section, ground water monitoring requirements at subsection (3)(e) of this section or, for treatment and/or storage-only CAMUs, the design standards at subsection (4) of this section.

(6) The department must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such a notice will include the rationale for any proposed adjustments under subsection (3)(d)(v) of this section to the treatment standards in subsection (3)(d)(iv) of this section.

(7) Notwithstanding any other provision of this subsection, the department may impose additional requirements as necessary to protect human health and the environment.

(8) Incorporation of the designation of and requirements for a CAMU into an existing permit must be approved by the department 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).

NEW SECTION

WAC 173-303-64670 Incorporation of a regulated unit within a CAMU. (1) The department 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:

(a) The regulated unit is closed or closing, meaning it has begun the closure process under WAC 173-303-610(4) or 40 CFR Part 265.113, which is incorporated by reference at WAC 173-303-400 (3)(a); and

(b) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions at the facility.

(2) 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.

NEW SECTION

WAC 173-303-64680 Temporary units (TUs). (1) In accordance with the requirements of this subsection, the department 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 department 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.

(2) Any temporary unit to which alternative requirements are applied in accordance with subsection (1) of this section will be:

(a) Located within the facility boundary; and

(b) Used only for treatment or storage of remediation wastes managed pursuant to implementation of the corrective action requirements of WAC 173-303-64620 at the facility.

(3) In establishing standards to be applied to a temporary unit, the department will consider the following factors:

(a) Length of time unit will be in operation;

(b) Type of unit;

(c) Volumes of wastes to be managed;

(d) Physical and chemical characteristics of the wastes to be managed in the unit;

(e) Potential for releases from the unit;

(f) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(g) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(4) The department 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.

(5) The department may extend the operating period of a temporary unit for up to one additional year, provided the director determines that:

(a) Continued operation of the unit will not pose a threat to human health and the environment; and

(b) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(6) 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:

(a) Approved in accordance with the procedures for agency-initiated permit modifications under WAC 173-303-830(3); or

(b) Requested by the owner or operator as a Class II modification according to the procedures under WAC 173-303-830(4).

(7) The department 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.

NEW SECTION

WAC 173-303-64690 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."

NEW SECTION

WAC 173-303-646910 Disposal of CAMU-eligible wastes into permitted dangerous waste landfills. (1) The department may approve placement of CAMU-eligible wastes in dangerous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of WAC 173-303-140(2), if the conditions in (a) through (c) of this subsection are met:

(a) The waste meets the definition of CAMU-eligible waste in WAC 173-303-64650 (3)(a) and (b).

(b) The department identifies principal hazardous constituents in such waste, in accordance with WAC 173-303-64660 (3)(d)(i) and (ii), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

(i) The treatment standards under WAC 173-303-64660 (3)(d)(iv); or

(ii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3)(d)(v)(A), (C), (D) or (E)(I); or

(iii) Treatment standards adjusted in accordance with WAC 173-303-64660 (3)(d)(v)(E)(II), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

(c) The landfill receiving the CAMU-eligible waste must have a dangerous waste permit, meet the requirements for new landfills in WAC 173-303-665, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.

(2) The person seeking approval must provide sufficient information to enable the department to approve placement of CAMU-eligible waste in accordance with subsection (1) of this section. Information required by WAC 173-303-64660 (2)(a) through (c) for CAMU applications must be provided, unless not reasonably available.

(3) The department must provide public notice and a reasonable opportunity for public comment before approving CAMU-eligible waste for placement in an off-site permitted dangerous waste landfill, consistent with the requirements for CAMU approval at WAC 173-303-64660(6). The approval must be specific to a single remediation.

(4) Applicable dangerous waste management requirements, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding WAC 173-303-810(8), a landfill may not receive CAMU-eligible waste under this subsection unless its permit specifically authorizes receipt of such waste.

(5) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with subsection (4) of this section until the following additional conditions have been met:

(a) The landfill owner/operator notifies the department responsible for oversight of the landfill and persons on the facility mailing list, maintained in accordance with WAC 173-303-840 (3)(e)(i)(D), of his or her intent to receive CAMU-eligible waste in accordance with this section; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.

(b) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the department within fifteen days of notification.

(c) The department may object to the placement of the CAMU-eligible waste in the landfill within thirty days of

notification; the department may extend the review period an additional thirty days because of public concerns or insufficient information.

(d) CAMU-eligible wastes may not be placed in the landfill until the department has notified the facility owner/operator that he or she does not object to its placement.

(e) If the department objects to the placement or does not notify the facility owner/operator that he or she has chosen not to object, the facility may not receive the waste, notwithstanding WAC 173-303-810(8), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of WAC 173-303-830(4) specifically authorizing receipt of the waste.

(f) As part of the permit issuance or permit modification process of subsection (4) of this section, the department may modify, reduce, or eliminate the notification requirements of this subsection as they apply to specific categories of CAMU-eligible waste, based on minimal risk.

(6) Generators of CAMU-eligible wastes sent off site to a dangerous waste landfill under this subsection must comply with the requirements of 40 CFR 268.7 (a)(4), which is incorporated by reference at WAC 173-303-140(2); off-site facilities treating CAMU-eligible wastes to comply with this section must comply with the requirements of Sec. 268.7 (b)(4), which is incorporated by reference at WAC 173-303-140(2), except that the certification must be with respect to the treatment requirements of subsection (1)(b) of this section.

(7) For the purposes of this subsection only, the "design of the CAMU" in WAC 173-303-64660 (3)(d)(v)(E) means design of the permitted dangerous waste landfill.

NEW SECTION

WAC 173-303-646920 Disposal of CAMU-eligible wastes into permitted hazardous waste landfills located outside Washington. Notwithstanding any provision of WAC 173-303-646910, the department may approve placement of CAMU-eligible wastes in hazardous waste landfills located outside of the state of Washington if the landfill receiving the CAMU-eligible waste is authorized to accept CAMU-eligible wastes pursuant to 40 CFR § 264.555 or pursuant to EPA-approved state regulations implementing 40 CFR § 264.555, and the conditions of WAC 173-303-646910 (1)(a), (b), (2), (3), and (6) are met.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-670 Incinerators. (1) Applicability.

(a) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) Integration of the MACT standards. 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). Note that if you are subject to Part 63 you must get an air permit from ecology or the local air authority.

(i) Except as provided by (b)(ii), (iii), and (iv) of this subsection, the standards of this section no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the department a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with the requirements of part 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, dangerous waste permit conditions that were based on the standards of this section will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(ii) The MACT standards do not replace the closure requirements of WAC 173-303-610 or the applicable requirements of WAC 173-303-280 through 173-303-395, 173-303-645, 173-303-610, 173-303-620, 173-303-691, 173-303-692, and 173-303-902.

(iii) The particulate matter standard of subsection (4)(c)(ii) of this section remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206 (b)(14).

(iv) The following requirements remain in effect for startup, shutdown, and malfunction events if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference, to minimize emissions of toxic compounds from these events:

(A) Subsection (6)(a) of this section requiring that an incinerator operate in accordance with operating requirements specified in the permit; and

(B) Subsection (6)(c) of this section requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

(c) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-100.

((e)) (d) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-807 or 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-100. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(w_{in} - w_{out}) \times 100\%}{w_{in}}$$

Where:

w_{in} = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

w_{out} = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each princi-

pal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under subsection (3) of this section so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = \frac{P_m \times 14}{21 - Y}$$

Where P_c is the corrected concentration of particulate matter, P_m is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection must be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous wastes must comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only

under operating conditions specified for those wastes under subsection (6) of this section, except:

(i) In approved trial burns under WAC 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806 (4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance

requirement of subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

- (i) Carbon monoxide (CO) level in the stack exhaust gas;
- (ii) Waste feed rate;
- (iii) Combustion temperature;
- (iv) An appropriate indicator of combustion gas velocity;
- (v) Allowable variations in incinerator system design or operating procedures; and
- (vi) Such other operating requirements as are necessary to ensure that the performance standards of subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this section) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

- (i) Keeping the combustion zone totally sealed against fugitive emissions;
- (ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or
- (iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under (a) of this subsection.

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

- (i) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;
- (ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and
- (iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be ade-

quate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

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

WAC 173-303-680 Miscellaneous units. (1) Applicability. The requirements of this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units, except as WAC 173-303-600 provides otherwise.

(2) Environmental performance standards. A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of dangerous waste or dangerous constituents from the unit. Permit terms and provisions (~~will~~) must include those requirements in WAC 173-303-630 through 173-303-670, 40 CFR Subparts AA through CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692, WAC 173-303-800 through 173-303-806, part 63 subpart EEE (which is incorporated by reference at WAC 173-400-075 (5)(a)), and 40 CFR Part 146 that are appropriate for the miscellaneous units being permitted. Protection of human health and the environment includes, but is not limited to:

(a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of wastes constituents in the ground water or subsurface environment, considering:

- (i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
- (ii) The hydrologic and geologic characteristics of the unit and the surrounding area;
- (iii) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water;
- (iv) The quantity and direction of ground water flow;
- (v) The proximity to and withdrawal rates of current and potential ground water users;
- (vi) The patterns of land use in the region;
- (vii) The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;

(viii) The potential for health risks caused by human exposure to waste constituents; and

(ix) The potential for damage to domestic animals, wild-life, crops, vegetation, and physical structures caused by exposure to waste constituents.

(b) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface considering:

(i) The volume and physical and chemical characteristics of the waste in the unit;

(ii) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

(iii) The hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;

(iv) The patterns of precipitation in the region;

(v) The quantity, quality, and direction of ground water flow;

(vi) The proximity of the unit to surface waters;

(vii) The current and potential uses of nearby surface waters and any water quality standards established for those surface waters;

(viii) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

(ix) The patterns of land use in the region;

(x) The potential for health risks caused by human exposure to waste constituents; and

(xi) The potential for damage to domestic animals, wild-life, crops, vegetation, and physical structures caused by exposure to waste constituents.

(c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

(i) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols and particulates;

(ii) The effectiveness and reliability of systems and structures to reduce or prevent emissions of dangerous constituents to the air;

(iii) The operating characteristics of the unit;

(iv) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;

(v) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(vi) The potential for health risks caused by human exposure to waste constituents; and

(vii) The potential for damage to domestic animals, wild-life, crops, vegetation, and physical structures caused by exposure to waste constituents.

(3) Monitoring, analysis, inspection, response, reporting, and corrective action. Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies must ensure compliance with subsection (2) of this section, WAC 173-303-320, 173-303-340(1), 173-303-390, and ((173-303-646(2))) 173-303-64620 as well as meet any addi-

tional requirements needed to protect human health and the environment as specified in the permit.

(4) Post-closure care. A miscellaneous unit that is a disposal unit must be maintained in a manner that complied with subsection (2) of this section during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or ground water that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of subsection (2) of this section during post-closure care. The post-closure plan under WAC 173-303-610(8) must specify the procedures that will be used to satisfy this requirement.

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

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste must, when required by this chapter, obtain a permit in accordance with WAC 173-303-800 through 173-303-840 covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040) or for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period, unless they demonstrate closure by removal or decontamination as provided under WAC 173-303-800 (9) and (10). If a post-closure permit is required, the permit must address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of this chapter. The denial of a permit for the active life of a dangerous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-282 and 173-303-283 are met.

(4) Permits will be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 have the same meanings as set forth in 40 CFR 270.2.

(7) Exemptions.

(a) A permit for an on-site cleanup action may be exempted as provided in a consent decree or order signed by the department and issued pursuant to chapter 70.105D RCW.

(b) A permit is not required for an on-site cleanup action performed by the department pursuant to chapter 70.105D RCW.

(c) Further exemptions.

(i) A person is not required to obtain a dangerous waste permit for treatment or containment activities taken during immediate response to any of the following situations:

(A) A discharge of a dangerous waste;

(B) An imminent and substantial threat of a discharge of dangerous waste;

(C) A discharge of a material that, when discharged, becomes a dangerous waste;

(D) 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.

(E) In the case of emergency responses 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.

(ii) Any person 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.

(iii) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below are not required to obtain a dangerous waste permit. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(A) Batteries as described in WAC 173-303-573(2);

(B) Thermostats as described in WAC 173-303-573(3);

((and))

(C) Mercury-containing equipment as described in WAC 173-303-573(4); and

(D) Lamps as described in WAC 173-303-573(5).

(8) Each permit issued under this chapter will contain terms and conditions as the department determines necessary to protect human health and the environment.

(9) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under 40 CFR Part 265 standards as referenced by WAC 173-303-400 must obtain a post-closure permit unless they can demonstrate to the department that the closure met the standards for closure by removal or decontamination in WAC 173-303-650(6), 173-303-655(8), or 173-303-660(9), as appropriate, and such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed standards for closure at 40 CFR Part 264.111, as appropriate. The demonstration may be made in the following ways:

(a) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that 40 CFR Part 264.111 standards for closure by removal were met. If the department believes that 40 CFR Part 264.111 standards were met, the department will notify the public of this proposed decision, allow for public

comment, and reach a final determination according to the procedures in subsection (10) of this section.

(b) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the department for a determination that a post-closure permit is not required because the closure met the applicable 40 CFR Part 264.111 closure standards.

(i) The petition must include data demonstrating that standards for closure by removal or decontamination were met, or it must demonstrate that the unit closed under chapter 173-303 WAC requirements that met or exceeded the applicable 40 CFR Part 264.111 closure-by-removal standard.

(ii) The department will approve or deny the petition according to the procedures outline in subsection (10) of this section.

(10) Procedures for closure equivalency determination.

(a) If a facility owner/operator seeks an equivalency demonstration under subsection (9) of this section, the department will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within thirty days from the date of the notice. The department will also, in response to a request or at the discretion of the department, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 40 CFR Part 265 closure, as referenced by WAC 173-303-400, to a 40 CFR Part 264.111 closure. The department will give public notice of the hearing at least thirty days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

(b) The department will determine whether the 40 CFR Part 265 closure met 40 CFR Part 264.111 closure by removal or decontamination requirements within ninety days of its receipt. If the department finds that the closure did not meet the applicable 40 CFR Part 264.111 standards, the department will provide the owner/operator with a written statement of the reasons why the closure failed to meet 40 CFR Part 264.111 standards. The owner/operator may submit additional information in support of an equivalency demonstration within thirty days after receiving such written statement. The department will review any additional information submitted and make a final determination within sixty days.

(c) If the department determines that the facility did not close in accordance with 40 CFR Part 264.111 standards for closure by removal, the facility is subject to post-closure permitting requirements.

(11) The department may require a permittee or an applicant to submit information in order to establish permit conditions under subsection (8) of this section and WAC 173-303-806 (11)(d).

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-802 Permits by rule. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities,

activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, will have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. §1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection will have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. For UIC permits issued after November 8, 1984, the owner or operator must comply with WAC ~~((173-303-646(2)))~~ 173-303-64620, corrective action for solid waste management units; and where the UIC well is the only unit at a facility which requires a RCRA permit, complies with WAC 173-303-806 (4)(a)(xxiii). All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, will have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-283, performance standards;

(iv) WAC 173-303-370, manifest system;

(v) WAC 173-303-380 (1)(a), operating record;

(vi) WAC 173-303-390(2), annual report;

(vii) WAC 173-303-390(1), unmanifested waste reports;

and

(viii) For NPDES permits issued after November 8, 1984, WAC ~~((173-303-646(2)))~~ 173-303-64620, corrective action for solid waste management units;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities or elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization ~~((or wastewater treatment))~~ unit that treats state-only dangerous wastes generated on or off site, or federally regulated hazardous waste~~((s))~~ generated on-site, or a wastewater treatment unit that treats dangerous wastes generated on or off-site, will have a permit by rule, ~~((except as provided))~~ subject to limitations in (b) and (c) of this subsection, if they:

(i) Have an NPDES permit, state waste discharge permit, pretreatment permit (or written discharge authorization from the local sewerage authority) issued by the department, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165, and the permit or authorization covers the waste stream and constituents being discharged;

(ii) Include the wastestream as a source of wastewater in the application and provide an estimate of flow, the chemical characteristics of the wastestream, whether it is a batch vs. continuous discharge, and the treatment that it will receive;

(iii) Comply with the conditions of that permit;

~~((iii))~~ (iv) Comply with the following regulations:

(A) WAC 173-303-060, notification and identification numbers;

(B) WAC 173-303-070, designation of dangerous waste;

(C) WAC 173-303-283, performance standards;

(D) WAC 173-303-300, general waste analysis;

(E) WAC 173-303-310, security;

(F) WAC 173-303-350, contingency plan and emergency procedures;

(G) WAC 173-303-360, emergencies;

(H) WAC 173-303-370, manifest system;

(I) WAC 173-303-380 (1)(d), operating record, and WAC 173-303-380 (1)(a) when the owner or operator of a wastewater treatment unit is treating federally regulated wastewaters generated off-site;

(J) WAC 173-303-390, facility reporting.

(b) ~~((The owner or operator of a wastewater treatment unit that treats federally regulated hazardous wastes received from off site will have a permit by rule, except as provided in (e) of this subsection;))~~ The owner or operator of a wastewater treatment unit may treat dangerous wastewater received from off site provided the wastewater is generated within the same industry and the wastewaters will be effectively treated by the wastewater treatment unit, if:

~~((i) The facility has received a permit (or interim status) for treatment, storage, or disposal of hazardous wastes in accordance with WAC 173-303-800, 173-303-801, and 173-303-804 through 173-303-840; and~~

~~((ii))~~ The owner or operator complies with (a)(i) through ~~((iii))~~ (iv) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutral-

ization or wastewater treatment unit subject to (a) or (b) of this subsection to apply for and obtain a final facility permit or a permit modification in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit;

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under this chapter are necessary to provide such protection; or

(iv) The owner or operator does not comply with applicable local, state or federal requirements established pursuant to sections 402 or 307(b) of the Federal Clean Water Act, or chapter 90.48 RCW.

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

WAC 173-303-803 Permit application requirements.

(1) **Applicability.** The requirements in this section apply to both interim and final status facilities. In addition to this section, the applicable provisions of WAC 173-303-800, 173-303-805, and 173-303-806 must be followed. Persons currently authorized with interim status must apply for permits when required by the department (see requirements at WAC 173-303-806).

(2) **Existing dangerous waste management facilities and interim status qualifications.**

(a) Owners and operators of existing dangerous waste management facilities or of dangerous waste management facilities in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act and RCRA that render the facility subject to the requirement to have a dangerous waste permit must submit part A of their permit application no later than:

(i) Six months after the date of publication of regulations that first require them to comply with the standards set forth in WAC 173-303-400, 173-303-505, 173-303-520, or 173-303-525, or 40 CFR Part 266 Subpart H; or

(ii) Thirty days after the date they first become subject to the standards set forth in WAC 173-303-400, 173-303-505, 173-303-520, or 173-303-525, or 40 CFR Part 266 Subpart H 40 CFR, whichever first occurs;

(iii) For generators generating greater than 220 pounds but less than 2200 pounds of dangerous waste in a calendar month and treats, stores, or disposes of these wastes on-site, by March 24, 1987.

(b) The owner or operator of an existing dangerous waste management facility may be required to submit part B of their permit application. The department may require submission of part B if the department has received interim or final authorization; if not, the EPA Regional Administrator may require submission of part B. Any owner or operator will be allowed at least six months from the date of request to submit part B of the application. Any owner or operator of an existing dangerous waste management facility may voluntarily submit part B of the application at any time. Notwithstanding

the above, any owner or operator of an existing dangerous waste management facility must submit a part B permit application in accordance with the dates specified in WAC 173-303-805(8). Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act or RCRA that render the facility subject to the requirement to have an RCRA permit must submit a part B application in accordance with the dates specified in WAC 173-303-805(8).

(c) Failure to furnish a requested part B application on time, or to furnish in full the information required by the part B application, is grounds for termination of interim status under WAC 173-303-840.

(3) **Contents of part A of the permit application.** Part A of the final facility permit application must include the following information:

(a) The activities conducted by the applicant that require it to obtain a permit under the Hazardous Waste Management Act;

(b) Name, mailing address, and location, including latitude and longitude of the facility for which the application is submitted;

(c) Up to four ((SIC)) **NAICS** codes that best reflect the principal products or services provided by the facility;

(d) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;

(e) The name, address, and phone number of the owner of the facility;

(f) Whether the facility is located on tribal lands;

(g) An indication of whether the facility is new or existing and whether it is a first or revised application;

(h) For existing facilities:

(i) A scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and

(ii) Photographs of the facility clearly delineating all existing structures, existing treatment, storage, and disposal areas, and sites of future treatment, storage, and disposal areas;

(i) A description of the processes to be used for treating, storing, and disposing of dangerous waste, and the design capacity of these items;

(j) A specification of the dangerous wastes listed or designated under WAC 173-303-070 to be treated, stored, or disposed of at the facility, an estimate of the quantity of those wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for the wastes;

(k) A listing of all permits or construction approvals received or applied for under any of the following programs:

(i) Hazardous waste management program;

(ii) UIC program under the SWDA;

(iii) NPDES program under the CWA;

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

(v) Nonattainment program under the Clean Air Act;

(vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

(vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;

(viii) Dredge or fill permits under section 404 of the CWA;

(ix) Other relevant environmental permits, including state permits;

(l) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its dangerous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within 1/4 mile of the facility property boundary;

(m) A brief description of the nature of the business;

(n) For hazardous debris, a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility.

(4) New TSD facilities.

(a) Except as provided in 40 CFR 270.10 (f)(3) for TSCA facilities, no person may begin physical construction of a new TSD facility without having submitted parts A and B of the permit application and having received a finally effective final facility permit.

(b) An application for a permit for a new TSD facility (including both parts A and B) may be filed any time after adoption of those standards in WAC 173-303-630 that apply to such a facility. The application must be filed with the EPA Regional Administrator if at the time of application the state in which the new TSD facility is proposed to be located has not received interim or final authorization for permitting such facility; otherwise it must be filed with the department. Except as provided in paragraph 40 CFR 270.10 (f)(3), all applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(5)(a) Updating permit applications.

(i) If any owner or operator of a dangerous waste management facility has filed part A of a permit application and has not yet filed part B, the owner or operator must file an amended part A application:

(A) With the EPA Regional Administrator if the department has not obtained interim authorization or final authorization, within six months after the adoption of revised regulations under 40 CFR Part 261 listing or identifying additional hazardous wastes, if the facility is treating, storing, or disposing of any of those newly listed or identified wastes;

(B) With the department, if it has obtained interim authorization or final authorization, no later than the effective date of regulatory provisions listing or designating wastes as dangerous in addition to those listed or designated under the previously approved state program, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or

(C) As necessary to comply with provisions of WAC 173-303-805(7) for changes during interim status. Revised part A applications necessary to comply with the provisions of WAC 173-303-805(7) must be filed with the department.

(b) The owner or operator of a facility who fails to comply with the updating requirements of (a)(i) of this subsection

does not receive interim status as to the wastes not covered by duly filed part A applications.

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

WAC 173-303-805 Interim status permits. (1)(a) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application. Prior to submittal of an interim status permit application the requirements of WAC 173-303-281 must be met.

(b) Any person who owns or operates an "existing dangerous waste TSD facility" or a facility in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act or RCRA that renders the facility subject to the requirement to have a dangerous waste permit will have interim status and will be treated as having been issued a permit to the extent he or she has:

(i) Complied with the requirements of WAC 173-303-060 pertaining to notification of dangerous waste activity.

(Comment: Some existing facilities may not be required to file a notification under WAC 173-303-060. These facilities may qualify for interim status by meeting (b)(ii) of this subsection.)

(ii) Complied with the requirements of WAC 173-303-803 governing submission of part A applications.

(c) This subsection (1) will not apply to any facility that has been previously denied a final facility permit or if authority to operate the facility under the Hazardous Waste Management Act has been previously terminated.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it will notify the owner or operator in writing of the apparent deficiency. Such notice will specify the grounds for the department's belief that the application is deficient. The owner or operator will have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA will be deemed to have an interim status permit under this chapter provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (3) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, will be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility becomes subject to this chapter due to

amendments to this chapter and the facility was not previously subject to this chapter, then the owner/operator of an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the adoption date of the amendments which cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection will not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

(5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (8) of this section.

(b) Interim status for the existing TSD facility will be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

(6) Prohibitions for interim status permits. Facilities with an interim status permit must not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(7) Changes during interim status.

(a) Except as provided in (b) of this subsection, the owner or operator of an interim status facility may make the following changes at the facility:

(i) Treatment, storage, or disposal of new dangerous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the dangerous wastes on the effective date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal (along with a justification detailing the equipment and process or processes that the owner or operator will use to treat, store, or dispose of the new dangerous wastes) and if the department does not explicitly deny the changes within sixty days of receipt of the revised application;

(ii) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A

permit application prior to such a change (along with a justification explaining the need for the change), the requirements of WAC 173-303-281 are met, and the department approves the changes because:

(A) There is a lack of available treatment, storage, or disposal capacity at other dangerous waste management facilities; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iii) Changes in the processes for the treatment, storage, or disposal of dangerous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such change (along with a justification explaining the need for the change) and the department approves the change because:

(A) The change is necessary to prevent a threat to human health and the environment because of an emergency situation; or

(B) The change is necessary to comply with a federal, state, or local requirement.

(iv) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator must comply with the interim status financial requirements of 40 CFR Part 265, Subpart H (as referenced in WAC 173-303-400), until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirements, the department will notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change in ownership or operational control of the facility. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility.

(v) Changes made in accordance with an interim status corrective action order issued by EPA under section 3008(h) of RCRA or other federal authority, including an order or consent decree issued pursuant to WAC (~~(173-303-646(2) or (3))~~) 173-303-64620 or 173-303-64630, by the department under chapter 70.105 RCW or other state authority, or by a court in a judicial action brought by EPA or by the department. Changes under this subsection (7)(a)(v) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(vi) Addition of newly regulated units for the treatment, storage, or disposal of dangerous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

(b) Except as specifically allowed under this subsection (7)(b), changes listed under (a) of this subsection may not be made if they amount to reconstruction of the dangerous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent

of the capital cost of a comparable entirely new dangerous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

(i) Changes made solely for the purposes of complying with the requirements of WAC 173-303-640(4) for tanks and ancillary equipment.

(ii) If necessary to comply with federal, state, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of section 3004(o) of RCRA.

(iii) Changes that are necessary to allow owners or operators to continue handling newly listed or identified dangerous wastes that have been treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

(iv) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

(v) Changes necessary to comply with an interim status corrective action order issued by EPA under section 3008(h) or other federal authority, by the department under chapter 70.105 RCW or other state authority, or by a court in a judicial proceeding brought by EPA or an authorized state, provided that such changes are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(vi) Changes to treat or store, in tanks, containers, or containment buildings hazardous wastes subject to land disposal restrictions imposed by 40 CFR Part 268 or RCRA section 3004, provided that such changes are made solely for the purpose of complying with 40 CFR Part 268 or RCRA section 3004.

(vii) Addition of newly regulated units under (a)(vi) of this subsection.

(viii) Changes necessary to comply with standards under 40 CFR part 63, subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors, which are incorporated by reference at WAC 173-400-075 (5)(a).

(8) Termination of interim status permit. The following are causes for terminating an interim status permit, or for denying a revised permit application:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application;

(d) Violation of applicable interim status standards;

(e) A determination that the permit applicant has failed to satisfy the performance standards of WAC 173-303-283;

(f) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, interim status terminated on November 8, 1985, unless:

(i) The owner or operator submits a Part B application for a permit for such facility prior to that date; and

(ii) The owner or operator certifies that such facility is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(g) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Hazardous Waste Management Act that render the facility subject to the requirement to have a final facility permit and which is granted interim status, interim status terminates twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

(i) Submits a Part B application for a final facility permit for such facility before the date twelve months after the date on which the facility first becomes subject to such permit requirement; and

(ii) Certifies that such facility is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(h) For owners or operators of any land disposal unit that is granted authority to operate under subsection (7)(a)(i), (ii) or (iii) of this section, interim status terminates on the date twelve months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable ground water monitoring and financial responsibility requirements;

(i) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminated on November 8, 1989, unless the owner or operator of the facility submitted a Part B application for a final facility permit for an incinerator facility by November 8, 1986; or

(j) For owners or operators of any facility (other than a land disposal or an incinerator facility) which has achieved interim status prior to November 8, 1984, interim status terminated on November 8, 1992, unless the owner or operator of the facility submitted a Part B application for a final facility permit for the facility by November 8, 1988.

(9) Reserve.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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 runoff 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 173-303-620(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, runoff 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 hydraulically 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 indica-

tion 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 1, 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 monitor-

ing 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 proposed 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., porous 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 time frames 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~~(e))) 173-303-64610(4)) 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~~(e))) 173-303-64610(4)) 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 runoff;

(D) Management of collection and holding units associated with run-on and runoff 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 runoff, 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) and subsection (4)(f)(v) of this section provide((s)) 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 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.

(v) When an owner or operator demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of 40 CFR part 63, subpart EEE), the requirements of this subsection do not apply, except those provisions the department determines are necessary to ensure compliance with WAC 173-303-670 (6)(a) and (c) if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the department may apply the provisions of this subsection, on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii). Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to 40 CFR Part 63 you must get an air permit from ecology or the local air authority.

(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 runoff;
 - (C) Minimization of runoff of dangerous constituents from the treatment zone;
 - (D) Management of collection and holding facilities associated with run-on and runoff 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 runoff;

(D) Management of collection and holding facilities associated with run-on and runoff 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 runoff 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.

(ii) 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, condenser, 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.

(l) 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 runoff 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 runoff 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 runoff, 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.

(n) When an owner or operator of a cement or light-weight aggregate kiln demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of part 63, subpart EEE), the requirements of this subsection do not apply, except those provisions the director determines are necessary to ensure compliance with 40 CFR 266.102(e)(1) and 266.102(e)(2)(iii) if you elect to comply with 40 CFR 270.235(a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the director may apply the provisions of this subsection, on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii).

(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 173-303-807 Trial burns for dangerous waste incinerator final facility permits. When an owner or operator demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of part 63, subpart EEE), the requirements of this section do not apply, except those provisions the department determines are necessary to ensure compliance with WAC 173-303-670 (6)(a) and (c) if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the department may apply the provisions of this section on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii). 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). Note that if you are subject to Part 63 you must get an air permit from ecology or the local air authority.

(1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final facility permits for dangerous waste incinerators, the department may approve trial burns. Trial burns may not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The permit may be modified to reflect the extension according to WAC 173-303-830(4). The procedures for requesting and approving trial burns are described in:

(a) Subsection (11) of this section for existing incinerators with interim status permits; and

(b) Subsection (13) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(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 analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced 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 or referenced 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) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, will evaluate the adequacy of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department will approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a), (b), and (c) of this subsection cannot reasonably be developed through other means.

(6) The department must send a notice to all persons on the facility mailing list as set forth in WAC 173-303-840 (3)(e)(i)(D) and to the appropriate units of state and local government as set forth in WAC 173-303-840 (3)(e)(i)(E) announcing the scheduled beginning and completion dates for the trial burn. The applicant may not begin the trial burn until after the department has issued such notice.

(a) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the department.

(b) This notice must contain:

(i) The name and telephone number of the applicant's contact person;

(ii) The name and telephone number of the department's contact office;

(iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

(iv) An expected time period for beginning and completion of the trial burn.

(7) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O₂, hydrogen chloride (HCl), carbon monoxide (CO) and dangerous combustion by-products, including the total mass emission rate of by-products as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670 (4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670 (4)(c)(i);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670 (4)(c)(ii);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas;

(k) An identification of any existing air emission standards where a state or local air pollution control authority has established emission standards and such standards are applicable to the incinerator; and

(l) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(8) Certification. The applicant must submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (7) of this section. This submission must be made within thirty days of the completion of the trial burn, or later if approved by the department.

(9) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(10) Signatures required. All submissions required under this section must be certified on behalf of the applicant by the

signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(11) Based on the results of the trial burn, the department will set the operating requirements in the final permit according to WAC 173-303-670(6). The permit modification shall proceed according to WAC 173-303-830(4).

(12) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator must prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (10) of this section.

(b) If the department approves the trial burn, it will issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification will be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator must complete the trial burn and submit the information described in subsection (7) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results. Trial burn results must be submitted prior to the issuance of the permit.

(13) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request must include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department will proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit will include the trial burn plan, and will establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results will also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit will be modified in accordance with WAC 173-303-830(4) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval will be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

(14) For the purpose of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and of determining adequate operating conditions under WAC 173-303-670(6), the applicant for a permit for an existing dangerous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with WAC 173-303-806 (4)(f) and subsections (2) through (5) and (7) through (10) of this section or, instead, submit other information as specified in WAC 173-303-806 (4)(f)(iii). The department must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of subsection (6) of this section. The contents of the notice must include: The name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the department; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for department approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under WAC 173-303-806 (4)(f)(i) are exempt from compliance with WAC 173-303-670 (4) and (6) and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in subsection (7) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the department to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the department will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

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

WAC 173-303-810 General permit conditions. (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modifica-

tion; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee must take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit.

(a) Compliance with a final facility permit during its term constitutes compliance for the purpose of enforcement with chapter 173-303 WAC except for permit modifications and those requirements not included in the permit that:

(i) Become effective by statute;

(ii) Are adopted under 40 CFR Part 268 restricting the placement of dangerous waste in or on the land;

(iii) Are adopted under WAC 173-303-650 through 173-303-665 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of WAC 173-303-830 Class *1 permit modifications; or

(iv) Are adopted under 40 CFR Subparts AA, BB, or CC which are incorporated by reference at WAC 173-303-400 (3)(a) limiting air emissions.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee must furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee must also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee must allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records.

(a) Reserve.

(b) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

(c) The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by WAC 173-303-380 (1)(g), and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time. The permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(d) Records of monitoring information must include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department must be signed in accordance with this subsection and must be certified according to subsection (13) of this section.

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, then the operator will be the permit applicant and responsible for developing the permit application and all accompanying

materials, except that the owner must also sign and certify the permit application. Permit applications must be signed as follows:

(i) For a corporation: By a responsible corporate officer. For the purposes of this subsection, a responsible corporate officer means:

(A) 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

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department must be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification.

(a) Except as provided in (b) of this subsection, any person signing the documents required under (a) or (b) of subsection (12) of this section must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information sub-

mitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) When a dangerous waste facility is owned by one person, but is operated by another person, then the permit application must be certified as follows:

(i) The operator must make the certification described under (a) of this subsection; and

(ii) The owner must make the following certification:

"I certify under penalty of law that I own the real property described in, and am aware of the contents of, this permit application, and that I have received a copy of this application. As owner of the real property, I understand that I am responsible for complying with any requirements of chapter 173-303 WAC with which only I am able to comply, and that there are significant penalties for failure to comply with such requirements."

(14) Reporting. The following reports must be provided:

(a) Planned changes. The permittee must give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and either

(Note: In certifying construction or modification, the independent qualified registered professional engineer is responsible only for certifying those portions of the facility which are identified in chapter 173-303 WAC as specifically requiring certification by an independent registered professional engineer.)

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee must give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of dangerous waste; and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the modified portion of the facility except as provided in WAC 173-303-830(4).

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) must be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule must be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee must immediately report any noncompliance which may endanger health or the environment. Information must be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported immediately must include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee must report all instances of noncompliance not reported under (d), (e), and (f) of this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he must promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(4);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).
(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if:

(i) The processes are unique to the owner/operator's business or the owner/operator's competitive position may be adversely affected if the information is released to the public or to a competitor; and

(ii) The director determines that granting the owner/operator's request is not detrimental to the public interest and is in accord with the policies and purposes of chapter 43.21A RCW.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department will place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

(16) General permit conditions. Information repository. The director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in WAC 173-303-281 (5)(b). The information repository will be governed by the provisions in WAC 173-303-281 (5)(c) through (f).

NEW SECTION

WAC 173-303-811 Permits for boilers and industrial furnaces burning hazardous waste. The introductory paragraph of 40 CFR 270.66 is incorporated by reference. It applies to an owner or operator of a cement or lightweight aggregate kiln that demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

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 justifi-

fied 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 section. 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.

(j) Combustion facility changes to meet 40 CFR part 63 MACT standards. (Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to Part 63, you must get an air permit from ecology or the local air authority.) The following procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of this section, section L.9.

(i) Facility owners or operators must have complied with the Notification of Intent to Comply requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000 (see 40 CFR Part 63 revised as of July 1, 2000) in order to request a permit modification under this section.

(ii) If the department does not approve or deny the request within ninety days of receiving it, the request will be deemed approved. The director may extend this ninety-day deadline one time for up to thirty days by notifying the facility owner or operator.

APPENDIX I

Modifications	Class
A. General Permit Provisions	
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	1 ¹
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	1 ¹
7. Changes in ownership or operational control of a facility, provided the procedures of subsection (2)(b) of this section are followed	1 ¹
8. <u>Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).</u>	1 ¹
B. General Facility Standards	
1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations	1
b. To incorporate changes associated with F039 (multisource leachate) sampling or analysis methods	1 ¹
c. To incorporate changes associated with underlying dangerous constituents in ignitable or corrosive wastes	1 ¹
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

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Modifications	Class		
4. Changes in frequency or content of inspection schedules	2	6. Changes to a detection monitoring program as required by WAC 173-303-645(9), unless otherwise specified in this appendix	2
5. Changes in the training plan:		7. Compliance monitoring program:	
a. That affect the type or decrease the amount of training given to employees	2	a. Addition of compliance monitoring program as required by WAC 173-303-645 (9) and (10)	3
b. Other changes	1	b. Changes to a compliance monitoring program as required by WAC 173-303-645(10), unless otherwise specified in this appendix	2
6. Contingency plan:		8. Corrective action program:	
a. Changes in emergency procedures (i.e., spill or release response procedures)	2	a. Addition of a corrective action program as required by WAC 173-303-645 (10)(i)(ii) and (11) ..	3
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed	1	b. Changes to a corrective action program as required by WAC 173-303-645 (11)(h), unless otherwise specified in this appendix	2
c. Removal of equipment from emergency equipment list	2	D. Closure	
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan	1	1. Changes to the closure plan:	
7. Construction quality assurance 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
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. 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
b. Other changes	2	c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the director	11
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.		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
C. Ground Water Protection		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
1. Changes to wells:		2. Creation of a new landfill unit as part of closure	3
a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system	2	3. Addition of the following new units to be used temporarily for closure activities:	
b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well	1	a. Surface impoundments	3
2. Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the director	11	b. Incinerators	3
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	c. Waste piles that do not comply with WAC 173-303-660 (1)(c)	3
4. Changes in point of compliance	12	d. Waste piles that comply with WAC 173-303-660 (1)(c)	2
5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):		e. Tanks or containers (other than specified below)	2
a. As specified in the ground water protection standard	3		
b. As specified in the detection monitoring program	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

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

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- 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) 1
 - (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:
 - 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

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- 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/C1₂, 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
- 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 1
- 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 1
- 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 1
- 8. Substitution of an alternate type of nondangerous fuel that is not specified in the permit 1

9. Technology changes needed to meet standards under 40 CFR part 63 (subpart EEE-National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), that are incorporated by reference at WAC 173-400-075 (5)(a) provided the procedures of WAC 173-303-830 (4)(j) are followed. 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))) 173-303-64640, 173-303-64650, 173-303-64660, and 173-303-64670 3
- 2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC ((173-303-646(7))) 173-303-64680 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

¹Class 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.

PERMANENT

NEW SECTION

WAC 173-303-841 Integration with maximum achievable control technology (MACT) standards. 40 CFR 270.235, Options for incinerators and cement and light-weight aggregate kilns to minimize emissions from startup, shutdown, and malfunction events, is incorporated by reference. The incorporated provision is 40 CFR Part 270 Subpart I, Integration with maximum achievable control technology (MACT) standards.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-910 Petitions. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and

(iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period will be a minimum of ~~(forty-five)~~ twenty-one days.

(d) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.05.330 or 34.05.240. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.05.330.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by subsection (1) of this section:

(i) A full description of the proposed method, including all procedural steps and equipment used in the method;

(ii) A description of the types of wastes or waste matrices for which the proposed method may be used;

(iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;

(iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-100.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

(i) The name and address of the laboratory facility performing the sampling or tests of the waste;

(ii) The names and qualifications of the persons sampling and testing the waste;

(iii) The dates of sampling and testing;

(iv) The location of the generating facility;

(v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4);

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information sub-

mitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(g) The department may (but will not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-100 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that

such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

(6) Petitions to allow land disposal of a waste restricted under WAC 173-303-140.

(a) Any person seeking a land disposal restriction exemption allowed under WAC 173-303-140(6) must submit a petition to the department. The petition must include the following general information:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action;

(iv) A statement of the need and justification for the proposed action;

(v) An identification of the specific waste and the specific land disposal unit for which the exemption is desired;

(vi) A waste analysis to describe fully the chemical and physical characteristics of the subject waste. All waste and environmental sampling, test, and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow; and

(vii) A quality assurance and quality control plan that addresses all sampling and testing aspects of the information provided in the petition.

(b) In addition to the general information requirements in subsection (a) of this section, the following specific information must be provided in the petition for individual case-by-case exemptions.

(i) Petition for land disposal exemption for treatment residuals. Petitions for exemption of treatment residuals, as allowed under WAC 173-303-140 (6)(a), must:

(A) Provide the type of waste management or treatment method applied to the waste and the rationale for selecting this method as the best achievable management method; and

(B) Document that the land disposal of the treatment residual would not pose a greater risk to public health and the environment than land disposal of the original wastes, including an analysis of the treatment residuals to fully describe their chemical and physical characteristics; and

(C) Provide the management alternatives for the treatment residuals and the factors which, if an exemption is not granted, would prevent the utilization of the best achievable management method for the original dangerous waste.

(ii) Petition for economic hardship exemption. Petitions for exemption on the basis of economic hardship, as allowed under WAC 173-303-140 (6)(b), must:

(A) Supply the current management costs and the projected management costs to comply with the requirements of WAC 173-303-140; and

(B) Provide the source of information utilized in determining the economic estimates; and

(C) Provide a discussion of how the projected compliance costs would impose an unreasonable economic burden.

(iii) Petition for leachable inorganic waste exemption. Petitions for exemption of leachable inorganic wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that the stabilization of the dangerous waste is less protective of public health and the environment than landfilling; or

(B) Provide a list of stabilization facilities that could accept the dangerous waste and information demonstrating that they do not have available capacity to stabilize the waste; or

(C) Provide information describing the types of stabilization utilized which did not reduce the solubility and mobility of the dangerous waste constituents and describe any other stabilization methods that have been considered but not utilized.

(iv) Petition for organic/carbonaceous waste exemption. Petitions for exemption of organic/carbonaceous wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that recycling, treatment and incineration facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; or

(B) Provide information demonstrating that the alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization and landfilling; or

(C) Provide information demonstrating that:

(I) Recycling and treatment facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; and

(II) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or a moisture content greater than sixty-five percent.

(c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) Each petition must be submitted to:

Department of Ecology
HWTR Program
Attn Land Disposal Exemption
PO Box 47600
Olympia, WA 98504-7600

(e) After receiving a petition, the department may request any additional information that reasonably may be required to evaluate the petition and accompanying demonstration, such as a comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality. Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements.

(f)(i) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period will be a minimum of ~~((forty-five))~~ twenty-one days.

(ii) Upon the written request of any interested person, the department may, at its discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The department may in any case decide on its own motion to hold a conference.

(iii) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.-060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition.

(g) Prior to the department's decision, the applicant is required to comply with all restrictions on land disposal under WAC 173-303-140. The department should respond to a petition within ninety days.

(h) If an exemption is granted, the department may include specific conditions as deemed necessary by the department to protect public health and the environment.

(i) If granted, the exemption will apply to land disposal of the specific restricted waste at the individual disposal unit described in the petition and accompanying demonstration. The exemption will not apply to any other restricted waste at that disposal unit, nor will it apply to that specific restricted waste at any other disposal unit.

(j) If an exemption is granted, the department may withdraw the exemption on the following bases:

(i) If there is a threat to public health and the environment; or

(ii) If there is migration of dangerous waste constituents from the land disposal unit or site for as long as the waste remains dangerous; or

(iii) If the department finds reason to believe that the information submitted in a petition is inaccurate or has been falsified such that the petition should have been denied.

(k) The term of an exemption granted under this subsection will be established by the department at the time of issuance.

(l) Any exemption granted by the department does not relieve the petitioner of his responsibilities in the management of dangerous waste under chapter 173-303 WAC.

(m) The department may (but will not be required to) grant a temporary exemption before making a final decision, whenever it finds that there is a substantial likelihood that an exemption will be finally granted. Temporary exemptions

will not be subject to the procedures of (f) of this subsection. Temporary exemptions will not be a cause of delaying final decision making on the petition request.

(7) Petitions to amend WAC 173-303-573 to include additional dangerous wastes.

(a) Any person seeking to add a dangerous waste or a category of dangerous waste to the universal waste regulations of WAC 173-303-573 may petition for a regulatory amendment under this section and WAC 173-303-573 (39) and (40).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the department that regulation under the universal waste regulations of WAC 173-303-573: Is appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the dangerous waste program. The petition must include the information required by subsection (1) of this section. The petition should also address as many of the factors listed in WAC 173-303-573(40) as are appropriate for the waste or category of waste addressed in the petition.

(c) The department will grant or deny a petition using the factors listed in WAC 173-303-573(40). The decision will be based on the weight of evidence showing that regulation under WAC 173-303-573 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the dangerous waste program.

(d) The department may request additional information needed to evaluate the merits of the petition.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

~~WAC 173-303-960 Special powers and authorities of the department. ((1) Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health or the environment.~~

~~((2)) Notwithstanding any other provision of this chapter, ((upon receipt of evidence or with due cause)) the department ((believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste may present an imminent and substantial endangerment to health or the environment, the department may:~~

~~(a) Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and~~

~~(b) Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary)) may direct the attorney general to bring actions for injunctive, declaratory, or other relief to enforce any requirement of this chapter, or to bring suit to immediately restrain or obtain such other relief as may be necessary against any person contributing to the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste that may present an~~

imminent and substantial endangerment to health or the environment.

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

WAC 173-303-9904 Dangerous waste sources list. The following Hazard Codes are used to indicate the basis EPA used for listing the classes or types of wastes listed in this section:

- Ignitable Waste (I)
- Corrosive Waste (C)
- Reactive Waste (R)
- Toxicity Characteristic Waste (E)
- Acute Hazardous Waste (H)
- Toxic Waste (T)

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
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Nonspecific Sources

Generic:

F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

F002 The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2 trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

PERMANENT

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
F003	The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above nonhalogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)	F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R,T)
F004	The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)	F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R,T)
F005	The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)	F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R,T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)	F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process. (T)
F007	Spent cyanide plating bath solutions from electroplating operations. (R,T)	F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R,T)	F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 1, below.) (H)
		F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 1, below.) (H)
		F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 1, below.) (H)

Dangerous Waste No.	Sources
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 1, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this section.) (T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 1, below.) (H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 1, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.) (H)

Dangerous Waste No.	Sources
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027. (T)
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with WAC 173-303-083 or potentially cross-contaminated wastes that are otherwise currently regulated as dangerous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in:

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Dangerous Waste No.	Sources
	Oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in footnote 2, below (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under WAC 173-303-071 (3)(cc)(i), if those residuals are to be disposed of. (See footnote 2, below.) (T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: Induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in footnote 2, below (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing. (See footnote 2, below.) (T)

Dangerous Waste No.	Sources
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as dangerous under WAC 173-303-9903, 173-303-9904, and 173-303-9905. (Leachate resulting from the disposal of one or more of the following dangerous wastes, and no other dangerous wastes, retains its Dangerous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.) (T)

Specific Sources

Wood Preservation:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (T)
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Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments. (T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments. (T)
K005	Wastewater treatment sludge from the production of chrome green pigments. (T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)
K007	Wastewater treatment sludge from the production of iron blue pigments. (T)
K008	Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene. (T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene. (T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile. (R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)
K015	Still bottoms from the distillation of benzyl chloride. (T)

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (T)	K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)	K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)
K018	Heavy ends from the fractionation column in ethyl chloride production. (T)	K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines. (C,T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)	K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from the carboxylic acid hydrazides. (I,T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)	K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (T)	K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene. (T)	K111	Product washwaters from the production of dinitrotoluene via nitration of toluene. (C,T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene. (T)	K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)	K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)	K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)	K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)	K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)
K026	Stripping still tails from the production of methyl ethyl pyridines. (T)	K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
K027	Centrifuge and distillation residues from toluene diisocyanate production. (R,T)	K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)	K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (T)		
K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (T)		
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)		
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)		
K083	Distillation bottoms from aniline production. (T)		
K103	Process residues from aniline extraction from the production of aniline. (T)		
K104	Combined wastewater streams generated from nitrobenzene/aniline production. (T)		

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Dangerous Waste No.	Sources
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butyl-carbamate.) (T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butyl-carbamate.) (T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
K159	Organics from the treatment of thiocarbamate wastes. (T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (R,T)

Dangerous Waste No.	Sources
<u>K174</u>	<u>Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions:</u> (i) <u>They are disposed of in a hazardous waste or nonhazardous landfill licensed or permitted by the state or federal government;</u> (ii) <u>They are not otherwise placed on the land prior to final disposal; and</u> (iii) <u>The generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off site landfill. Respondents in any action brought to enforce the requirements of the Hazardous Waste Management Act or dangerous waste regulations must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met. (T)</u>
<u>K175</u>	<u>Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)</u>
Explosives:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
K045	Spent carbon from the treatment of wastewater containing explosives. (R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)
K047	Pink/red water from TNT operations. (R)
Inorganic Chemicals:	
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)	K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry ((SIC Codes 331 and 332)) NAICS codes 331111 and 332111). (C,T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production. (T)	Pesticides:	
K176	<u>Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).</u> (E)	K031	Byproduct salts generated in the production of MSMA and cacodylic acid. (T)
K177	<u>Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).</u> (T)	K032	Wastewater treatment sludge from the production of chlordane. (T)
K178	<u>Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.</u> (T)	K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)
Petroleum Refining:		K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
K048	Dissolved air flotation (DAF) float from the petroleum refining industry. (T)	K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
K049	Slop oil emulsion solids from the petroleum refining industry. (T)	K035	Wastewater treatment sludges generated in the production of creosote. (T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)	K036	Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)
K051	API separator sludge from the petroleum refining industry. (T)	K037	Wastewater treatment sludges from the production of disulfoton. (T)
K052	Tank bottoms (leaded) from the petroleum refining industry. (T)	K038	Wastewater from the washing and stripping of phorate production. (T)
K169	Crude oil storage tank sediment from petroleum refining operations. (T)	K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)
K170	Clarified slurry oil tank sediment and/or inline filter/separation solids from petroleum refining operations. (T)	K040	Wastewater treatment sludge from the production of phorate. (T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)	K041	Wastewater treatment sludge from the production of toxaphene. (T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)	K098	Untreated process wastewater from the production of toxaphene. (T)
Iron and Steel:		K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
K061	Emission control dust/sludge from the primary production of steel in electric furnaces. (T)	K043	2,6-Dichlorophenol waste from the production of 2,4-D. (T)
		K099	Untreated wastewater from the production of 2,4-D. (T)
		K123	Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
		K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)

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Dangerous Waste No.	Sources
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebis-dithiocarbamic acid and its salts. (T)
K126	Baghouse dust and floor sweepings in mill- ing and packaging operations from the pro- duction or formulation of ethylenebisdithio- carbamic acid and its salts. (T)
K131	Wastewater from the reactor and spent sulfu- ric acid from the acid dryer from the produc- tion of methyl bromide. (C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bro- mide. (T)
((Primary Copper:	
K064	Acid plant blowdown slurry/sludge result- ing from the thickening of blowdown slurry from primary copper production. (T)
Primary Lead:	
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities. (T)
Primary Zinc:	
K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production. (T))
Primary Aluminum:	
K088	Spent potliners from primary aluminum reduction. (T)
((Ferroalloys:	
K090	Emission control dust or sludge from ferro- chromium-silicon production. (T)
K091	Emission control dust or sludge from ferro- chromium production. (T))
Secondary Lead:	
K069	Emission control dust/sludge from second- ary lead smelting. (T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from second- ary lead smelting. (T)
Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated dur- ing the production of veterinary pharmaceu- ticals from arsenic or organo-arsenic com- pounds. (T)

Dangerous Waste No.	Sources
K101	Distillation tar residues from the distillation of aniline-based compounds in the produc- tion of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
K102	Residue from the use of activated carbon for decolorization in the production of veteri- nary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. (T)
Coking:	
K060	Ammonia still-lime sludge from coking operations. (T)
K087	Decanter tank tar sludge from coking opera- tions. (T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-pro- ducts produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).
K142	Tar storage tank residues from the produc- tion of coke from coal or from the recovery of coke by-products produced from coal.
K143	Process residues from the recovery of light oil, including, but not limited to, those gener- ated in stills, decanters, and wash oil recov- ery units from the recovery of coke by-pro- ducts produced from coal.
K144	Wastewater sump residues from light oil refining, including, but not limited to, inter- cepting or contamination sump sludges from the recover of coke by-products produced from coal.
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.
K147	Tar storage tank residues from coal tar refin- ing.
K148	Residues from coal tar distillation, including but not limited to, still bottoms.

Footnotes

- 1 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
- 2 Listing Specific Definitions:
- a For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.
- b(i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: Activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employs a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a dangerous waste by the Toxicity Characteristic.
- (ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other on-site records, documents and data sufficient to prove that: (A) The unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually treated in the aggressive biological treatment unit.
- c(i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
- (ii) For the purposes of the F038 listing,
- (A) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and
- (B) Floats are considered to be generated at the moment they are formed in the top of the unit.

State Sources

- ((W004))
WPCB Discarded transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater (except when drained of all free flowing liquid) and the following wastes generated from the salvaging, rebuilding, or discarding of transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater: Cooling and insulating fluids and cores, including core papers. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if their PCB waste is excluded from the requirements of chapter 173-303 WAC.)

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-9905 Dangerous waste constituents list.

- A2213 (Ethanimidothioic acid, 2- (dimethylamino) -N-hydroxy-2-oxo-, methyl ester)
- Acetic Acid,2,4,5-trichlorophenoxy-, salts and esters (2,4,5-T, salts and esters)
- Acetonitrile [Ethanenitrile]
- Acetophenone (Ethanone, 1-phenyl)
- (alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
- 2-Acetylaminofluorene (Acetamide,N-9H- fluoren-2-yl)-)
- Acetyl chloride (Ethanoyl chloride)
- 1-Acetyl-2-thiourea (Acetamide,N-(aminothiooxomethyl)-)
- Acrolein (2-Propenal)
- Acrylamide (2-Propenamide)
- Acrylonitrile (2-Propenenitrile)
- Aflatoxins
- Aldicarb sulfone (Propanal, 2-methyl-2-(methylsulfonyl) -, O-[(methylamino) carbonyl] oxime)
- Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,-hexahydro-endo,exo- 1,4:5,8-Dimethanonaphthalene)
- Allyl alcohol (2-Propen-1-ol)
- Allyl chloride (1-Propane, 3-chloro)
- Aluminum phosphide
- 4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
- 6-Amino-1,1a,2,8,8a,8b-hexahydro-8- (hydroxymethyl) -8a-methoxy-5-methyl- carbamate azirino[2',3':3,4] pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8((f))
- 4-Aminopyridine(4-Pyridinamine)
- Amitrole (1H-1,2,4-Triazol-3-amine)
- Aniline (Benzenamine)
- Antimony and compounds, N.O.S.*

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- PERMANENT**
- Aramite (Sulfurous acid 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)Arsenic and compounds, N.O.S.*
- Barban (Carbamic acid, (3-chlorophenyl) -, 4-chloro-2-butynyl ester)
- Barium and compounds, N.O.S.*
- Barium cyanide
- Bendiocarb (1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate)
- Bendiocarb phenol (1,3-Benzodioxol-4-ol, 2,2-dimethyl-,)
- Benomyl (Carbamic acid, [1- [(butylamino) carbonyl]-1H-benzimidazol-2-yl] -, methyl ester)
- Benz[c]acridine (3,4-Benzacridine)
- Benz[a]anthracene (1,2-Benzanthracene)
- Benzene (Cyclohexatriene)
- Benzenearsonic acid (Arsonic acid, phenyl-)
- Benzene, 2-amino-1-methyl (o-Toluidine)
- Benzene, 4-amino-1-methyl (p-Toluidine)
- Benzene, dichloromethyl- (Benzal chloride)
- Benzenethiol (Thiophenol)
- Benzidine ([1,1'-Biphenyl]-4,4'diamine)
- Benzo[b]fluoranthene (2,3-Benzofluoranthene)
- Benzo(k)fluoranthene
- Benzo[j]fluoranthene (7,8-Benzofluoranthene)
- Benzo[a]pyrene (3,4-Benzopyrene)
- p Benzoquinone (1,4-Cyclohexadienedione)
- Benzotrichloride (Benzene, trichloromethyl-)
- Benzyl chloride (Benzene, (chloromethyl)-)
- Beryllium powder
- Beryllium compounds, N.O.S.*
- Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
- Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])
- N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)
- Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])
- Bis(chloromethyl) ether (Methane, oxybis[chloro-])
- Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
- Bis(pentamethylene)-thiuram tetrasulfide (Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-)
- Bromoacetone (2-Propanone, 1-bromo-)
- Bromomethane (Methyl bromide)
- 4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)
- Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
- 2-Butanone peroxide (Methyl ethyl ketone, peroxide)
- Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)
- 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)
- Butylate (Carbamothioic acid, bis(2 methylpropyl)-, S-ethyl ester)
- Cadmium and compounds, N.O.S.*
- Calcium chromate (Chromic acid, calcium salt)
- Calcium cyanide
- Carbamic Acid, ethyl ester
- Carbaryl (1-Naphthalenol methylcarbamate)
- Carbendazim (Carbamic acid, 1H-benzimidazol-2-yl, methyl ester)
- Carbofuran (7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate)
- Carbofuran phenol (7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-)
- Carbon disulfide (Carbon bisulfide)
- Carbon oxyfluoride (Carbonyl fluoride)
- Carbosulfan (Carbamic acid, [(dibutylamino) thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester)
- Chloral (Acetaldehyde, trichloro-)
- Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
- Chlordane (alpha and gamma isomers) (4,7-Methanoidan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)
- Chlorinated benzenes, N.O.S.*
- Chlorinated ethane, N.O.S.*
- Chlorinated fluorocarbons, N.O.S.*
- Chlorinated naphthalene, N.O.S.*
- Chlorinated phenol, N.O.S.*
- Chloroacetaldehyde (Acetaldehyde, chloro-)
- Chloroalkyl ethers, N.O.S.*
- p-Chloroaniline (Benzenamine, 4-chloro-)
- Chlorobenzene (Benzene, chloro-)
- Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-,ethyl ester)
- 2-Chloro-1,3-butadiene
- p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)
- 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
- 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
- Chloroform (Methane, trichloro-)
- Chloromethane (Methyl chloride)
- Chloromethyl methyl ether (Methane, chloromethoxy-)
- 2-Chloronaphthalene (Naphthalene, beta-chloro-)
- 2-Chlorophenol (Phenol, o-chloro-)
- 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
- 3-Chloropropene
- 3-Chloropropionitrile (Propanenitrile, 3-chloro-)Chromium and compounds, N.O.S.*
- Chrysene (1,2-Benzphenanthrene)
- Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
- Coal tar creosote
- Copper cyanide
- Copper dimethyldithiocarbamate (Copper, bis(dimethylcarbamodithioato-S,S')-)
- Creosote
- Cresols (Cresylic acid) (Phenol, methyl-)
- Crotonaldehyde (2-Butenal)
- m-Cumenyl methylcarbamate (Phenol, 3-(methylethyl)-, methyl carbamate)
- Cyanides (soluble salts and complexes), N.O.S.*
- Cyanogen (Ethanedinitrile)
- Cyanogen bromide (Bromine cyanide)
- Cyanogen chloride (Chlorine cyanide)

- Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
- Cycloate (Carbamothioic acid, cyclohexylethyl-, S-ethyl ester)
- 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
- Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
- Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
- Dazomet (2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl-)
- DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p chlorophenyl)-)
- DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
- DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
- Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
- Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
- Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
- Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
- 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
- Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
- Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
- Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
- 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
- 1,2-Dibromoethane (Ethylene dibromide)
- Dibromomethane (Methylene bromide)
- Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
- o-Dichlorobenzene (Benzene, 1,2-dichloro-)
- m-Dichlorobenzene (Benzene, 1,3-dichloro-)
- p-Dichlorobenzene (Benzene, 1,4-dichloro-)
- Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
- 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
- 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
- Dichlorodifluoromethane (Methane, dichlorodifluoro-)
- 1,1-Dichloroethane (Ethylidene dichloride)
- 1,2-Dichloroethane (Ethylene dichloride)
- trans-1,2-Dichloroethene (1,2-Dichloroethylene)
- Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
- Dichloromethane (Methylene chloride)
- 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
- 2,6-Dichlorophenol (Phenol, 2,6-dichloro)
- 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
- Dichlorophenylarsine (Phenyl dichloroarsine)
- Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
- 1,2-Dichloropropane (Propylene dichloride)
- Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
- Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
- 1,3-Dichloropropene (1-Propene, 1,3-dichloro-)
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N'-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
- O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
- Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
- O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
- Diethylene glycol, dicarbamate (Ethanol, 2,2'-oxybis-, dicarbamate)
- Diethylstilbestrol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
- Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
- 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
- Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
- Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
- 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)
- p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
- 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
- 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
- Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
- 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
- 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
- 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
- alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)
- 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
- Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
- Dimethyl sulfate (Sulfuric acid, dimethyl ester)
- Dimetilan (Carbamic acid, dimethyl-, 1-[(dimethylamino) carbonyl]-5-methyl-1H-pyrazol-3-yl ester)
- Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
- 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
- 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
- 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
- 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
- Dinoseb (Phenol, 2-(1-methylpropyl)-4,6-dinitro-)
- Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
- 1,4-Dioxane (1,4-Diethylene oxide)

- Diphenylamine (Benzenamine, N-Phenyl-)
 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
 Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
 Disulfiram (Thioperoxydicarbonic diamide, tetraethyl)
 Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
 Dithiobiuret (Thioimidodicarbonic diamide [(H₂N)C(S)]₂NH)
 EPTC (Carbamothioic acid, dipropyl-, S-ethyl ester)
 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
 Ethyl cyanide (propanenitrile)
 Ethyl ziram (Zinc, bis(diethylcarbamodithioato- S,S')-)
 Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediybis carbamodithioic acid, salts and esters)
 Ethylene glycol monoethyl ether (2-Ethoxyethanol)
 Ethyleneimine (Aziridine)
 Ethylene oxide (Oxirane)
 Ethylenethiourea (2-Imidazolidinethione)
 Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
 Ferbam (Iron, tris(dimethylcarbamodithioato- S,S')-)
 Fluoranthene (Benzo[j,k]fluorene)
 Fluorine
 2-Fluoroacetamide (Acetamide, 2-fluoro-)
 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
 Formaldehyde (Methylene, oxide)
 Formetanate hydrochloride (Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino) carbonyl]oxy]phenyl]-, monohydrochloride)
 Formic acid (Methanoic acid)
 Formparanate (Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methylamino) carbonyl]oxy]phenyl]-)
 Glycidylaldehyde (1-Propanol-2,3-epoxy)
 Halomethane, N.O.S.*
 Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
 Heptachlorodibenzofurans
 Heptachlorodibenzo-p-dioxins
 Hexachlorobenzene (Benzene, hexachloro-)
 Hexachlorobutadiene (1,3-Butadiene, hexachloro-)
 Hexachlorocyclohexane (all isomers) (Lindane and isomers)
 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
 Hexachlorodibenzo-p-dioxins
 Hexachlorodibenzofurans
 Hexachloroethane (Ethane, hexachloro-)
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
 Hexachloropropene (Propene, hexachloro-)
 Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
 Hydrazine (Diamine)
 Hydrocyanic acid (Hydrogen cyanide)
 Hydrofluoric acid (Hydrogen fluoride)
 Hydrogen sulfide (Sulfur hydride)
 Hydroxydimethylarsine oxide (Cacodylic acid)
 Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
 3-Iodo-2-propynyl n-butylcarbamate (Carbamic acid, butyl-, 3-iodo-2-propynyl ester)
 Iodomethane (Methyl iodide)
 Isocyanic acid, methyl ester (Methyl isocyanate) Isobutyl alcohol (1-Propanol, 2-methyl-)
 Isolane (Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester)
 Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
 Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalene-2-one)
 Lasiocarpine (2-Butanoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
 Lead and compounds, N.O.S.*
 Lead acetate (Acetic acid, lead salt)
 Lead phosphate (Phosphoric acid, lead salt)
 Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
 Maleic anhydride (2,5-Furandione)
 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
 Malononitrile (Propanedinitrile)
 Manganese dimethyldithiocarbamate (Manganese, bis(dimethylcarbamodithioato-S,S')-,)
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
 Mercury Fulminate (Fulminic acid, mercury salt)
 Mercury and compounds, N.O.S.*
 Metam sodium (Carbamodithioic acid, methyl-, monosodium salt)
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)
 Methanethiol (Thiomethanol)
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
 Methiocarb (Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate)
 Metholonyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-,methyl ester)
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
 2-Methylaziridine (1,2-Propylenimine)
 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)

- 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis(2-chloro-))
- Methyl ethyl ketone (MEK) (2-Butanone)
- Methyl hydrazine (Hydrazine, methyl-)
- 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
- Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
- Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
- 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime
- N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)
- Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
- Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
- Metolcarb (Carbamic acid, methyl-, 3-methylphenyl ester)
- Mexacarbonate (Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester))
- Molinate (1H-Azepine-1-carbothioic acid,hexahydro-, S-ethyl ester)
- Mustard gas (Sulfide, bis(2-chloroethyl-))
- Naphthalene
- 1,4-Naphthoquinone (1,4-Naphthalenedione)
- 1-Naphthylamine (alpha-Naphthylamine)
- 2-Naphthylamine (beta-Naphthylamine)
- 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
- Nickel and compounds, N.O.S.*
- Nickel carbonyl (Nickel tetracarbonyl)
- Nickel cyanide (nickel (II) cyanide)
- Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
- Nitric oxide (Nitrogen (II) oxide)
- p-Nitroaniline (Benzenamine, 4-nitro-)
- Nitrobenzine (Benzene, nitro-) Nitrobenzene
- Nitrogen dioxide (Nitrogen (IV) oxide)
- Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
- Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, N-oxide, and hydro-chloride salt)
- Nitroglycerine (1,2,3-Propanetriol, trinitrate)
- 4-Nitrophenol (Phenol, 4-nitro-)
- 2-Nitropropane (Propane 2-nitro)
- 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
- Nitrosamine, N.O.S.*
- N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
- N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
- N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
- N-Nitrosodimethylamine (Dimethylnitrosamine)
- N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
- N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
- N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
- N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
- N-Nitrosomorpholine (Morpholine, N-nitroso-)
- N-Nitrosornicotine (Nicotinic acid, N-nitroso-)
- N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
- N-Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
- N-Nitrososarcosine (Sarcosine, N-nitroso-)
- 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
- Octachlorodibenzo-p-dioxin (OCDD) 1,2,3,4,6,7,8,9-
- Octachlorodibenzo-p-dioxin
- Octachlorodibenzofuran (OCDF) 1,2,3,4,6,7,8,9-
- Octachlorodibenzofuran
- Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
- Osmium tetroxide (Osmium (VIII) oxide)
- 7-Ocabcyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
- Oxamyl (Ethanimidothioc acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester)
- Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
- Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
- Pebulate (Carbamothioic acid, butylethyl-, S- propyl ester)
- Pentachlorobenzene (Benzene, pentachloro-)
- Pentachlorodibenzo-p-dioxins
- Pentachlorodibenzofurans
- Pentachloroethane (Ethane, pentachloro-)
- Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
- Pentachlorophenol (Phenol, pentachloro-)
- Perchloromethyl mercaptan (Methanesulfuryl chloride, trichloro-)
- Phenacetin (Acetamide, N-(4-ethoxyphenyl-))
- Phenol (Benzene, hydroxy-)
- Phenylenediamine (Benzenediamine)
- Phenylmercury acetate (Mercury, acetatophenyl-)
- N-Phenylthiourea (Thiourea, phenyl-)
- Phosgene (Carbonyl chloride)
- Phosphine (Hydrogen phosphide)
- Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
- Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
- Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*
- Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
- Physostigmine (Pyrrolo[2,3-b]indol-5-01, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,methylcarbamate (ester), (3aS-cis)-)
- Physostigmine salicylate (Benzoic acid, 2-hydroxy-, compd. with (3aS-cis) —1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo [2,3-b]indol-5-yl methylcarbamate ester (1:1).)

- 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium dimethyldithiocarbamate (Carbamodithioic acid, dimethyl, potassium salt)
 Potassium n-hydroxymethyl-n-methyl- dithiocarbamate (Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt)
 Potassium n-methyldithiocarbamate (Carbamodithioic acid, methyl- monopotassium salt)
 Potassium pentachlorophenate (Pentachlorophenol, potassium salt)
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Promecarb (Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
 Propham (Carbamic acid, phenyl-, 1-methylethyl ester)
 Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP, Silvex, salts and esters)
 Propoxur (Phenol, 2-(1-methylethoxy)-, methylcarbamate)
 n-Propylamine (1-Propane)
 Propylthiouracil (2,3 dihydro-6-propyl-2 thioxo-4(1H)-pyrimidinone)
 2-Propyn-1-ol (Propargyl alcohol)
 Prosulfocarb (Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester)
 Pyridine
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
 Resorcinol (1,3-Benzenediol)
 Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
 Selenious acid (Selenium dioxide)
 Selenium and compounds, N.O.S.*
 Selenium sulfide (Sulfur selenide)
 Selenium, tetrakis (dimethyl-dithiocarbamate) (Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid)
 Selenourea (Carbamimidoseleonic acid)
 Silver and compounds, N.O.S.*
 Silver cyanide
 Sodium cyanide
 Sodium dibutyldithiocarbamate (Carbamodithioic acid, dibutyl, sodium salt)
 Sodium diethyldithiocarbamate (Carbamodithioic acid, diethyl-, sodium salt)
 Sodium dimethyldithiocarbamate (Carbamodithioic acid, dimethyl-, sodium salt)
 Sodium pentachlorophenate (Pentachlorophenol, sodium salt)
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
 Strychnine and salts (Strychnidin-10-one, and salts)
 Sulfallate (Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester)
 Tetrabutylthiuram disulfide (Thioperoxydicarbonic diamide, tetrabutyl)
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
 Tetrachlorodibenzo-p-dioxins
 Tetrachlorodibenzofurans
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachlorethylene (Ethene, 1,1,2,2-tetrachloro-)¹
 Tetrachloromethane (Carbon tetrachloride)
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
 2,3,4,6-Tetrachlorophenol, potassium salt
 2,3,4,6-Tetrachlorophenol, sodium salt
 Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
 Tetraethyl lead (Plumbane, tetraethyl-)
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
 Tetramethylthiuram monosulfide (Bis(dimethylthiocarbamoyl) sulfide)
 Tetranitromethane (Methane, tetranitro-)
 Thallium and compounds, N.O.S.*
 Thallic oxide (Thallium (III) oxide)
 Thallium (I) acetate (Acetic acid, thallium (I) salt)
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
 Thallium (I) chloride
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)
 Thallium selenite
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
 Thioacetamide (Ethanethioamide)
 Thiodicarb (Ethanimidothioic acid, N,N'-[thiobis [(methylimino) carbonyloxy]] bis-, dimethyl ester.)
 Thiophanate-methyl (Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)] bis-, dimethyl ester)
 Thiosemicarbazide (Hydrazinecarbothioamide)
 Thiourea (Carbamide thio-)
 Thiuram (Bis(dimethylthiocarbamoyl) disulfide)
 Tirpate (1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino) carbonyl] oxime.)
 Toluene (Benzene, methyl-)
 Toluenediamine, N.O.S. (Toluene, 2,5-diamine-)
 2,4-Toluenediamine
 2,6-Toluenediamine
 3,4-Toluenediamine
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
 Tolyene diisocyanate (Benzene, 2,4- and 2,6-diisocyanato-methyl-)
 Toxaphene (Camphene, octachloro-)
 Triallate (Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester)
 Tribromomethane (Bromoform)

WSR 05-01-066
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed December 8, 2004, 4:23 p.m., effective January 8, 2005]

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

Purpose: The rules clarify existing managed care rules; revise WAC 388-538-060 to remove language regarding contract access standards; to simplify enrollment process; and adopt rules for the Washington Medicaid integration partnership (WMIP) and the Medicare/Medicaid integration program (MMIP).

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-050, 388-538-060, 388-538-065, 388-538-067, 388-538-070, 388-538-095, 388-538-112, and 388-538-120.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.522, ESSB 5404, section 201(4), chapter 25, Laws of 2003, section 201(4), chapter 276, Laws of 2004, 42 USC 1396N (section 1915 (b) and (c) of the Social Security Act of 1924).

Adopted under notice filed as WSR 04-21-057 and 04-21-058 on October 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing, were made to the rule as a result of comments of received:

AMENDED SECTION:

WAC 388-538-050 Definitions, new language added at the adopted rule is double underlined.

The word "contracts" was added to the definition below and the "s" was removed from the word program.

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

Added the words "is designed to integrate" instead of "integrates."

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

NEW SECTION: Added language at adoption is double underlined, deleted language is lined through.

WAC 388-538-061 Managed care provided through the Washington Medicaid Integration Partnership (WMIP) or Medicare/Medicaid Integration Program (MMIP)

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

(a) Enrollment in WMIP and MMIP is voluntary, subject to program limitations in subsection (b) and (c) of this section.

- 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
- 1,1,1-Trichloroethane (Methyl chloroform)
- 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
- Trichloroethene (Trichloroethylene)
- Trichloromonofluoromethane (Methane, trichlorofluoro-)
- 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
- 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
- 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T, salts and esters) (Acetic acid, 2,4,5-trichlorophenoxy-, salts and esters)
- 2,4,5-Trichlorophenoxypropionic acid (Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP, Silvex, salts and esters))
- Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*
- 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
- O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
- Triethylamine (Ethanamine, N,N-diethyl-)
- sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
- Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-)
- Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
- Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
- Undecamethylenediamine, N,N'-bis-(2-chlorobenzyl)-, dihydrochloride N,N'-Undecamethylenebis(2-chlorobenzylamine, dihydrochloride)
- Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
- Vanadic acid, ammonium salt (ammonium vanadate)
- Vanadium pentoxide (Vanadium (V) oxide)
- Vernolate (Carbamothioic acid, dipropyl-,S-propyl ester)
- Vinyl chloride (Ethane, chloro-)
- Warfarin (2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%)
- Warfarin (2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%)
- Warfarin salts, when present at concentrations less than 0.3%
- Warfarin salts, when present at concentrations greater than 0.3%
- Zinc cyanide
- Zinc phosphide
- Ziram (Zinc, bis(dimethylcarbamodithioato-S,S')-, (T-4)-)

* The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

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.

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

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

(bc) For MMIP, clients ~~are eligible to voluntarily~~ may enroll when they:

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

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

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

(ef) ~~A~~ clients or enrollees in WMIP or MMIP or the client's or enrollee's representative may end enrollment from the MCO at any time without cause. The client may then re-enroll at any time with the MCO. MAA ends enrollment for clients prospectively to the first of the month following request to end enrollment, except as provided in subsection (g) of this section.

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

(i) The client or enrollee has a documented and verifiable medical condition; and

(ii) Enrollment in managed care could cause an interruption of on-going treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

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

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

(b) For MMIP enrollees - long-term care services.

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

A final cost-benefit analysis is available by contacting Alison Robbins, MAA Care Coordinator, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1634, fax (360) 753-7315, e-mail robbiaa@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 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 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 6, Repealed 0.

Date Adopted: December 3, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

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

"Action" means:

(1) The denial or limited authorization of a requested service, including the type or level of service;

(2) The reduction, suspension, or termination of a previously authorized service;

(3) The denial, in whole or in part, of payment for a service;

(4) The failure to provide services in a timely manner, as defined by the state; or

(5) The failure of an MCO to act within the time frames provided in 42 C.F.R. 438.408(b).

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

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

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

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

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

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

(1) Children designated as having special health care needs by the department of health (DOH) and served under the Title V program;

(2) Children who meet disability criteria of Title 16 of the Social Security Act (SSA); and

(3) Children who are in foster care or who are served under subsidized adoption.

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

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

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

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

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

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

(1) Have a biologic, psychologic, or cognitive basis;

(2) Have lasted or are virtually certain to last for at least one year; and

(3) Produce one or more of the following conditions stemming from a disease:

(a) Significant limitation in areas of physical, cognitive, or emotional function;

(b) Dependency on medical or assistive devices to minimize limitation of function or activities; or

(c) In addition, for children, any of the following:

(i) Significant limitation in social growth or developmental function;

(ii) Need for psychologic, educational, medical, or related services over and above the usual for the child's age; or

(iii) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

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

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

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

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

"Healthy Options contract" or "HO contract" means the agreement between ~~((the department of social and health services (DSHS) and a managed care organization (MCO)))~~ DSHS and an MCO to provide prepaid contracted services to enrollees.

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

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

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

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

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

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

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

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

"Primary care provider ((PCP))" or PCP" means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse

practitioner (ARNP), or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee, initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

"Prior authorization ((PA))" or PA means a process by which enrollees or providers must request and receive MAA approval for services provided through MAA's fee-for-service program, or MCO approval for services provided through the MCO, for certain medical services, equipment, drugs, and supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization. See WAC 388-501-0165.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) There must be two obstetrical providers within ten miles for ninety percent of HO enrollees in urban areas and~~

~~one obstetrical provider within twenty-five miles for ninety percent of HO enrollees in rural areas;~~

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

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

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

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

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

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

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

(a) MCO enrollees may choose:

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

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

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

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

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

NEW SECTION

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

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

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

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

(b) WAC 388-538-063;

(c) WAC 388-538-065;

(d) WAC 388-538-068; and

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

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

(a) Enrollment in WMIP and MMIP is voluntary, subject to program limitations in subsection (b) and (c) of this section.

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

(i) Are aged, blind, or disabled;

(ii) Are twenty-one years of age or older; and

(iii) Receive categorically needy medical assistance.

(c) For MMIP, clients may enroll when they:

(i) Are sixty-five years of age or older; and

(ii) Receive Medicare and/or Medicaid.

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

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

(f) A client or enrollee in WMIP or MMIP or the client's or enrollee's representative may end enrollment from the MCO at any time without cause. The client may then re-enroll at any time with the MCO. MAA ends enrollment for clients prospectively to the first of the month following request to end enrollment, except as provided in subsection (g) of this section.

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

(i) The client or enrollee has a documented and verifiable medical condition; and

(ii) Enrollment in managed care could cause an interruption of on-going treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(5) In addition to the scope of medical care described in WAC 388-538-095, WMIP and MMIP are designed to include the following services:

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

(b) For MMIP enrollees - long-term care services.

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

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

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

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

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

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

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

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

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

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

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

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

(d) Accept the prepaid rates published by DSHS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) MAA covers services on a fee-for-service basis for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee or refer the enrollee to other providers who are contracted with MAA for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. The services

that require PCCM provider referral are described in the PCCM contract. MAA informs enrollees about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100 from any women's health care provider participating with the MCO. Any covered services ordered and/or prescribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

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

(a) For all managed care enrollees:

(i) Services that are not medically necessary;

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

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

(b) For MCO enrollees:

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

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

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

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

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

(i) The specific service to be provided;

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

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

(A) The service is not medically necessary; or

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

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

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

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

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

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

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

(c) The agreement is void and unenforceable, and the enrollee is under no obligation to pay the provider, if the service is covered by MAA or the MCO as described in subsection (1) of this section, even if the provider is not paid for the covered service because the provider did not satisfy the payor's billing requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A managed care enrollee has a right to a second opinion from a ~~((primary or specialty care physician who is participating with the MCO))~~ **participating provider.** At the MCO's discretion, a clinically appropriate nonparticipating provider who is agreed upon by the MCO and the enrollee may provide the second opinion.

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

WSR 05-01-075

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed December 9, 2004, 4:03 p.m., effective January 9, 2005]

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

Purpose: Adopting new chapter 388-147 WAC, Licensing requirements for pregnant and parenting teen programs and facilities is a set of new rules providing appropriate minimum licensing requirements for independent living facilities where teen families live in apartment-like settings. The WAC requirements appropriately fit this type of independent-living group residential care, while providing safe comfortable housing, basic case management services, and independent-living skills development.

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: Chapter 74.15 RCW.

Adopted under notice filed as WSR 04-18-045 on August 26, 2004.

A final cost-benefit analysis is available by contacting Jean L. Croissant, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7992, fax (360) 902-7903, e-mail loje300@dshs.wa.gov. No changes were made. The preliminary cost-benefit analysis will be final.

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 72, 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 72, Amended 0, Repealed 0.

Date Adopted: December 8, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-147 WAC

LICENSING REQUIREMENTS FOR PREGNANT AND PARENTING TEEN PROGRAMS AND FACILITIES

AUTHORITY

NEW SECTION

WAC 388-147-0010 What authority does the department of social and health services have to license residential programs for pregnant and parenting teens and their children? (1) The rules are adopted under authority of chapter 74.15 RCW.

(2) The rules in this chapter are the minimum licensing requirements for residential programs for pregnant and parenting teens, age sixteen and seventeen and their children.

(3) The department issues or denies a license on the basis of compliance with the minimum licensing requirements contained in this chapter.

(4) Nothing in this chapter is intended to deny any individual access to services or the rights afforded him or her under other Revised Codes of Washington (RCW).

PURPOSE AND DEFINITIONS

NEW SECTION

WAC 388-147-0020 What is the purpose of this chapter? This chapter defines general and specific minimum licensing requirements for independent-living pregnant and parenting teen facilities. A program approved for licensing or re-licensing under this chapter requires housing and services, as described in sections of the chapter. The licensing requirements in this chapter are intended to be for programs for teens age sixteen or older that are pregnant or parenting. A program for pregnant or parenting teens younger than age sixteen would require consultation with and approval from the department's licensing agent to be licensed under this chapter.

The department is committed to ensuring that the pregnant and parenting teens and their children who receive residential care experience health, safety, and well-being. Our licensing requirements reflect our commitment to children and youth.

NEW SECTION

WAC 388-147-0030 What definitions do I need to know to understand this chapter? The following definitions are important to understand these rules:

"**Abuse or neglect**" means the injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child/youth where the child/youth's health, welfare and safety are harmed.

"**Agency**" as defined in RCW 74.15.020 (1)(a) through (k).

"**Assessment**" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"**Capacity**" means the maximum number of children that a home or facility is licensed to care for at a given time.

"**Care provider**" means any licensed or certified person or organization, or staff member of a licensed organization that provides twenty-four hour residential services to children and youth.

"**Case manager**" means an agency employee who coordinates and links the youth to appropriate services.

"**Children**" mean individuals who are under eighteen years old and are the children of the teen resident.

"**Compliance agreement**" means a written licensing improvement plan to address deficiencies in specific skills, abilities or other issues of a fully licensed facility in order to maintain and/or increase the safety and well-being of children in care.

"**Department**" means the department of social and health services (DSHS).

"**DLR**" means the division of licensed resources.

"**DOH**" means the department of health.

"**Firearms**" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"**Full licensure**" means an entity meets the requirements established by the state for licensing or approved as meeting state minimum licensing requirements.

"**Hearing**" means the administrative review process.

"**I**" refers to anyone who is licensed, operates, or owns a facility for pregnant and parenting teens and their children.

"**Infant**" means a child less than one year of age.

"**License**" means a permit issued by the department affirming that a program/facility meets the minimum licensing requirements.

"**Licensee**" means the individual or agency that is responsible for the operation of the program and health and safety of the facility.

"**Licensor**" means a division of licensed resources (DLR) employee, children's administration of DSHS who:

(1) Approves licenses for pregnant and parenting teen programs/facilities; and

(2) Monitors facilities to ensure that they continue to meet minimum licensing requirements.

"**Maternity service**" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement, as defined in RCW 74.15.020. Maternity services, in this chapter refer to services to youth who are less than eighteen years.

"**Nonambulatory**" means not able to walk or traverse a normal path to safety without the physical assistance of another individual.

"**Premises**" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"**Probationary license**" means a license issued as part of a disciplinary action to an individual or agency that has

previously been issued a full license but is out of compliance with the minimum licensing requirements.

"Provide care" to youth means the agency makes available residential services including case management to a client.

"Relative" means a person who is related to the child as defined in RCW 74.15.020 (4)(a)(i), (ii), (iii), and (iv) only.

"Resident" means the pregnant or parenting teen and her child or children.

"Service plan" means a description of the services to be provided or performed and who has responsibility to provide or perform the activities for a teen and the teen's child or children.

"Social service staff" means a clinician, program manager, case manager, consultant, contractor, or other staff person who is an employee of the agency or hired to develop and implement the child's individual service plans.

"Staff" means employees, interns, volunteers, or any individual operating under the auspices of the agency providing services to pregnant and parenting teens and their children.

"Standard precautions" is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under standard precautions, blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood or other bodily fluids.

"Washington state patrol fire protection bureau" or **"WSP/FPB"** is the name for the agency popularly known as the state fire marshal.

"We" or **"our"** refers to the department of social and health services, including division of licensed resources (DLR) licensors.

"You" refers to the licensee or anyone who owns or operates a program/facility for pregnant and parenting teens and their children.

"Youth" means the pregnant or parenting teen resident, age sixteen or seventeen.

APPLICATION PROCESS

NEW SECTION

WAC 388-147-0040 Is a license required to provide care to pregnant and parenting teens and their children? If you regularly provide residential care to a child or youth less than age eighteen who is not related to you, you must be licensed.

Note: See definition of relatives exempt from licensing RCW 74.15.030(2).

NEW SECTION

WAC 388-147-0050 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide residential and case management services to pregnant and parenting teens and their children.

NEW SECTION

WAC 388-147-0060 What personal characteristics are needed to be licensed? Individuals requesting a license or a position as an employee, volunteer, intern, or contractor must have the following specific personal characteristics:

(1) Able to demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children and youth in care.

(2) Must not have been disqualified by the department's background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) Have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that the individual does not pose a risk to a child's safety, well being, and long-term stability.

(4) Must not have been found to have committed abuse or neglect of a child or a vulnerable adult, unless the department determines that the individual does not pose a risk to a child's safety, well being, and long-term stability.

(5) The department may require additional information from the applicant, employee, intern, or contractor. This information may be requested at any time and may include, but is not limited to:

(a) Substance and alcohol abuse evaluations and/or documentation of treatment;

(b) Psychiatric and psychological evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations and/or medical records.

(6) Any evaluation requested under subsection (5) of this section will be at the applicant/licensees expense.

(7) The licensor must be given permission to speak with the evaluator/provider prior to and after the evaluation.

NEW SECTION

WAC 388-147-0070 What is required when completing an application for licensing? License applications are available from the division of licensed resources, children's administration.

(1) To apply for a license, the person or legal entity responsible for the facility must include with the application the following:

(a) Written verification for all applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children and youth in care of the following information:

(i) A tuberculosis (TB) test or an x-ray, unless the individual can demonstrate a religious or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the residents in care; and

(iii) HIV/AIDS and blood borne pathogens training including infection control standards.

(2) The completed background check forms on anyone on the premises having unsupervised access to children who is at least sixteen years old or older who is not a resident must be sent to the licensor. Note: See chapter 388-06 WAC.

(3) A completed FBI fingerprint form must be completed on a licensee, staff, employee, and any individual having unsupervised access to residents, who has lived outside Washington state within the last three years.

(4) Certificates of compliance from the department of health (DOH) and Washington state patrol fire protection bureau (WSPFPB) demonstrating the facility has met the requirements for health, fire and life safety are required prior to licensing. Both agencies perform inspections of the facility, including apartments, at licensing and re-licensing of the facility. Proper notice to apartment residents is required.

NEW SECTION

WAC 388-147-0080 How long does an applicant have to complete the licensing application packet? (1) An applicant must complete the licensing application with supporting documents, such as training certificates and certificates of compliance from the department of health and Washington state patrol fire protection bureau within ninety days of first applying for the license. If the applicant fails to meet this deadline and has not contacted the licensor, the application may be considered withdrawn.

(2) If a licensee is applying for a license renewal, the application forms must be sent to the licensor at least ninety days prior to the expiration of the current license.

NEW SECTION

WAC 388-147-0090 Will the department license or continue to license a facility if the facility does not meet the licensing requirements? (1) At its discretion, the department may make exceptions and license or continue to license a facility that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the children and youth receiving care must not be compromised.

(4) The request for an exception to the licensing requirements must be in writing.

(5) The applicant or licensee must keep a copy of the approved exception to the licensing requirements for their files.

(6) Along with an exception to the licensing requirements, the department may limit or restrict a license issued and/or require the licensee to enter into a compliance agreement to ensure the safety and well-being of the children and youth in care.

(7) The applicant or licensee does not have appeal rights if the department denies your request for an exception to our requirements.

CORRECTIVE ACTION

NEW SECTION

WAC 388-147-0100 Does the department issue a probationary license? (1) The department may, at its discretion, issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department will base its decision as to whether a probationary license will be issued on a consideration of the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months. A decision not to issue a probationary license is not subject to appeal.

NEW SECTION

WAC 388-147-0110 When is a license denied, suspended or revoked? (1) A license must be denied, suspended or revoked if the department decides that the applicant or licensee cannot provide care for residents in a way that ensures their safety, health and well-being.

(2) The department must, also, disqualify an applicant or licensee for any of the reasons that follow. The applicant or licensee:

(a) Has been disqualified by the background check (see chapter 388-06 WAC).

(b) Has been found to have committed child abuse or neglect or treated, permitted or assisted in treating children or vulnerable adults in care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that the applicant or licensee does not pose a risk to a child or youth's safety, well-being, and long-term stability.

(c) Tries to get a license by deceitful means, such as making false statements or omitting critical information on the application.

(d) Commits, permits, or assists in an illegal act on the premises of a facility providing care to children and youth.

(e) Uses illegal drugs, or excessively uses alcohol and/or prescription drugs.

(f) Knowingly allows employees or volunteers who made false statements or omit critical information on their applications to work at the agency or facility.

(g) Knowingly allows employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at the agency or be on the premises of the facility when children/youth are present.

(h) Repeatedly lacks qualified or an adequate number of staff to care for the number and types of children and youth under care.

(i) Has refused to allow the department's authorized staff and inspectors to have requested information or access to the

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facility, youth or child, program files, and/or your staff. Any inspection requires appropriate tenant notice. Immediate access to client residence is in emergency situations only.

(j) Are unable to manage the property, fiscal responsibilities, or staff of the agency.

NEW SECTION

WAC 388-147-0120 Are there any other reasons that might cause me to lose my license? The department may suspend or revoke a license if the licensee:

(1) Exceeds the conditions of the facility license by:

(a) Having more youth or children residing at the facility than the license allows;

(b) Having youth or children residents with ages different than the license allows;

(c) Failing to provide a safe and healthy environment for youth and children under care; or

(d) Failing to comply with any of the other minimum licensing requirements.

(2) Fails to meet the health and safety requirements to receive a certificate of compliance as required by the department of health or the Washington state patrol fire protection bureau.

NEW SECTION

WAC 388-147-0130 When is an employee or volunteer disqualified from having unsupervised access to a child or youth in a licensed facility? The department must disqualify an employee or volunteer of a licensed facility from having unsupervised access to a child or youth when he or she:

(1) Has a disqualifying background check result (see chapter 388-06 WAC);

(2) Has been found to have committed child abuse or neglect or have treated, permitted, or assisted in treating children, youth, or vulnerable adult with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that he or she does not pose a risk to a child or youth's safety, well being, and long-term stability;

(3) Attempted to become employed, volunteer, or otherwise have unsupervised access to children or youth by deceitful means, such as making false statements or omitting critical information on an application to work or volunteer at a licensed home, facility, or agency; or

(4) Used illegal drugs, alcohol, or prescription drugs that affected his or her ability to perform his or her job duties while on the premises when children or youth are present.

NEW SECTION

WAC 388-147-0140 How is the applicant or licensee notified if the department decides to modify, deny, suspend, or revoke a license? The department sends the applicant or licensee a certified letter informing him or her of the decision to modify, deny, suspend or revoke their license. In the letter, the department also tells the applicant or licensee what he or she needs to do if they disagree with the decision.

NEW SECTION

WAC 388-147-0150 What may an applicant or licensee do if he or she disagrees with the department's decision to modify, deny, suspend or revoke the license? The applicant or licensee has the right to appeal any decision the department makes to deny, modify, suspend, or revoke his or her license.

(1) The applicant or licensee may request an administrative hearing to disagree with the department's decision to modify, suspend, revoke or deny your license.

(2) The applicant or licensee must request an administrative hearing within twenty-eight days of receiving a certified letter with the department's decision (see chapter 34.05 RCW).

(3) The applicant or licensee must send a letter to the office of administrative hearings requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of the applicant or licensee's reasons for disagreeing with the department decision and any laws that relate to the reasons; and

(b) A copy of the certified letter from the department that the applicant or licensee is disputing.

(4) The administrative hearing will take place before an administrative law judge who is an employee of the office of administrative hearings.

PROGRAM SERVICES

NEW SECTION

WAC 388-147-0160 Does the department need to approve the program offered for pregnant and parenting teens? The department must approve pregnant and parenting teen programs offered to youth prior to licensing.

NEW SECTION

WAC 388-147-0170 Is a program description required as part of the license application? As part of the application, the applicant/licensee must send to the licensing agency (DLR) a written statement that includes the program mission, goals, and a detailed written program description outlining case management and other services the program will provide or offer to pregnant and parent teens and their children.

NEW SECTION

WAC 388-147-0180 What must be included in a pregnant and parenting teen program? An agency licensed to provide a program for pregnant and parenting teens and their children must include:

(1) Safe and stable housing;

(2) An assessment of the family's need(s);

(3) Referral to an authorized medical care provider for prenatal and postnatal medical care;

(4) Case management services; and

(5) The provision of direct services or referrals to services, as assessed and to the extent those services are available.

NEW SECTION

WAC 388-147-0190 What independent living skills may be offered? (1) The types of assistance, service, and support the pregnant and parenting teen program offers will vary based on the chronological age, the developmental stage, family resources, and the supervision needs of the individual youth.

(2) Assistance may be offered in the broad categories of:

(a) Parenting skills development and support (including instruction that includes the prohibition of spanking or the use of cruel or frightening discipline of her child by the teen parent);

(b) Skills for independence (budgeting, comparative shopping, cooking, cleaning, etc.);

(c) Basic educational competencies (including assisting in developing or arranging for an educational plan for each youth in care who has not completed high school or the GED, support for regular school attendance, homework completion, and tutoring);

(d) Employment preparation (including volunteer experiences, job interview skills, resume development, appropriate work environment behavior, vocational training etc.);

(e) Interpersonal skills and health care (including education in nutrition, pregnancy prevention, sexually transmitted infections, substance abuse, health insurance, etc.);

(f) Housing (including skills needed to be a good roommate, options for housing, rental agreements, landlord/tenant relationships, etc.); and

(g) Developing significant support systems (identifying adults who can be a positive example and support in the future).

NEW SECTION

WAC 388-147-0200 Is a residential facility for pregnant and parenting teens required to provide childcare?

(1) If the residential facility serves parents with children, the licensee or staff must assist the teen parent in arranging licensed childcare, when appropriate. An example is when teen parents are working or are in school and needs childcare.

(2) The childcare home or center used by teen parents must be licensed, when licensing is a legal requirement, as outlined in chapter 74.15 RCW.

NEW SECTION

WAC 388-147-0210 What are the requirements about nondiscrimination? Any licensed programs for pregnant or parenting teens must follow all state and federal laws regarding nondiscrimination while providing services to children and youth.

NEW SECTION

WAC 388-147-0220 Is participation in the program conditional on a teen's decision about keeping or relinquishing her child? Services to pregnant and parenting teens must not be contingent upon a teen's decision to keep or relinquish her child.

NEW SECTION

WAC 388-147-0230 What are your requirements for keeping client records? (1) Any identifying and personal information about a child/youth and the child/youth's family must be kept confidential.

(2) You must keep records about children/youth and their families in a secure place.

(3) If the information is available, your records must contain, at a minimum, the following:

(a) The child and youth parent's name and birth date;

(b) Information on the child's biological father;

(c) Name and telephone number of the social worker for each child/youth in care, if the child or youth is in the custody of the department of social and health services;

(d) Name, address, and telephone number of the teen's parent or person to be contacted in case of emergency;

(e) Appropriate medical history including any current medical problems, type of medical coverage and provider(s);

(f) Other pertinent information related to the child and youth's physical health, current mental and emotional health, and dental records.

(4) The youth's records must contain a copy of the parent or legal guardian's consent to place or a court order that gives the licensed agency approval to house the youth.

STAFF AND STAFF QUALIFICATIONSNEW SECTION

WAC 388-147-0240 What personnel policies must a program have? (1) As an employer, you are responsible for complying with federal and state anti-discrimination laws related to employee personnel policies and procedures.

(2) You must keep a log with background check information, containing dates of request and completion of the checks on all staff, interns, volunteers, and contractors.

(3) If the program has five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

NEW SECTION

WAC 388-147-0250 Must the facility license be posted? The licensee must post the agency license where the public can easily view it.

NEW SECTION

WAC 388-147-0260 What are the qualifications for an executive director? An executive director or person responsible for the agency administration, agency oversight, and fiscal operation of a program for pregnant and parenting teens must meet, at a minimum, the following requirements:

(1) Be able to communicate to the department the roles, expectations, and purpose of the program; and

(2) Have relevant education or four years of successful experience with similar duties and responsibilities for the administration, oversight, and fiscal management of a program or an agency.

NEW SECTION

WAC 388-147-0270 Is a supervisor or case consultant needed? The licensee must provide or arrange for social services by qualified persons who meet the education and training requirements that follow:

(1) One person who provides supervision or case consultation must have a master's degree in social work or a closely related field from an accredited school.

(2) The individual with the master's degree must have:

(a) The training, experience, knowledge and demonstrated skills in each area he or she will be supervising or advising; and

(b) The ability to ensure that staff develop the skills and understanding needed to effectively manage their cases.

(3) The person with a master's degree must consult, with any social service or case management staff having a bachelor's degree or less of formal education, one hour for every eighty hours the staff person works.

(4) Consultants may be hired as staff or operate under a contract.

(5) When case management is provided by another agency, the licensee must have a written agreement with the agency describing the scope of service they provide.

NEW SECTION

WAC 388-147-0280 What are the qualifications of a case manager? A social service or case manager for a pregnant or parenting teen program must have, at a minimum, the following:

(1) A bachelor's degree in social services or closely related field from an accredited school; or

(2) Five years of successful full-time experience in a relevant field.

NEW SECTION

WAC 388-147-0290 What are the responsibilities of the case manager? Case management services for pregnant and parenting teen programs must include the following:

(1) An assessment of the teen's circumstances and needs;

(2) Assist in the development of an individual or family services plan with attainable goals;

(3) Assisting with independent living skills development;

(4) The coordination of services;

(5) Monitoring of the progress of service plan;

(6) Appropriate recordkeeping; and

(7) Client advocacy.

NEW SECTION

WAC 388-147-0300 What are the required ratios of case management staff to youth? The minimum ratio of case management staff to youth for pregnant and parenting teen programs is one staff person to fifteen teens.

NEW SECTION

WAC 388-147-0310 Is an on-site facilities manager required? All residential facilities for pregnant or parenting teens must have an on-site facility manager.

NEW SECTION

WAC 388-147-0320 What are the qualifications for an on-site facilities manager? The department requires that the on-site facilities manager for a pregnant and parenting teen program:

(1) Be at least twenty-one years old;

(2) Have the skills and abilities to work successfully with teens; and

(3) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-147-0330 What are the responsibilities of the on-site facilities manager? The responsibility of the on-site facility manager for a pregnant or parenting teen housing program includes:

(1) Ensuring lease compliance by the residents; and

(2) Responding to emergency situations, such as medical and fire emergencies when he or she is present at the facility.

NEW SECTION

WAC 388-147-0340 What clerical, accounting and administrative services are needed? The licensee must have sufficient clerical, accounting and administrative services to maintain proper records and carry out the pregnant and parenting teen program.

NEW SECTION

WAC 388-147-0350 What support and maintenance staff are needed? The licensee must have sufficient support and maintenance services to maintain and repair your facility.

STAFF TRAININGNEW SECTION

WAC 388-147-0360 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) If you have a facility that provides licensed care, you, your staff, interns, volunteers, and any individual who may at any time have unsupervised access, must have basic standard first-aid and age-appropriate cardiopulmonary resuscitation (CPR) training.

(2) The approved first aid and CPR training must be provided by a certified instructor in accordance with a nationally recognized standard.

(3) Records must be kept at the facility or readily available to the licensor showing who has completed current first aid and CPR training.

NEW SECTION

WAC 388-147-0370 What HIV/AIDS and blood borne pathogens training is required? (1) Licensees, staff, and any individual who may have unsupervised contact with residents must have training on the transmission and prevention of HIV/AIDS and blood-borne pathogens. Such training must include infection control standards.

(2) The infection control requirements and educational material must be consistent with the current approved curriculum *Know-HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

NEW SECTION

WAC 388-147-0380 What steps must be taken to prevent the spread of infections and communicable diseases?

(1) The licensee must take precautions to guard against infections and communicable diseases infecting the children and youth residing at the facility by following the department of health regulations.

(2) Applicants for a license or adults authorized to have unsupervised access to residents at the facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed, volunteering, or licensed unless:

- (a) The person has evidence of testing within the previous twelve months;
- (b) The person has evidence that they have a negative chest x-ray since a previously positive skin test; or
- (c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(3) The department does not require a tuberculin skin test if:

- (a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or
- (b) A physician indicates that the test is medically unadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(5) The department does not require retesting for license renewals unless a person believes he or she has been exposed to someone with tuberculosis or if testing is recommended by his or her health care provider.

(6) The licensee must keep the results of the TB test results in the personnel files available for review by DLR.

NEW SECTION

WAC 388-147-0390 Is in-service training required?

(1) The licensee must offer in-service training for developing and upgrading staff skills.

(2) If the pregnant and parenting teen program has five or more employees or volunteers, a training plan must be in writing.

(3) The licensee must discuss with staff the licensed agency's policies and procedures, mandatory reporting of suspected child abuse or neglect; as well as the rules contained in this chapter.

(4) The licensee must provide or arrange for staff to have training for the services that are provided to children and youth in the program.

(5) Training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior.

(6) The licensee must record the amount of time and type of training provided to staff.

(7) This information must be kept in each employee's file or in a separate training file.

NEW SECTION

WAC 388-147-0400 What types of disciplinary practices are forbidden at a facility? (1) This section applies to the discipline of teens at the facility and the children of the teens.

(2) The licensee or staff must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking the child;
- (c) Pulling the child or youth's hair;
- (d) Throwing the child or youth;
- (e) Purposely inflicting pain as a punishment;
- (f) Name calling, using derogatory comments;
- (g) Threatening the child or youth with physical harm;
- (h) Threatening or intimidating the child or youth; or
- (i) Depriving the child or youth of sleep;
- (j) Restricting a child or youth's breathing; or
- (k) Interfering with a child or youth's ability to take care of his or her own hygiene and toilet needs.

REPORTING REQUIREMENTS**NEW SECTION**

WAC 388-147-0410 What are the reporting requirements? (1) The licensee and staff of a licensed program for pregnant and parenting teens are mandatory reporters and must report any suspected child abuse or neglect to children's administration intake staff or law enforcement. (See RCW 26.44.020(12) and chapter 388-15 WAC for more details.)

(2) The licensee or staff must report the following incidents as soon as possible, and in not instance later than forty-eight hours, to children's administration intake staff:

- (a) Death of a child or youth;
- (b) Any violations of the licensing requirements where the health and safety of a child or youth is at risk and the violations are not corrected immediately or may compromise the continuing health and safety of children or youth;
- (c) Any child or youth's suicide attempt that results in injury requiring medical attention or hospitalization;
- (d) Any use of physical restraint that is alleged improperly applied or excessive;
- (e) Sexual contact between two or more children that is not considered typical play between preschool age children;
- (f) Any disclosures of sexual or physical abuse by a child or youth resident;

(g) Any physical assaults between two or more children or youth that result in injury requiring off-site medical attention or hospitalization;

(h) Any assaults of staff by children or youth that result in injury requiring off-site medical attention or hospitalization; or

(i) Any medication that is given incorrectly and requires off-site medical attention or hospitalization.

NEW SECTION

WAC 388-147-0420 What changes to a facility must the licensee report to the licensor? (1) A license is valid only for the person, organization, or agency named on the license and only for the specific address listed on the license.

(2) The licensee must report to the licensor immediately any changes in the original licensing application. Changes include any of the following:

(a) Changes in the location or designated space, including address;

(b) Changes in facility phone number;

(c) Changes in the maximum number, age ranges, and sex of children the licensee wishes to serve; and

(d) Changes in the structure of the facility or premises from events causing damage, such as a fire, or from remodeling.

(e) A change of the organization or agency's executive director or any staff changes;

(f) The death, retirement, or incapacity of the person who holds the license;

(g) A change in the name of a licensed corporation, or the name by which the facility is commonly known; or

(h) Changes in an agency's articles of incorporation and bylaws.

HEALTH AND SAFETY

NEW SECTION

WAC 388-147-0430 How is the capacity determined for a facility? (1) The department licenses a facility for the number of youth and children based on the certification of occupancy from the Washington state patrol fire protection bureau;

(2) The department may issue a license to an applicant or licensee for the care of fewer youth and children than normally would reside at a facility based on an evaluation of the following factors:

(a) The number of staff and volunteers available for providing services;

(b) The skills of the staff and experience with the population of a pregnant and parenting teen program; and

(c) The ages and characteristics of the youth and children to be served.

NEW SECTION

WAC 388-147-0440 Are there general food service requirements? (1) The program must be in compliance with the department of health standards in chapter 246-215 WAC

on food service sanitation when common food preparation areas are used.

(2) When a staff person is preparing or assisting in preparing food he or she must have a food handler's permit.

NEW SECTION

WAC 388-147-0450 What are the requirements for managing medications? (1) All medications must be inaccessible to children, including pet medications, vitamins and herbal remedies.

(2) Pet and human medications must be stored in separate places.

(3) Internal and external medications must be stored in separate places.

(4) Only the child's parent or another authorized care provider (example: respite provider) is allowed to have access to medications for a child.

(5) The child's parent or another authorized care provider must give prescription and nonprescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

NEW SECTION

WAC 388-147-0460 What are the requirements for transporting children and youth? When the licensee or staff transport children or youth, they must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children traveling without their parent in the vehicle; or

(b) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy.

(5) The vehicles must be equipped with, seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

BEDS, CRIBS, AND EQUIPMENT

NEW SECTION

WAC 388-147-0470 What are the requirements for beds? (1) Each resident must have his or her own bed that is at least twenty-seven inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and

pillowcases. Each resident's pillow must be covered with waterproof material or be washable.

(2) Bedding must be clean.

(3) Infants must have a crib that ensures the safety of the infant and complies with chapter 70.11 RCW, Infant Crib Safety Act.

(4) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

(5) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices.

(6) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant unless advised differently by the child's physician.

(7) The teen mother must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep, unless advised differently by the child's physician.

(8) The teen mother may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(9) Children may not use the loft style beds or upper bunks of double-deck beds if using them due to age, development, or condition could hurt them. Examples: preschool children, expectant mothers, and children with a disability.

NEW SECTION

WAC 388-147-0480 May wheeled baby walkers be used? The department prohibits the use of wheeled baby walkers in licensed facilities.

RESIDENTIAL FACILITY

NEW SECTION

WAC 388-147-0490 What health and safety requirements are there? A residential facility for pregnant and parenting teens and their children is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau prior to licensing.

NEW SECTION

WAC 388-147-0500 Are local ordinances part of the licensing requirements? (1) The applicant or licensee is responsible for complying with local ordinances (laws), such as zoning regulations and local building codes.

(2) The department may require the applicant or licensee provide proof that the facility complies with local ordinances.

NEW SECTION

WAC 388-147-0510 What are the requirements regarding the location of a facility? (1) The address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your location.

(2) The facility must be:

(a) Accessible to emergency vehicles; and

(b) Located on a well-drained site, free from hazardous conditions.

NEW SECTION

WAC 388-147-0520 What physical structure safety requirements must a facility meet? The licensee must keep the equipment and the physical structures in the facility safe and clean for the children/youth served. The licensee must:

(1) Maintain buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair;

(2) Provide handrails for steps, stairways, and ramps; if required by the department of health or Washington state patrol fire protection bureau;

(3) Have emergency lighting devices, such as flashlights, available and in operational condition;

(4) Furnish the facility appropriately, based on the age and activities of the children and youth residing at the facility;

(5) Have washable, water-resistant floors in the apartments and facility bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for apartment and facility's kitchens;

(6) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them; and

(7) Have easy access to rooms occupied by children or youth in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

NEW SECTION

WAC 388-147-0530 What measures are required for pest control? The licensee must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

NEW SECTION

WAC 388-147-0540 What are the requirements regarding pets and animals in a facility? (1) Youth must not have any common household pets, exotic pets, animals, birds, insects, reptiles, or fish that are dangerous to children/youth on the premises.

(2) The department, at its discretion, may limit the type and number of common household pets, exotic pets, animals, birds, insects, reptiles or fish accessible to children if the department determines there are risks to the children/youth in care.

(3) The licensee must ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are free from disease and cared for in a safe and sanitary manner.

(4) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must be cared for in compliance with state regulations and local ordinances.

NEW SECTION

WAC 388-147-0550 Are alcoholic beverages or illegal drugs allowed at a facility? The facility must not have alcohol or illegal drugs on the premises. The staff of these facilities may not consume alcohol or illegal drugs on the premises or during breaks.

NEW SECTION

WAC 388-147-0560 Is smoking permitted around children or youth? (1) The licensee and staff must prohibit smoking in the living space of any facility caring for children/youth and in motor vehicles while transporting children/youth.

(2) The licensee may permit adults to smoke outdoors away from children/youth.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American or other religious ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-147-0570 Are firearms allowed at a facility? The licensee must not permit firearms, ammunition, and other weapons on the premises of the facilities where children or youth reside.

NEW SECTION

WAC 388-147-0580 What are the requirements for storing dangerous chemicals or other substances? (1) The licensee must ensure that residents store the following items in a place that is not accessible to children or other persons with limited mental capacity or who might be endangered by access to these products:

- (a) Cleaning supplies;
- (b) Toxic or poisonous substances;
- (c) Aerosols; and
- (d) Items with warning labels.

(2) When containers are filled with toxic substances from a stock supply, the containers must be labeled.

(3) Toxic substances must be stored separately from food items.

NEW SECTION

WAC 388-147-0590 What first-aid supplies are needed? (1) The licensee must keep on hand for immediate use the following first aid supplies:

- (a) Barrier gloves and a one-way resuscitation mask;
- (b) Bandages and gauze;
- (c) Ace bandage;
- (d) Scissors and tweezers; and
- (e) A thermometer.

(2) The Poison Control Center's 1-800 number must be readily accessible to facility staff and teen parents.

NEW SECTION

WAC 388-147-0600 Is a telephone required at the facility? (1) The facility must have at least one telephone on

the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) Emergency telephone numbers must be posted next to the telephone or in a specified location with easy access.

NEW SECTION

WAC 388-147-0610 What are the lighting requirements for the facility? The licensee must locate light fixtures and provide lighting that promotes good visibility and comfort for the children and youth residing at the facility.

NEW SECTION

WAC 388-147-0620 What are the requirements for laundry facilities? The department has specific requirements for on-site laundry facilities.

(1) The licensee must have separate and adequate facilities for storing soiled and clean linen.

(2) The licensee must locate laundry equipment in an area separate from the kitchen and childcare areas.

NEW SECTION

WAC 388-147-0630 What are the requirements for toilets, sinks, and bathing facilities? The licensee must meet certain requirements for toilets, sinks, and bathing facilities.

(1) The licensee must provide at least one indoor flush-type toilet, one nearby hand-washing sink with hot and cold running water, and a bathing facility.

(2) Toilet and bathing facilities must allow privacy for children who are five years of age or older and opposite genders.

(3) Hand-washing and bathing facilities must be provided with hot running water that does not exceed one hundred twenty degrees.

NEW SECTION

WAC 388-147-0640 What are the requirements about drinking water? The licensee must provide a public water supply or a private water supply approved by the local health authority at the time of licensing or re-licensing.

NEW SECTION

WAC 388-147-0650 What are the requirements for sewage and liquid wastes? The licensee must ensure that sewage and liquid wastes are discharge into:

- (1) A public sewer system;
- (2) A functioning septic system; or
- (3) A department of health approved alternative system.

NEW SECTION

WAC 388-147-0660 Is a disaster plan required? (1) The licensee must ensure the facility has a disaster plan that addresses internal and external emergencies, such as a violent or threatening person on the premises, fire, earthquake, and power failure.

(2) Residents must be educated and familiar with the plan.

(3) The licensee must post a written disaster plan for easy access to staff and residents.

FIRE SAFETY

NEW SECTION

WAC 388-147-0670 What fire safety procedures do case management and facility staff need to know? (1) Case managers and facility staff must be familiar with safety procedures related to fire prevention.

(2) The staff must be familiar with all aspects of the fire drill.

(3) The staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types); and

(c) Conduct frequent inspections of the facility to identify fire hazards and take action to correct any hazards noted during the inspection.

(4) If the facility has individual apartments for residents inspections of the apartments must be conducted with proper notice to apartment residents.

NEW SECTION

WAC 388-147-0680 What fire safety requirements must the licensee follow? A residential facility for pregnant or parenting teens and their children must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). The regulations are the minimum requirements for protecting life and property against fire. Contact the WSP/FPB for specific requirements.

NEW SECTION

WAC 388-147-0690 What other requirements must I follow for smoke detectors? Facilities must have smoke detectors that are UL or Factory mutual approved and comply with any other smoke detector requires of the Washington state patrol fire protection bureau.

NEW SECTION

WAC 388-147-0700 What fire safety instruction is required for children and youth residing in a facility? (1) The licensee or staff must:

(a) Conduct a fire drill at least once each month or as required under WAC 212-12-044 by WSPFPB, at varying times of the day and night so that staff on all shifts practice the procedures.

(b) Instruct children and youth who are capable of understanding and following emergency evacuation procedures how to exit the building in case of fire.

(c) Maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(2) Any simulated fire drills for medically fragile or non-ambulatory children must meet WAC 212-12-005 as required by the WSP/FPB.

(3) If the use of a fire ladder is part of an evacuation plan it must be inspected annually to ensure it is in working order.

NEW SECTION

WAC 388-147-0710 What are the requirements for a fire or other emergency evacuation plan? (1) The licensee must develop a written emergency evacuation plan for the facility.

(2) The evacuation plan must include a floor plan, identifying exit doors and windows.

(3) The plan must be posted at each exit door.

(4) The licensee must ensure that the plan includes:

(a) Action to take by the person discovering a fire or other situation requiring emergency evacuation;

(b) Methods for sounding an alarm on the premises;

(c) Action to take for evacuating the building that ensures responsibility for the children;

(d) Action to take while waiting for the fire department or other emergency personnel; and

(e) If the use of a fire ladder is part of the evacuation plan it must be inspected at least annually to ensure it is in working order.

NEW SECTION

WAC 388-147-0720 Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building? (1) A facility with multiple Washington state licenses or certifications for the care of children or youth in the same building must comply with the most stringent construction and fire safety requirements for the physical structure, if children and youth share the same space.

(2) If the same facility has multiple Washington state licenses the licensee must notify the following of this:

(a) The Washington state patrol fire protection bureau inspector; and

(b) All of the licensing and certification agents.

WSR 05-01-205

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:27 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules pertain to compensation for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-029 on June 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-28-035(7), as a result of discussions with stakeholders, it was determined that new language be added to this subsection making the original WAC 357-28-035 (7),

now (8), and addressing setting base salary when an employee is reverted following a voluntary demotion.

WAC 357-28-050, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address periodic increment date (PID). This section was originally filed as "Progression increase date" and has been changed to "Periodic increment date."

WAC 357-28-055, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression increase" to "periodic increment date."

WAC 357-28-055(1), this subsection was originally filed with subsections (a) and (b). As a result of discussion with stakeholders it was determined that subsections (a) and (b) be moved to subsection (4).

WAC 357-28-055(2), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to change "progression increase" to "periodic increment." Removed the WAC reference in the last sentence.

WAC 357-28-055(3), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to change "progression increase" to "periodic increment." Removed the WAC reference in the last sentence.

WAC 357-28-055(4), as a result of discussions with stakeholders, it was determined that this section be added with the original subsection (a) and (b) filed under subsection (1).

WAC 357-28-060, as a result of discussions with stakeholders, it was determined that the language be changed in this section to change "progression" to "increment." Also changed "progression increase" to "periodic increment."

WAC 357-28-065, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" to "increment."

WAC 357-28-065 (1) and (2), as a result of discussions with stakeholders, it was determined that the language be added to this section addressing general government and higher education employer's effective dates for increment increases.

WAC 357-28-070, as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" and "progression increase" to "increment" and "periodic increment."

WAC 357-28-075 (1) and (2), as a result of discussions with stakeholders, it was determined that the language be changed in this section from "progression" and "progression increase" to "increment" and "periodic increment."

WAC 357-28-075(2), this section was originally filed with the word "successful" and since has changed to "satisfactory" as a result of discussion with stakeholders.

WAC 357-28-090, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address "or other business related reasons."

WAC 357-28-095(1), as a result of discussions with stakeholders, it was determined that the language be added "as described" in subsection (2).

WAC 357-28-095(2), as a result of discussions with stakeholders, it was determined that the language be added in

this section regarding lump sum recruitment or retention payments.

WAC 357-28-110, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address the minimum increase for employee promotions.

WAC 357-28-115, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address the minimum increase for employee reallocations that receive a higher salary range.

WAC 357-28-125, as a result of discussions with stakeholders, it was determined that the language be added in this section to address employee allocation to a new class.

WAC 357-28-130(2), as a result of discussions with stakeholders, it was determined that the language be changed in this subsection to address salary provisions established by the director.

WAC 357-28-150, as a result of discussions with stakeholders, it was determined that the language be changed in this section to address an employee's salary determined upon reversion.

WAC 357-28-155(2), this original subsection (2) was filed and has since been removed as a result of discussions with stakeholders.

WAC 357-28-190(4), as a result of discussions with stakeholders, it was determined that language be added in this subsection to include shift premium for a temporary assignment exceeding five days.

WAC 357-28-220, as a result of discussions with stakeholders, it was determined to remove both subsections since the original filing. Also removed the language addressing full-time employment.

WAC 357-28-250 (1) and (2), as a result of discussions with stakeholders, it was determined to add subsections (1) and (2) to address emergency response duty receiving over-time compensation.

WAC 357-28-252, as a result of discussions with stakeholders, it was determined that the language be added to this section to include "For a position."

WAC 357-28-255(2), as a result of discussions with stakeholders, it was determined that the language be changed in subsection. "Holidays with pay" was originally filed and has now changed to "All paid holidays."

WAC 357-28-265, as a result of discussions with stakeholders, it was determined that the language be changed in this section. "Holidays with pay" was originally filed and has now changed to "paid holidays."

WAC 357-28-295, as a result of discussions with stakeholders, it was determined that the language be added to this section addressing additional pay granted that is not part of the base salary.

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 57, 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 57, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-28 WAC

Compensation

NEW SECTION

WAC 357-28-010 Who adopts the compensation plan? The director must adopt a compensation plan.

NEW SECTION

WAC 357-28-015 How is the compensation plan prepared and revised? The compensation plan is prepared and revised, as needed, in consultation with employers, employee organizations, and other interested parties. The director must hold open, public hearings before adopting or revising the plan. The director must give twenty (20) calendar days notice of the public hearing.

NEW SECTION

WAC 357-28-020 What must the compensation plan include? The compensation plan must include:

- (1) A general salary schedule including minimum and maximum amounts for each salary range assigned to a class;
- (2) Special salary schedules including the minimum and maximum amounts for each special pay range assigned to a class or position;
- (3) Assignment pay premiums, shift premiums, and standby pay rates as determined by the director;
- (4) Definitions and application of overtime eligibility designations.

NEW SECTION

WAC 357-28-025 Can the director adopt special pay salary ranges? The director may adopt special pay salary ranges for positions based upon pay practices found in private industry or other governmental units. This includes special pay salary ranges and/or compensation practices for higher education institutions and related higher education boards as authorized in RCW 41.06.133. The classes or positions assigned special pay ranges and the associated special salary schedule must be specified in the compensation plan.

NEW SECTION

WAC 357-28-030 Must employers have a salary determination policy? Employers must develop a written

salary determination policy that is subject to the director's approval.

NEW SECTION

WAC 357-28-035 What must be addressed in the employer's salary determination policy? The employer's salary determination policy must minimally address the following:

- (1) Setting base salary for new employees;
- (2) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a position in a new class;
- (3) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a permanent position while in a nonpermanent appointment;
- (4) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;
- (5) Setting base salary when an employee accepts a lay-off option, is appointed from an internal or statewide layoff list, or is reallocated to a position with a lower range and the employee's previous base salary is not within the salary range of the new position;
- (6) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated;
- (7) Setting a base salary when an employee is reverted following a voluntary demotion; and
- (8) Authorizing premiums for recruitment and retention as provided in WAC 357-28-095 and 357-28-100.

NEW SECTION

WAC 357-28-040 Can an employee's base salary be set above the maximum of the salary range? An employee's base salary may be set above the maximum of the salary range assigned to the position's class when allowed under any provisions of Title 357 WAC or when approved by the director.

NEW SECTION

WAC 357-28-045 How is part-time employment compensated? Part-time employment must be compensated on the basis of the ratio of hours worked to those worked in a full-time appointment unless otherwise adjusted per special pay and/or assignment pay provisions.

NEW SECTION

WAC 357-28-050 What is the periodic increment date (PID)? The periodic increment date is the date upon which an employee is scheduled to receive a increment increase by moving to a higher salary step within the salary range for his/her current class.

NEW SECTION

WAC 357-28-055 How is the periodic increment date determined? (1) For an employee appointed to a position

before July 1, 2005, the employee's periodic increment date as of June 30, 2005 is retained.

(2) For an employee appointed to a position on or after July 1, 2005 whose base salary is set at the minimum of the salary range, the periodic increment date is six (6) months from the date of appointment.

(3) For an employee appointed to a position on or after July 1, 2005 whose base salary is set above the minimum but below the maximum of the salary range, the periodic increment date is twelve (12) months from date of appointment.

(4) Once an employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070 and 357-28-075; or

(b) The employee is appointed to another position with a different salary range maximum. Upon subsequent appointment, the provisions of subsection (2) and (3) of this section apply.

NEW SECTION

WAC 357-28-060 **When does an employee receive an increment increase?** Unless adjusted under the provisions of WAC 357-28-070 or WAC 357-28-075, an employee must receive a two (2) step increase to base salary on the periodic increment date. Increment increases continue until the employee reaches the top step of the salary range.

NEW SECTION

WAC 357-28-065 **What are the effective dates of increment increases?** For purposes of payment of increment increases, the effective date is determined as follows:

(1) For general government employers, the increase is effective on the periodic increment date.

(2) For higher education employers, the increases are effective:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for action occurring between the sixteenth and the end of the month.

NEW SECTION

WAC 357-28-070 **Can an employer adjust the timing and amount of increment increases?** Employers may adjust the timing and amount of regularly scheduled increment increases stated in WAC 357-28-060 by resetting the periodic increment date based on the nature of the work or training requirements. This may apply to all employees, employees in specific positions, all employees allocated to a class, or all employees in an organizational unit. This may happen as long as employees receive minimally an increase of two (2) steps annually until their salary reaches the top step of the salary range.

NEW SECTION

WAC 357-28-075 **Can an employer accelerate or defer increment increases based on performance?** Employers who have received performance management confirmation from the director may in accordance with the employer's policy on performance-based increments:

(1) Accelerate the timing and amount of regularly scheduled increment increases stated in WAC 357-28-060 by advancing the periodic increment date for individual employees. This may only happen if employees receive an increase of at least two (2) steps every (12) months from the periodic increment date until their salary reaches the top step of the salary range. When the periodic increment date is advanced, the employee has a new periodic increment date.

(2) Defer scheduled increment increases by postponing the periodic increment date for individual employees whose performance is less than satisfactory. When the periodic increment date is postponed to a future date, the employee has a new periodic increment date.

NEW SECTION

WAC 357-28-080 **How does an employee allocated to a class with a special pay salary range progress through the range?** Unless adjusted under WAC 357-28-070 or WAC 357-28-075, employees allocated to a class with a special pay salary range must progress through the special pay salary range as defined in the compensation plan.

NEW SECTION

WAC 357-28-090 **Can an employer adjust an employee's base salary within the employee's current salary range for recruitment, retention, or other business related reasons?** The employer may adjust an employee's base salary within the salary range to address issues that are related to recruitment, retention or other business related reason, such as equity, alignment, or competitive market conditions.

NEW SECTION

WAC 357-28-095 **Can an employer authorize additional pay to support recruitment and/or retention of a position?** (1) Employers may authorize additional pay to support the recruitment or retention of the incumbent or candidate for a **specific position**. At the employer's discretion, up to a fifteen percent (15%) premium may be added to the employee's base salary or paid on a lump sum basis as described in subsection (2). An employee may not receive more than fifteen percent (15%) of his/her annual base salary over a twelve (12) month period under the provisions of this section.

(2) In advance of authorizing a lump sum recruitment or retention payment, employers must establish express conditions in writing for the payment. The conditions must include a specified period of employment or continued employment. Any lump sum payment under this section must only be made after services have been rendered in accordance with conditions established by the employer and become part of the

incumbent's annual compensation for work performed prior to receipt of any funds.

(3) Any additional pay granted under this section is a premium that is not part of base salary. The premium is to be used only as long as the circumstances it is based on are in effect.

NEW SECTION

WAC 357-28-100 When must an employer receive director approval to authorize additional pay to support recruitment or retention of an incumbent or candidate for a position? (1) Director approval is required for employers to authorize:

(a) Premiums exceeding fifteen percent (15%) under the provisions of WAC 357-28-095; and

(b) Additional pay to support the recruitment and/or retention of like positions at a specific work location.

(2) In advance of authorizing a director approved lump sum recruitment or retention payment, employers must establish express conditions in writing for the payment. The conditions must include a specified period of employment or continued employment. Any lump sum payment under this section must only be made after services have been rendered in accordance with conditions established by the employer and become part of the incumbent's annual compensation for work performed prior to receipt of any funds.

(3) Additional pay granted under this section is a premium that is not part of base salary. The premium is to be used only as long as the circumstances it is based on are in effect.

NEW SECTION

WAC 357-28-110 Must an employee who is promoted to a position in a class with a higher salary range receive a salary increase? An employee who is promoted to a position in a class with a higher salary range must receive a minimum increase of two steps not to exceed the top step of the salary range. The employer may grant higher increases if:

(1) Significant increases in duties and responsibilities, as documented by the employer, warrant greater compensation,

(2) The increase is necessary for internal salary alignment, retention of the employee, or other documented business needs, or

(3) The increase is necessary to bring the employee to the minimum of the salary range for the position.

NEW SECTION

WAC 357-28-115 Must an employee occupying a position that is reallocated to a class with a higher salary range receive a salary increase? An employee occupying a position that is reallocated to a class with a higher salary range must receive at least two steps not to exceed the top step of the salary range in accordance with WAC 357-28-110.

NEW SECTION

WAC 357-28-120 What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range? An employee occupying a position that is reallocated to a class with the same or lower salary range must be placed within the new salary range at an amount equal to his/her previous base salary. If the previous base salary exceeds the new salary range, the employee's base salary must be set equal to the maximum of the salary range for the reallocated position. The employee's base salary may be set higher than the range maximum, but not exceeding the previous base salary, if allowed by the employer's salary determination policy.

NEW SECTION

WAC 357-28-125 How is an employee's base salary affected when the employee's position is allocated to a new class as a result of the director taking action to implement the new classification plan as required by RCW 41.06.136? When an employee's position is reallocated to a new class as a result of the director taking action to implement the new classification plan as required by RCW 41.06.136, the employee retains his/her previous base salary and periodic increment date upon reallocation unless the employee's previous base salary is less than the minimum step of the salary range assigned to the new class. In that case, the employee's base salary is the minimum step of the salary range assigned the new class and the periodic increment date is six months from the effective date of reallocation.

NEW SECTION

WAC 357-28-130 How is an employee's base salary determined if the director creates, abolishes, or revises a class after the initial implementation of the classification plan? When reallocation is necessary because the director creates, abolishes, or revises a class after the initial implementation of the classification plan, an employee's base salary is determined as follows:

(1) An employee occupying a position reallocated to a class with the same or lower salary range must be paid an amount equal to his/her previous base salary.

(2) An employee occupying a position reallocated to a class with a higher salary range must have his/her base salary set in accordance with the salary provisions established by the director.

NEW SECTION

WAC 357-28-135 How is an employee's salary determined when the employee is appointed to a position due to a layoff action? The base salary of an employee appointed to a position due to a layoff action must be determined as follows:

(1) An employee who accepts a layoff option to a different position with the same salary range keeps the same base salary.

(2) An employee who accepts a demotion in lieu of layoff or accepts a layoff option to a position with a lower salary range maximum must be placed within the new range at a salary equal to the employee's previous base salary. If the previous base salary exceeds the new range, the employee's base salary must be set equal to the new range maximum. The employee's base salary may be set higher than the range maximum, but not exceeding the previous base salary, if allowed by the employer's salary determination policy.

(3) An employee who is appointed from an internal or statewide layoff list to a position with the same range as the position from which the employee was laid off must be placed within the range at a salary equal to the employee's previous base salary.

(4) An employee who is appointed from an internal or statewide layoff list to a position with a lower range maximum than the position from which the employee was laid off must have the salary determined by the employer's salary determination policy.

NEW SECTION

WAC 357-28-140 How is an employee's salary determined upon transfer? Upon transfer, an employee's base salary is determined by the employer's salary determination policy.

NEW SECTION

WAC 357-28-145 How is an employee's salary determined upon reassignment? Upon reassignment, an employee keeps the same base salary.

NEW SECTION

WAC 357-28-150 How is an employee's salary determined upon reversion? When an employee is being reverted following a promotion or transfer, the employee's base salary is set at the step the employee would be at if he/she had not left the position.

When an employee is being reverted following a voluntary demotion, the employee's base salary must be determined in accordance with the employer's salary determination policy.

NEW SECTION

WAC 357-28-155 How is an employee's salary determined upon demotion? (1) The base salary of an employee who accepts a demotion in lieu of layoff must be set in accordance with WAC 357-28-135.

(2) An employee demoted for any other reason must be paid within the salary range of the class to which the position is allocated. The employee's base salary must be determined in accordance with the employer's salary determination policy.

NEW SECTION

WAC 357-28-160 How is an employee's salary determined upon elevation? Upon elevation following demotion,

an employee's salary must be determined in the same manner that is provided for promotion in WAC 357-28-110.

NEW SECTION

WAC 357-28-165 When an exempt position is converted to classified, how is the base salary of the incumbent determined? If an exempt position is converted to classified status under the provisions of WAC 357-19-150, the base salary of the incumbent must not be less than the exempt salary at the time of conversion. If the employee's salary at the time of conversion exceeds the maximum of the salary range, the employee's base salary must be set outside the range in accordance with WAC 357-28-040.

NEW SECTION

WAC 357-28-175 What is assignment pay? Assignment pay is a premium added to base salary to recognize specialized skills, assigned duties, and/or unique circumstances that exceed the ordinary. Assignment pay is intended to be used only as long as the skills, duties, or circumstances it is based on are in effect.

NEW SECTION

WAC 357-28-180 When may employers authorize assignment pay? Employers may authorize assignment pay to a position when the director has approved the assignment pay for a specific skill, duty, or unique circumstance and the employer determines that the position qualifies for the premium. Approved assignment pay designations must be listed in the compensation plan.

NEW SECTION

WAC 357-28-185 What is the requirement for employers to compensate employees for being called back to work? (1) If an overtime-eligible employee has finished the work shift and has left the worksite or is in paid leave status and is called to return to work outside of regularly scheduled hours to handle emergency situations which could not be anticipated, a minimum of two hours' pay must be guaranteed. The minimum of two hours of pay and any hours worked in excess of two hours must be compensated in accordance with WAC 357-28-255 if applicable.

(2) An employee on standby status called to return to work does not qualify for call back pay.

(3) The appointing authority may cancel a call back notification to work extra hours at any time, but cancellation must not waive the guarantee of two hours of call back pay.

(4) Overtime-exempt employees and employees assigned to the law enforcement overtime eligibility designation are not paid for being called back to work unless the employer authorizes that pay.

(5) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

NEW SECTION

WAC 357-28-190 When must an employee receive shift premium? (1) Shift premium at the rate specified in the compensation plan must be paid when:

(a) An employee is scheduled to work a shift in which the majority of hours worked daily or weekly are between 6:00 p.m. and 6:00 a.m.; or

(b) An employee is scheduled to work a shift which is split with a minimum of four intervening hours not worked.

(2) Shift premium must be paid for the entire daily or weekly shift that qualifies under subsection (1) of this section. Additionally, these employees are entitled to shift premium for all hours that the employees work adjoining that evening or night shift.

(3) Shift premium may be paid at a monthly rate as specified in the compensation plan for full time employees regularly assigned to a qualifying shift.

(4) An employee assigned to a shift that qualifies for shift premium pay must receive the same shift premium for authorized periods of paid leave and holidays and for up to five days of a temporary assignment to a shift that does not qualify. Continued payment of shift premium for a temporary assignment exceeding five days is at the discretion of the employer.

(5) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

(6) Exceptions to shift premium provisions may be approved by the director.

(7) For higher education employers, shift premium must not apply to police and fire officers where special pay salaries are correlated with a rotating shift in accordance with local practice.

(8) Employees may waive shift premium.

NEW SECTION

WAC 357-28-195 What general government positions must be paid supplemental shift premium? (1) Basic shift premium must be paid in accordance with WAC 357-28-190.

(2) Supplemental shift premium, as specified in the compensation plan, must be paid for positions in general government that require licensure as a registered nurse.

NEW SECTION

WAC 357-28-200 When must an employee receive holiday premium pay? (1) Overtime-eligible employees who are directed to work on a designated holiday as listed in

chapter 357-31 WAC, must receive their regular rate of pay for the holiday. In addition, employees must receive premium pay at the overtime rate for all hours worked on the holiday. This does not apply to employees assigned an emergency response fire officer work schedule; They must receive the overtime rate for eight hours rather than all hours worked. The employer may offer compensatory time off in lieu of monetary payment.

(2) Overtime-exempt employees do not qualify for holiday premium pay unless the employer determines otherwise.

(3) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

NEW SECTION

WAC 357-28-205 When must an employee receive standby pay? (1) Overtime-eligible employees required to restrict off-duty activities to be immediately available for duty must be compensated for time spent in standby status. Overtime-exempt employees are not eligible for standby pay unless the employer determines otherwise.

(2) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

NEW SECTION

WAC 357-28-210 What is the rate of compensation for standby pay? The rate of standby compensation must be specified in the compensation plan. The director may approve exceptions to standby rates based upon business requirements.

NEW SECTION

WAC 357-28-220 How are hours of work established for employees? Employers must establish hours of work and the workweek for all employees. Assignment of work hours outside of regularly scheduled shifts is allowed.

NEW SECTION

WAC 357-28-225 Are employers required to develop flexible time schedules? Employers must develop one or more flex-time schedules unless the employer determines that such schedules would impede service to the public or impede the employer in accomplishing its mission. Flex-time schedules must contain fixed core hours of work. They

must also contain starting and quitting times other than eight a.m. to five p.m.

NEW SECTION

WAC 357-28-230 Can an employer assign or reassign an employee to a flex-time schedule? The employer may assign or reassign any employee or group of employees to a flex-time schedule under WAC 357-28-252.

NEW SECTION

WAC 357-28-235 Can an employee request assignment to a flex-time schedule? Employees may request assignment to a flex-time schedule and the employer may grant or deny such assignment.

NEW SECTION

WAC 357-28-240 Must employers assign an overtime eligibility designation to each position? Employers must assign each position to one of the overtime eligibility designations identified in the compensation plan.

NEW SECTION

WAC 357-28-245 Is approval required when a general government employer changes a position's overtime eligibility designation? Approval from the director is required when a general government employer changes a position's overtime eligibility designation to overtime-exempt or law enforcement.

NEW SECTION

WAC 357-28-250 Must employers inform employees whether they are eligible to receive overtime compensation or not? (1) Employers must inform employees of whether or not their positions are eligible to receive overtime, including any subsequent change to their eligibility for overtime compensation.

(2) When employees are dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010, employers must inform employees of any temporary eligibility to receive overtime compensation. Employees must be informed in accordance with the employer's policy as approved by the director.

NEW SECTION

WAC 357-28-252 Under what conditions can the employer change an overtime-eligible employee's assigned hours? For a position, the employer may make changes to an overtime-eligible employee's assigned hours under the following condition(s):

(1) For temporary changes in work hours or shift for a period of thirty calendar days or less, the employer must provide two calendar days' notice to the employee. The day notification is given constitutes a day of notice. The employer may provide less than two calendar days' notice for the following reasons:

(a) When there are emergency conditions as defined by the employer, including employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010, and employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents;

(b) When there is a lack of work or a safety hazard to the employee and/or others; or

(c) When the change is requested by the employee and approved by the employing official.

(2) For permanent changes in work hours or shift for a period exceeding thirty calendar days, the employer must provide seven calendar days' notice to the employee. The day notification is given constitutes a day of notice.

(3) By mutual agreement, an individual employee and his/her supervisor may agree to a temporarily modified weekly schedule. Such scheduling is not considered a regular schedule and does not require advance notice.

NEW SECTION

WAC 357-28-255 What constitutes overtime for an overtime-eligible employee? (1) The following conditions constitute overtime for overtime-eligible employees:

(a) Work in excess of forty hours in one workweek, except for law enforcement positions or hospital personnel assigned to a fourteen-day schedule.

(i) For hospital personnel assigned to a fourteen-day schedule, work in excess of eight hours in any workday or eighty hours in a fourteen-day period constitutes overtime.

(ii) For law enforcement positions, work in excess of the one hundred sixty-hour, twenty-eight-day work period constitutes overtime.

(b) Work on a holiday per WAC 357-28-200.

(c) For full-time employees, work on a scheduled day off when assigned by the employer.

(2) All paid holidays during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is **not** considered time worked for purposes of determining overtime eligibility.

(3) When an overtime-eligible employee experiences a schedule change which causes an overlap in workweeks and requires work in excess of forty hours in either the previous or current workweek, the employee must receive overtime compensation.

(4) Compensation under the provisions of this section must be in accordance with the employer's policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections and department of social and health services who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

NEW SECTION

WAC 357-28-260 At what rate must overtime be compensated? Overtime worked by an overtime-eligible

employee must be compensated at a rate of one and one-half times the employee's regular rate.

NEW SECTION

WAC 357-28-265 For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked? For purposes of computing eligibility for overtime compensation, paid holidays during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is **not** considered time worked.

NEW SECTION

WAC 357-28-275 When may compensatory time off be granted in lieu of pay? An overtime-eligible employee must receive monetary payment as compensation for overtime worked. However, with an agreement between the employer and the employee, compensatory time off at one and one-half times the overtime hours worked may be granted in lieu of pay.

NEW SECTION

WAC 357-28-280 When may compensatory time off be used? The use of compensatory time must be in accordance with chapter 357-31 WAC.

NEW SECTION

WAC 357-28-285 When must compensatory time be paid in cash? (1) The accumulation of unused compensatory time of any amount that exceeds two hundred forty hours (240), or four hundred eighty hours (480) for employees engaged in public safety or emergency response activity, must be paid in cash at the regular rate earned by the employee at the time the employee receives such payment.

(2) Upon termination of employment, an employee must be paid for unused compensatory time in accordance with applicable state and federal law.

NEW SECTION

WAC 357-28-295 Who may provide performance recognition pay to employees? The director or employers who have received performance management confirmation for decentralized compensation administration may authorize additional pay to individuals or groups of employees on a lump sum basis to recognize outstanding accomplishments or the achievement of pre-defined work goals by individual employees or units. Any additional pay granted under this section is a premium that is not part of base salary.

NEW SECTION

WAC 357-28-300 Is there a limit to the amount an employee can receive for performance recognition pay? Performance recognition pay may not exceed fifteen percent (15%) of an employee's annual base salary unless approved by the director.

NEW SECTION

WAC 357-28-310 When can an employee receive relocation compensation? An agency director or higher education president may authorize a lump sum relocation payment, within existing resources, whenever:

(1) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(2) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

NEW SECTION

WAC 357-28-315 What would cause an employee to be required to pay back the relocation payment? If the employee receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, that employee may be required to pay back the lump sum payment. If the termination is a result of layoff, disability separation, or other good cause as determined by the agency director or higher education president, the employee will not have to pay back the relocation payment.

NEW SECTION

WAC 357-28-325 When will salary surveys be done? Salary surveys must be undertaken in accordance with applicable portions of chapter 41.06 RCW.

WSR 05-01-206

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed December 21, 2004, 3:27 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: This chapter of rules pertain to appointment and reemployment for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-031 on June 9, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-19-030, as a result of discussions with stakeholders, language has been changed in this section to add "or is elevated." Also WAC reference has been changed from WAC 357-52-080 to 357-46-110.

WAC 357-19-045, as a result of discussions with stakeholders, language was changed in this section to add "(or successor title)."

WAC 357-19-060, as a result of discussions with stakeholders, language was changed in this section to address if a trial service period may be extended.

WAC 357-19-080, as a result of discussions with stakeholders, new language was added in this section to address permanent employees accepting nonpermanent appointments during their trial service period. Added subsections (1)-(3). Subsection (3) was added to address counting time work in

the nonpermanent appointment towards the trial service period, as a result of discussions with stakeholders.

WAC 357-19-095, as a result of discussions with stakeholders, language was changed in this section to address an employee failing to meet the employer's standards during the probationary period. WAC reference number has been changed from WAC 357-52-120 to 357-46-180.

WAC 357-19-100, as a result of discussions with stakeholders, language was changed in this section to address an employee failing to meet the employer's standards during the trial service period.

WAC 357-19-105, as a result of discussions with stakeholders, language was added in this section to address reversion of an employee during the last seven days of a trial service period.

WAC 357-19-115, as a result of discussions with stakeholders, language was changed in this section to address which employer and position an employee would revert to. In subsection (1) added "or elevation" and also added reference to WAC 357-01-210. In subsection (2) added reference to WAC 357-01-210.

WAC 357-19-160, as a result of discussions with stakeholders, language was added in this section to address elevation following a demotion.

WAC 357-19-165, as a result of discussions with stakeholders, language was changed in this section to address the difference between reassignment and transfer.

WAC 357-19-170, as a result of discussions with stakeholders, new language was added to this section, "related board."

WAC 357-19-180, as a result of discussions with stakeholders, new language was added to this section, "request to."

WAC 357-19-190(3), as a result of discussions with stakeholders, added new language to this subsection, "or elevation." In subsection (5) changed WAC reference from 357-19-460 to 357-19-225.

WAC 357-19-225(3), originally this subsection was filed with the reference of WAC 357-28-210. As a result of discussions with stakeholders, this has been changed to reference WAC 357-28-165.

WAC 357-19-255, as a result of discussions with stakeholders, language has been added to this section to address length of time an employee must be at each step in an in-training plan.

WAC 357-19-295, as a result of discussions with stakeholders, language has been added to this section, "higher education."

WAC 357-19-315, as a result of discussions with stakeholders, language has been changed in this section from "their employment" to "the position."

WAC 357-19-325, as a result of discussions with stakeholders, the following language has been removed from this section, "that is in a new class."

WAC 357-19-330, as a result of discussions with stakeholders, language has been changed in this section to address the notification that employees and employers must give when an employee accepts an appointment to a project position. As a result of discussions with stakeholders, added language to address the alternative methods of notification.

WAC 357-19-340, originally this WAC was filed as "fifteen (15) calendar days notice." As a result of discussions with stakeholders this has been changed to "fourteen (14) calendar days notice."

WAC 357-19-388 and 357-19-410, as a result of discussions with stakeholders, language has been added to this WAC to addressing alternative methods of notification.

WAC 357-19-455, as a result of discussions with stakeholders, language was removed from this section addressing the reemployment definition.

WAC 357-19-470, as a result of discussions with stakeholders, language was changed in this WAC to address former employees seeking reemployment.

WAC 357-19-475(2), as a result of discussions with stakeholders, language has been added to this subsection addressing former employee.

WAC 57-19-505, as a result of discussions with stakeholders, language has been added to this section addressing the return-to-work initiative program.

WAC 357-19-535, as a result of discussions with stakeholders, language has been added to this section addressing related board.

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 90, 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 90, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Chapter 357-19 WAC

Appointment and Reemployment

NEW SECTION

WAC 357-19-005 What is the authority of general government employers to appoint employees to positions in the classified service? Under the authority of the director, general government employers may carry out the activities detailed in chapter 357-19 WAC.

NEW SECTION

WAC 357-19-010 What is the authority of higher education employers to appoint employees to positions in the classified service? Under the authority of RCW 41.06.-

133 and RCW 41.06.150, higher education employers may carry out the activities in chapter 357-19 WAC.

NEW SECTION

WAC 357-19-015 What must employers use as the basis for appointments under the civil service rules? Appointments within the classified service must be made on the basis of the appointee's ability to meet the competencies and other position requirements that are identified through job analysis.

NEW SECTION

WAC 357-19-017 What is the purpose of the probationary and trial service period? The probationary and trial service periods provide the employer with an opportunity to observe and assess an employee's work and to train and aid the employee in adjusting to the position in order to determine if the employee will be granted permanent status in that position.

NEW SECTION

WAC 357-19-020 When must an employee serve a probationary period? An employee who does not have permanent status must serve a probationary period when appointed to a permanent position.

NEW SECTION

WAC 357-19-025 When must an employee serve a trial service period? A permanent employee must serve a trial service period upon promotional appointment to a position in a new class.

NEW SECTION

WAC 357-19-030 When may an employee be required to serve a trial service period? A permanent employee who transfers, voluntarily demotes or is elevated may be required by the employer to serve a trial service period in accordance with the employer's policy per WAC 357-19-090. (See WAC 357-46-110 for information on when an employee may be required to serve a transition review period.)

NEW SECTION

WAC 357-19-040 How long is the probationary period? The director must establish the duration of the probationary period on a class-wide basis. The probationary period for a class must be from six (6) to twelve (12) months long.

The probationary period for the campus police officer class (or successor title) must extend from the date of appointment until twelve (12) months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve (12) months from the date of appointment if academy training is not required.

NEW SECTION

WAC 357-19-045 Can the length of a probationary period be extended? The probationary period for the class of campus police officer (or successor title) may not be extended. For all other classes, employers may extend the probationary period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve (12) months.

NEW SECTION

WAC 357-19-050 How long is a trial service period? The director must establish the duration of the trial service period on a class-wide basis. The trial service period for a class must be from six (6) to twelve (12) months in duration.

The trial service period for the campus police officer class (or successor title) must extend from the date of appointment until twelve (12) months following the successful completion of the Washington state criminal justice training commission basic law enforcement academy or twelve (12) months from the date of appointment if academy training is not required.

NEW SECTION

WAC 357-19-060 Can the length of a trial service period be extended? The trial service period for the class of campus police officer (or successor title) may not be extended. For all other classes, employers may extend the trial service period for an individual employee or for all employees in a class as long as the extension does not cause the total period to exceed twelve (12) months.

NEW SECTION

WAC 357-19-065 Is an employee's probationary or trial service period affected by the use of leave? An employee's probationary or trial service period is affected by the use of leave according to chapter 357-31 WAC.

NEW SECTION

WAC 357-19-070 What happens if an employee who is serving a probationary or trial service period accepts an appointment to another permanent position with the same employer? If an employee accepts an appointment to another permanent position with the same employer while serving a probationary or trial service period, the following applies:

(1) Time served in the initial probationary or trial service period counts towards the probationary or trial service period of the new position if the employer determines the positions or classes to which the positions are allocated are closely related; or

(2) The probationary or trial service period starts over if the employer determines the positions or classes to which the positions are allocated are not closely related.

NEW SECTION

WAC 357-19-075 What happens if an employee who is serving a probationary or trial service period is reassigned by the employer? If an employee is reassigned while serving a probationary or trial service period, time spent in the initial probationary or trial service period counts towards the probationary or trial service period of the position to which the employee was reassigned.

NEW SECTION

WAC 357-19-080 What happens if a permanent employee accepts a nonpermanent appointment during a trial service period? (1) If a permanent employee accepts a nonpermanent appointment during a trial service period and the employer has agreed to return the employee to a position at the conclusion of the nonpermanent appointment, the employer may: Suspend the trial service period and allow the employee to resume the trial service period when the employee returns from the nonpermanent appointment;

(2) Require the trial service period to start over when the employee returns from the nonpermanent appointment; or

(3) Count the time worked in the nonpermanent appointment towards the trial service period.

NEW SECTION

WAC 357-19-085 Does time worked in a nonpermanent appointment count towards the probationary or trial service period for a permanent position? If an employee in a nonpermanent appointment is subsequently appointed permanently to the same or a similar position, the employer may count time worked in the nonpermanent appointment towards the probationary or trial service period for the permanent position.

NEW SECTION

WAC 357-19-090 Must employers have a policy on probationary and trial service periods? Employers must publish a policy on probationary and trial service periods that minimally addresses the employer's basis for determining and notifying an employee:

(1) When a trial service period is required upon transfer, voluntary demotion or elevation as provided in WAC 357-19-030.

(2) When a probationary or trial service period is extended, per WAC 357-19-045 and 357-19-060; and

(3) When a probationary or trial service period is continued, per WAC 357-19-070.

NEW SECTION

WAC 357-19-095 What happens if an employee fails to meet the employer's standards during the probationary period? The employer may separate any probationary employee who fails to meet the employer's standards. The separation must be in accordance with WAC 357-46-180.

NEW SECTION

WAC 357-19-100 What happens if an employee fails to meet the employer's standards during the trial service period? The employer may revert any employee who fails to meet the employer's standards during the trial service period. The employee must be notified in accordance with WAC 357-19-105. Upon reversion, the employee has the rights provided by WAC 357-19-115 and 357-19-117.

NEW SECTION

WAC 357-19-105 How much notice must an employer give when reverting an employee? An employer must give seven (7) calendar days' written notice to an employee who is being reverted during a trial service period. If during the last seven (7) days of a trial service period, the employee commits an egregious act which warrants reversion, the employer may immediately revert the employee without seven (7) calendar days notice.

NEW SECTION

WAC 357-19-110 Can an employee voluntarily revert during the trial service period? (1) Within thirty (30) calendar days from the date of appointment, an employee has the right to voluntarily revert during a trial service period by providing seven (7) calendar days' written notice to the current employer. After thirty (30) calendar days from the date of appointment, an employee may voluntarily revert only at the discretion of the employer to which the employee has reversion rights.

(2) Upon voluntary reversion, the employee has the rights provided by WAC 357-19-115 through 357-19-117 with the **current employer**. At the discretion of the former employer, employees may voluntarily revert to the former employer and have the rights provided by WAC 357-19-115 through WAC 357-19-117 with the former employer.

NEW SECTION

WAC 357-19-115 To which employer and position would an employee revert? An employee who does not satisfactorily complete the trial service period has reversion rights with the current employer at the time of reversion. An employee has the right to revert to a position, if available, in accordance with the following:

(1) For employees reverting from trial service following a promotion, transfer or elevation, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the employee satisfies competencies and other position requirements and which is:

(a) Allocated to the class the employee last held permanent status in; or

(b) If no positions are available, allocated to a class which has the same or lower salary range maximum.

(2) For employees reverting from trial service following a voluntary demotion, the employer must revert the employee to a vacant position, or a position filled by a nonpermanent appointee as defined in WAC 357-01-210, for which the

employee satisfies the competencies and other position requirements and which is allocated to a class which has the same or lower salary range maximum as the class from which the employee is reverting.

NEW SECTION

WAC 357-19-117 Can a reverted employee be placed on a layoff list and in the general government transition pool? If the reverted employee is not returned to a permanent position in the class in which the employee last held permanent status, the employee is eligible to be placed on the employer's internal layoff list upon request. General government employees may also apply for placement in the transition pool.

NEW SECTION

WAC 357-19-120 Can employees be granted additional reversion rights? Employers may make agreements with employees for additional reversion rights within their own organization.

NEW SECTION

WAC 357-19-135 Can an employee appeal a trial service reversion? Employees who are reverted do not have the right to appeal the reversion.

NEW SECTION

WAC 357-19-140 Can an employer increase the hours of a position which is normally scheduled to work less than 40 hours a week? As necessary, employers may increase the hours assigned to a position which is normally scheduled to work less than forty (40) hours a week.

NEW SECTION

WAC 357-19-145 If an employer permanently increases the hours of a position, may an employee choose not to continue in the position? A permanent employee may choose not to continue in a position that has been permanently increased in hours of work in accordance with WAC 357-19-140. The employee has layoff rights in accordance with the employer's layoff procedure.

NEW SECTION

WAC 357-19-155 Can an employee voluntarily demote? Permanent employees may request to voluntarily demote to a position for which they meet the competencies and other position requirements.

NEW SECTION

WAC 357-19-160 Can an employee be elevated following a demotion? Employers may elevate an employee with permanent status to the class held by the employee immediately prior to being demoted or to a class in the same occupational category/class series which is between the cur-

rent class and the class from which the employee was demoted. Elevation must be to a position for which they meet the competencies and other position requirements. The employer may require the elevated employee to serve a trial service period.

NEW SECTION

WAC 357-19-165 What is the difference between reassignment and transfer? A reassignment is an employer-initiated move of an employee from one position to a comparable position in the same class or a different class with the same salary range maximum. A transfer is an employee-initiated move from one position within or between employers in the same class or a different class with the same salary range maximum.

NEW SECTION

WAC 357-19-170 Can an appointing authority reassign an employee? Within an agency or higher education institution/related board, an appointing authority may reassign an employee to a different position within the same class as long as the employee meets the competencies and other position requirements. (See WAC 357-19-175 for special provisions covering reassignments to different geographic areas.)

NEW SECTION

WAC 357-19-175 What are the provisions for reassigning a permanent employee to a different geographic area? When reassigning a permanent employee to a position in a different geographic area, the following applies:

- (1) If the reassignment is within a reasonable commute of the employee's domicile, the appointing authority may reassign the employee without the employee's agreement.
- (2) If the reassignment is outside of a reasonable commute of the employee's domicile and the employee does not agree to the reassignment, the employer's layoff procedure applies
- (3) The employer defines what is within a reasonable commute.

NEW SECTION

WAC 357-19-177 How does a reassignment affect an employee's status and pay? Reassignment must not result in a change in status and the employee's base salary must not be reduced. In accordance with WAC 357-19-075, the probationary period or trial service period continues if an employee is reassigned while serving a probationary period or trial service period.

NEW SECTION

WAC 357-19-180 Can an employee transfer? Permanent employees may request to transfer to another position in the same class or a different class with the same salary range maximum as long as the employee meets the competencies and other position requirements. The employer may require

the employee to serve a trial service period following a transfer. If the employee was in trial service status at the time of the transfer, the provisions of WAC 357-19-070 apply.

NEW SECTION

WAC 357-19-190 When is an employee appointed to a position with permanent status? An appointing authority must make a permanent status appointment of an employee under the following conditions:

(1) Upon successful completion of a probationary, trial service, or transition review period;

(2) Upon reassignment of a permanent employee who is not in trial service status;

(3) Upon transfer, demotion, or elevation when the employee is not required to serve a trial service period;

(4) Upon rehire from layoff or appointment to a position as a layoff option when a transition review period is not required;

(5) Upon conversion of an exempt position to the classified service, per WAC 357-19-225, if the incumbent has been employed for at least an amount of time equal to the probationary period for the class; and

- If the incumbent has not been employed that long, the employee must serve a probationary period. The employer may count the time spent in the position prior to conversion towards the probationary period.

(5) Upon the director conferring permanent status to an employee under remedial action provisions.

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

NEW SECTION

WAC 357-19-195 If a permanent employee in a classified position accepts an appointment to an exempt position, what is the employee's right to return to a position in the classified service? A permanent employee who accepts an appointment to an exempt position has the right to return to classified service at any time as long as the employee was not terminated from an exempt position for gross misconduct or malfeasance.

The employee's right is to a position in the highest class in which the employee previously held permanent status or to a position of similar nature and salary. The return right is to the most recent employer with which permanent status in the highest class was held. A position in the highest class does not necessarily mean return to the most recent employer.

If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

NEW SECTION

WAC 357-19-200 When must an employee apply to return to classified service from exempt service? Employees exercising return rights should provide as much advance notice as is practicable to the receiving employer. The

employee must apply to return to classified service within thirty (30) calendar days of:

- Separation from employment in the exempt position, or
- Separation from employment in any subsequent exempt position if there is no break in state service of more than thirty (30) calendar days between initial and subsequent exempt appointments.

Employees who apply for return to classified service within thirty (30) calendar days must be returned to a position at the time of separation from the exempt appointment or the time of application, whichever is later.

NEW SECTION

WAC 357-19-205 Upon return from exempt service, how is the employee's salary set? The employee's base salary must not be less than the employee's previous base salary in classified service, adjusted according to any changes to salary range that occurred while the employee was in exempt service.

NEW SECTION

WAC 357-19-215 Does an employee who was hired directly into exempt service have any rights to a classified position or layoff list? Exempt employees who did not leave the classified service specifically to take an exempt position do not have any rights under the civil service rules and are not eligible for placement on layoff lists in the general government transition pool.

NEW SECTION

WAC 357-19-220 What happens to an employee whose classified service position is converted to an exempt position? An employee who holds a classified service position that is exempted from civil service has the following rights:

(1) If the employee has permanent status and is appointed to the exempt position or to another exempt position, the employee has the right to return to the classified service at the conclusion of the exempt appointment as specified in WAC 357-19-195.

(2) If the employee has permanent status and is not appointed to the exempt position or another exempt position, the employee has the right to assume a position in the highest class previously held, or to a position of similar nature and salary. If upon an employee being returned to a classified position there are fewer positions than there are employees entitled to such positions, the employer's layoff procedure applies.

The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

NEW SECTION

WAC 357-19-225 How is an incumbent, whose position is converted from exempt to classified, placed within classified service? An incumbent whose position is con-

verted from exempt to classified service may be placed within the classified service as follows:

(1) If the incumbent has been continuously employed for a period of time equivalent to or greater than the probationary period established for the classified position, the incumbent will have permanent status and does not serve a probationary period. If the incumbent has been employed for less than the duration of the probationary period, WAC 357-19-020 applies.

(2) The incumbent is not required to pass a qualifying examination.

(3) Salary is set in accordance with WAC 357-28-165.

(4) The incumbent is credited with unused accrued sick leave at the time of conversion and continues to accrue sick leave as provided in chapter 357-31 WAC (Leave and Holidays Chapter).

(5) The incumbent is credited with unused accrued vacation leave at the time of conversion and accrues vacation leave at the same rate as for classified employees as provided in chapter 357-31 WAC.

(6) Seniority is established using the date of hire into the position that is being converted to classified service.

NEW SECTION

WAC 357-19-230 What are the provisions for appointing participants of the police corps programs? According to the terms and conditions of the federal police corps act, employers may appoint participants of the police corps program to positions in the classified service. Upon appointment, the civil service rules apply.

NEW SECTION

WAC 357-19-235 What are in-training positions? In-training positions are permanent positions for which the employer uses defined training steps to train employees to successfully perform the duties and responsibilities of the goal class. Each in-training position must have an in-training plan.

NEW SECTION

WAC 357-19-240 What positions can be designated as in-training? Employers may designate specific positions, groups of positions, or all positions in a class or an occupational category, as in-training positions. Unless other staffing methods have been exhausted, positions with primary responsibility for supervision should not be designated as in-training positions.

NEW SECTION

WAC 357-19-245 What components must be included in an in-training plan? The in-training plan must document:

- (1) The title of the goal class of the in-training plan.
- (2) The duties and responsibilities of the goal class.
- (3) The training steps and job classes that will be used to reach the goal class.

(4) The training content for each step of the in-training plan. The training must include at least one of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school, or professional training organization; or

(d) Written, oral, and/or practical examination(s).(5)

The length of the training steps that are being used to reach the goal class.

(6) The competencies that must be acquired by the employee while in training to the goal class.

(7) The method(s) that will be used to determine if the employee has successfully completed the requirements of the in-training plan.

NEW SECTION

WAC 357-19-250 During an in-training plan, when does an employee advance to the next training step? The employee automatically advances to the next training step and job class after satisfactory completion of the training requirements of the lower step. After successful completion of all training steps, the employee moves to the goal class.

NEW SECTION

WAC 357-19-255 How long must an employee be at each step in an in-training plan? In-training plans must provide a minimum of six months at each step of the in-training plan before progressing to the next step. The training plan at each step must include specific, quantifiable training objectives. Upon demonstration that the employee has satisfactorily achieved those training objectives in less than six months, the employer may waive the remainder of the time required at that training step.

NEW SECTION

WAC 357-19-260 While an employee is in an in-training appointment, what class is used to determine the employee's salary, work period designation, performance evaluation? For each in-training step, the training plan must identify the job class to which the employee's work is being allocated. The employee's salary, work period designation, and performance evaluation must be based upon the allocated class of the in-training step.

NEW SECTION

WAC 357-19-265 Must the employee serve a probationary or trial service period during an in-training appointment? An employee who does not have permanent status must serve a probationary period when appointed to an in-training position. Once an employee has permanent status, the employee must serve a trial service period at each training step within the in-training plan. When an employee is still in a probationary or trial service period and is advanced to the next training step in the in-training plan, the original probationary or trial service period continues and the employee

begins the trial service period of the next step. The original probationary or trial service period and the new trial service period run concurrently until the terms of the original probationary or trial service period are completed.

NEW SECTION

WAC 357-19-270 Does time spent in a position before the in-training appointment count towards the in-training period? Time spent in nonpermanent appointments in an in-training position before a permanent appointment to the in-training position is not usually counted towards the requirements of the in-training plan. If the employer determines that the work performed in the nonpermanent appointment and the competencies developed satisfy the training plan requirements, the employer may count the time.

The employer determines if time spent in a position before the position was designated as an in-training position counts towards the requirements of the in-training plan.

NEW SECTION

WAC 357-19-280 If an employee transfers from one in-training position to another in-training position, how is the training period affected? If an employee transfers from one in-training position to another in-training position, the terms of the in-training plan for the new position are in effect.

NEW SECTION

WAC 357-19-285 What happens to an employee who fails to progress satisfactorily through an in-training plan?

This table is used to determine what happens when an employee appointed to an in-training position fails to satisfactorily progress through the in-training plan.		
	Type of In-Training Position:	
	Class Series/Occupational Category: All positions in the occupational category/class series are designated as in-training positions by the employer	Individual position: The individual position is designated as an in-training position
Employee Status:		
Employee in Probationary Period	⇒ The employee must be separated in accordance with WAC 357-46-185.	⇒ The employee must be separated in accordance with WAC 357-46-185.
Employee in Trial Service Period	<i>If the employee WAS PERMANENT before the in-training appointment:</i> ⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class the employee held permanent status in before the in-training appointment.	⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class in which the employee was most recently permanent.

	<i>If the employee was NOT PERMANENT before the in-training appointment:</i> ⇒ The employee must be dismissed under the provisions of WAC 357-40-010.	
Employee achieved permanent status in job class of the current in-training step but is failing to progress to the next step	<i>If the employee WAS PERMANENT before the in-training appointment:</i> ⇒ The employee has reversion rights in accordance with WAC 357-19-115 to the class the employee held permanent status in before the in-training appointment. <i>If the employee was NOT PERMANENT before the in-training appointment:</i> ⇒ The employee must be dismissed under the provisions of WAC 357-40-010.	⇒ The employee is removed from the in-training position and has reversion rights in accordance with WAC 357-19-115 to a position, if available, in the class in which the employee currently holds permanent status.

NEW SECTION

WAC 357-19-290 What are the provisions for appointments under the Intergovernmental Mobility Act (P.L. 91-648)? The director may authorize appointments into the classified service from other governmental units for purposes of cross training or sharing of expertise across governmental boundaries, in accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) and RCW 41.04-170. Appointments made under this section must be time-limited.

NEW SECTION

WAC 357-19-295 What are cyclic year positions? Cyclic year positions are positions within higher education institutions and related higher education boards which are scheduled to work less than twelve full months each year, due to:

- Known, recurring periods in the annual cycle when the position is not needed; or
- Limited funding of the position.

Cyclic year positions are permanent positions and must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

NEW SECTION

WAC 357-19-297 What are the notification requirements for appointing an employee to a cyclic year position? Upon appointment and before the start of each annual cycle, incumbents of cyclic year positions must be informed in writing of their scheduled periods of leave without pay in the ensuing annual cycle. Scheduled, cyclic leave without pay does not constitute a break in service and is not deducted

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from the employees' seniority and does not affect the employees' vacation leave accrual rate.

NEW SECTION

WAC 357-19-305 What are project positions? Project positions are classified positions established for purpose of a defined project for which the employer expects the work to be of a time-limited nature with an expected end date.

NEW SECTION

WAC 357-19-310 How are project positions filled? Project positions must be filled in accordance with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

NEW SECTION

WAC 357-19-315 What are the notification requirements for appointing an employee to a project position? An employee appointed to a project position must be notified, in writing, of the status of the appointment and the expected ending date of the position.

NEW SECTION

WAC 357-19-320 Must an employee appointed to a project position serve a probationary period? An employee who does not have permanent status in classified service must serve a probationary period when appointed to a project position. The employee gains permanent status upon completion of the probationary period.

NEW SECTION

WAC 357-19-325 Must an employee with permanent status who is appointed to a project position serve a trial service period? In accordance with WAC 357-19-025, a permanent employee must serve a trial service period upon promotional appointment to project position.

In accordance with WAC 357-19-030, a permanent employee who voluntarily transfers or voluntarily demotes to a project position may be required by the employer to serve a trial service period.

NEW SECTION

WAC 357-19-330 What notices must employees and their employers provide to each other when an employee accepts an appointment to a project position? If a permanent employee wants to have return rights to the current employer, the employee must give fourteen (14) calendar days' notice to the current employer before moving to a project position. The employer and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employer must notify the employee in writing of his/her return right at the conclusion of the appointment to the project position.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-19-340 What return rights must an employer provide to a permanent employee who accepts an appointment to a project position? At a minimum, an employer must provide a permanent employee who left a permanent position to accept an appointment to a project position access to the employer's internal layoff list. If the employer agrees to return the employee to a position, the employee must provide fourteen (14) calendar days' notice to the employer of his/her intent to return to a permanent position unless the employee and employer agree otherwise. Upon return to a permanent position, the employee's salary is determined by the employer's salary determination policy.

NEW SECTION

WAC 357-19-345 What happens to employees in project positions at the conclusion of the project? At the conclusion of an appointment to a project position, the layoff provisions of chapter 357-46 WAC apply. In addition to the layoff rights provided by chapter 357-46 WAC, a permanent status employee who left a permanent position to accept appointment to a project position without a break in service has the additional rights provided by WAC 357-19-340.

NEW SECTION

WAC 357-19-360 For what reasons may a general government employer make nonpermanent appointments? A general government employer may fill a position with a nonpermanent appointment when any of the following conditions exist:

- (1) A permanent employee is absent from the position;
- (2) The agency is recruiting to fill a vacant position with a permanent appointment;
- (3) The agency needs to address a short-term immediate workload peak or other short-term needs;
- (4) The agency is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee(s); or
- (5) The nature of the work is sporadic and does not fit a particular pattern.

NEW SECTION

WAC 357-19-365 When is it inappropriate for a general government employer to fill a position with a nonpermanent appointment to address a short-term immediate workload peak or other short term needs? General government employers must not fill a position with a nonpermanent appointment under the provisions of WAC 357-19-360(3) when the work of the position is scheduled, ongoing and permanent in nature. If at any time during a nonpermanent appointment, a short-term workload peak or other short term need becomes ongoing and permanent in nature, the

employer must take action to fill the position on a permanent basis.

NEW SECTION

WAC 357-19-370 How long can a general government nonpermanent appointment last? (1) Agencies are encouraged to limit the duration of a nonpermanent appointment to twelve months from the appointment date.

(2) A nonpermanent appointment for a reason specified in WAC 357-19-360 (1) through (4) **must not** exceed twenty-four (24) months unless the director has approved an extension of the appointment due to the continued absence of a permanent employee. An employer may choose to not count time spent in formal training programs towards the twenty-four month limit. On-the-job training is not considered a formal training program for purposes of this rule.

NEW SECTION

WAC 357-19-373 What notification must a general government employer give a nonpermanent appointee? (1) Upon appointment, all nonpermanent appointees must be notified in writing of the conditions of their appointment and/or upon any subsequent change to the conditions of their appointment.

(2) The written notification must at a minimum contain the following information:

(a) The reason for the nonpermanent appointment in accordance with WAC 357-19-360;

(b) The hours of work and the base salary;

(c) The anticipated short-term duration or sporadic nature of the appointment;

(d) A statement regarding the receipt or nonreceipt of benefits. If the employee is to receive benefits, the statement shall include which benefits are to be received; and

(e) The right to request remedial action as provided in WAC 357-19-425.

NEW SECTION

WAC 357-19-375 Can an employee receive consecutive general government nonpermanent appointments? Individuals may receive consecutive nonpermanent appointments as long as any subsequent appointment is to a different position.

NEW SECTION

WAC 357-19-377 What provisions apply to general government nonpermanent appointments? General government nonpermanent appointments are subject to the following provisions:

(1) Nonpermanent appointees must meet the competencies and other requirements of the position to which they are appointed.

(2) Nonpermanent appointments may be filled on a non-competitive basis which means the employer is not required to comply with the rules on recruitment, assessment, and certification as provided in chapter 357-16 WAC.

(3) Nonpermanent appointments may be filled using the competitive process specified in chapter 357-16 WAC as long as the eligible applicant indicates a willingness to accept a nonpermanent appointment.

(4) Agencies may underfill a position with a nonpermanent appointment.

NEW SECTION

WAC 357-19-380 What provisions of the civil service rules apply to nonpermanent employees? The leave and holiday provisions of chapter 357-31 WAC and compensation provisions of chapter 357-28 WAC apply to employees in nonpermanent appointments.

NEW SECTION

WAC 357-19-385 Can a permanent employee accept a nonpermanent appointment? A permanent employee may accept a general government nonpermanent appointment.

NEW SECTION

WAC 357-19-388 What notices must employees and their employers provide each other when an employee accepts a nonpermanent appointment? Employees who accept a nonpermanent appointment must give their current employers at least fourteen (14) calendar days' notice before moving to a nonpermanent appointment. The current agency and employee may agree to waive or shorten the notice period.

When the current employer receives the employee's notice, the employee's permanent agency must notify the employee in writing of his/her return right to the agency at the conclusion of the nonpermanent appointment.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-19-395 What return rights must an agency provide to a permanent employee who accepts a nonpermanent appointment? At a minimum, the agency must provide the permanent employee access to the agency's internal layoff list. If the agency agrees to return the employee to a position, the employee must notify the agency of his/her intent to return to a permanent position at least fourteen (14) calendar days in advance of return unless the employee and agency agree otherwise. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

NEW SECTION

WAC 357-19-400 Can the agency convert a general government nonpermanent appointment to a probationary or trial service appointment? (1) When an agency uses a competitive process to make a nonpermanent appointment

to fill a position in the absence of a permanent employee or fill a position nonpermanently due to the impending or actual layoff of a permanent employee(s), the agency may change the status of the appointment to probationary or trial service if:

- (a) The permanent employee does not return to the position or the layoff action has been implemented; and
 - (b) The agency needs to fill the position permanently.
- (2) The agency may change the appointment status to trial service only if the employee held permanent status prior to accepting a nonpermanent appointment.

At the discretion of the appointing authority, time spent in the nonpermanent appointment may count towards the probationary or trial service period for the permanent position.

NEW SECTION

WAC 357-19-410 How much notice must an employer give for ending a nonpermanent appointment? The end date of a nonpermanent appointment may be set in the appointment letter. If the end date is not set in the appointment letter, the employer must give written notice of the termination date of the nonpermanent appointment. If the employee is a permanent state employee, the employer must provide at least fifteen (15) calendar days' notice. If the employee is not a permanent state employee, the employer must give one (1) work day's notice.

A nonpermanent appointment may be terminated immediately with pay in lieu of the one (1) work day of notice required for nonpermanent employees or the fifteen (15) calendar days' notice required for permanent employees.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

NEW SECTION

WAC 357-19-420 What are the appeal rights of general government nonpermanent employees? Employees without permanent status appointed to general government nonpermanent appointments have no appeal rights with the exception of remedial action as provided in WAC 357-19-430.

NEW SECTION

WAC 357-19-425 How does a general government nonpermanent employee request remedial action? Requests for remedial action by nonpermanent employees must be received in writing within thirty (30) days as provided in chapter 357-49 WAC. Following a director's review of the remedial action request, an employee may file exceptions to the director's decision in accordance with chapter 357-52 WAC.

NEW SECTION

WAC 357-19-430 When may the director take remedial action for general government nonpermanent employees and what does remedial action include? The

director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

- (1) The employer has made an appointment that does not comply with rules on nonpermanent appointment; or
- (2) The duration of a nonpermanent appointment as defined in WAC 357-19-360 (1) through (4) has exceeded twenty-four months without director approval.

NEW SECTION

WAC 357-19-455 What is reemployment? Reemployment is the appointment of a former permanent employee.

NEW SECTION

WAC 357-19-460 Is certification required to reemploy a former permanent status employee? (1) Employers may directly reemploy without certification former permanent status employees who have submitted an application for employment as long as:

- (a) The employer's internal layoff list or statewide layoff list for the class has no eligible candidates;
- (b) The former employee satisfies the competencies and other requirements of the position to which the employee is being reemployed; and
- (c) The former employee has applied for reemployment in accordance with any employer-established timeframes within which former employees must apply.

(2) Upon reemployment, the employee must serve a probationary period unless the employer determines otherwise.

NEW SECTION

WAC 357-19-465 Must employers provide reemployment services to employees separated due to disability under the provisions of WAC 357-46-160? Employers must provide special reemployment assistance to separated former permanent status classified employees of the employer for two years following separation due to disability under the provisions of WAC 357-46-160.

NEW SECTION

WAC 357-19-470 What reemployment services does the employer provide to a former employer seeking reemployment under the provisions of WAC 357-19-465? The employer will provide assistance, such as the following, to an eligible former employee seeking reemployment under the provisions of WAC 357-19-465:

- (1) Determination of job classes and/or positions for which the former employee is qualified;
- (2) Assistance regarding the employment/application process;
- (3) Reemployment consideration in accordance with the employer's certification procedure for positions for which the individual meets the competency and other position requirements; and
- (4) Access to training programs relevant to the job classes for which the former employee may become qualified.

NEW SECTION

WAC 357-19-475 To be eligible for reemployment following disability separation under WAC 357-19-465 what must the employee do? To be eligible for reemployment the former employee must:

(1) Complete and submit an application(s) for reemployment to the employer;

(2) Meet the competencies and other requirements of the class and/or position for which the former employee is applying; and

(3) Submit to the appointing authority a statement from a licensed health care provider affirming the former employee's fitness to return to work and specifying any work restrictions due to a physical, sensory, or mental disability of the individual.

(a) If the licensed health care provider's statement provides inadequate information, the former employee will obtain the necessary clarification from the licensed health care provider or provide a release to the personnel officer/appointing authority to communicate directly with the licensed health care provider regarding the disabling condition as it relates to employment. Such information will be obtained at the former employee's expense.

(b) The employer may require that the former employee be examined by a licensed health care provider of the employer's choice at the employer's expense.

NEW SECTION

WAC 357-19-480 Will employees returning from separation under WAC 357-19-465 serve a probationary period? Former permanent status employees returning from separation due to disability as set forth in WAC 356-19-465 must serve a probationary period unless the employer determines otherwise. Upon successful completion of the probationary period, the time between separation and reemployment will be treated as leave without pay and must not be considered a break in service.

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

NEW SECTION

WAC 357-19-505 What is the purpose of the return-to-work initiative program? The purpose of the return-to-work initiative program is to assist eligible general government permanent employees to return to work following an industrial injury. Eligibility requirements are specified in WAC 357-19-515.

NEW SECTION

WAC 357-19-510 Who is responsible for administering the return-to-work initiative program? The department is responsible for administering the general government return-to-work initiative program. The director must develop and implement appropriate operating procedures to facilitate this program.

NEW SECTION

WAC 357-19-515 Who is eligible to participate in the return-to-work initiative program? The return-to-work initiative program applies to general government permanent employees who have been separated due to disability or are at risk of separation due to disability because of an accepted industrial injury condition. They must also meet the following criteria to participate in the program:

(1) The employee must be a former permanent employee or a current employee of an employer who participates in the program;

(2) The employer must approve the participation of the employee to be in the program;

(3) The employee must be permanently unable to return to the job of injury due to the effects of the industrial injury; however, the employee must be capable of returning to some form of gainful employment;

(4) The employee must have an open industrial insurance claim for which the employee is receiving current time loss compensation benefits; and

(5) The department must be able to secure authorization from the department of labor and industries to bill return-to-work services against the industrial insurance claim.

NEW SECTION

WAC 357-19-525 What are the employer's responsibilities for return-to-work? Each employer must:

(1) Adopt a written return-to-work policy and submit a copy to the department.

(2) Designate an employer representative to be responsible for coordinating the employer's return-to-work program.

(3) Provide information on the employer's return-to-work policy to employees.

(4) Provide training of appropriate supervisors on implementation of the employer return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; general knowledge of available return-to-work options, resources available; and awareness that the return-to-work program expects cooperation and participation by all employers.

(5) Coordinate participation of applicable employee assistance programs, as appropriate.

(6) If possible, provide time-limited opportunities to employees who are in the return-to-work program.

NEW SECTION

WAC 357-19-530 Who is eligible to participate in the employer's return-to-work program? Employees are eligible to participate in the return-to-work employer's program under the following conditions:

(1) The employee is a permanent employee.

(2) The employee is receiving compensation under RCW 51.32.090.

(3) The employee has a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by a written statement from a physician or licensed mental health professional.

NEW SECTION

WAC 357-19-535 Are an employee's return-to-work opportunities limited to the agency or institution/related board which was the employer at the time of the qualifying injury? Permanent state employees who are receiving compensation under RCW 51.32.090 for a temporary disability are eligible to participate in agency or institution/related board return-to-work programs statewide when appropriate job classifications are not available with the employer that was the appointing authority at the time of qualifying injury. Employers must coordinate and cooperate with one another to provide return-to-work opportunities on a statewide basis.

WSR 05-02-006**PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed December 22, 2004, 4:18 p.m., effective January 22, 2004]

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

Purpose: These rules apply to director programs within the Business and Professions Division and establish when the director can use brief adjudicative proceedings (BAP) in place of formal adjudicative proceedings, the types of issues they can be used for, and clarify the conditions when a final order will be reconsidered. They also clarify how a party can file an objection to the BAP and request a conversion to a formal adjudicative hearing. BAPs are adjudicative proceedings under the Administrative Procedure Act, chapter 34.05 RCW, that are brief in form, that should take less time, and expedite a decision for an applicant or licensee.

Citation of Existing Rules Affected by this Order: Amending WAC 308-08-416.

Statutory Authority for Adoption: RCW 18.235.030 and chapter 34.05 RCW.

Adopted under notice filed as WSR 04-23-017 on November 5, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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 2, Amended 1, Repealed 0.

Date Adopted: December 22, 2004.

Fred Stephens
Director

NEW SECTION

WAC 308-08-525 **Brief adjudicative proceedings—When they can be used.** (1) The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the director. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the department issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

(o) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the department may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact

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exist but witness testimony is unnecessary to prove or disprove the relevant facts.

NEW SECTION

WAC 308-08-515 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings. (1) At least five days before the scheduled brief adjudicative proceeding, any party, including the department, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the agency.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

AMENDATORY SECTION (Amending WSR 90-21-086, filed 10/17/90, effective 11/17/90)

WAC 308-08-416 Petition for reconsideration of final orders. Pursuant to RCW 34.05.470, a petition for reconsideration of a final order must be filed in the Office of the Director, Department of Licensing, Highways-Licenses Building, Olympia, Washington, within ten days of service of the final order. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that there is material clerical error or specific material error of fact or law in the final order. Any response to the petition shall be filed with the office of the director within ten days of the date of service of the petition.

WSR 05-02-009

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 27, 2004, 9:44 a.m., effective January 27, 2005]

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

Purpose: WAC 458-20-255 Carbonated beverage syrup tax, explains the carbonated beverage syrup tax as imposed

by chapter 82.64 RCW. The carbonated beverage syrup tax is an excise tax on the number of gallons of carbonated beverage syrup sold in this state, for use in producing carbonated beverages. The rule has been amended to remove all references to the repealed carbonated beverage tax, which was an additional tax discussed in the rule. The information remaining in the rule has been reformatted in a more user-friendly manner.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-255 Carbonated beverage syrup tax.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Other Authority: Chapter 82.64 RCW.

Adopted under notice filed as WSR 04-18-036 on August 25, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 27, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 98-20-085, filed 10/6/98, effective 11/6/98)

WAC 458-20-255 Carbonated beverage ((and)) syrup tax. (1) **Introduction.** ~~((In 1991, the legislature amended chapter 82.64 RCW to impose a tax on the volume of carbonated beverages and syrups sold at wholesale and retail in this state with specific credits and exemptions provided. This tax is an excise tax on sales of carbonated beverages or syrups in this state. It is imposed in addition to all other taxes of an excise or property tax nature and is not in lieu of any other such taxes.~~

The tax on sales of carbonated beverages was repealed effective July 1, 1995, by Referendum 43. (Chapter 7, Laws of 1994 sp.s.) The tax on sales of syrup still applies.

(2) **Definitions.** For purposes of this section the following terms will apply:

(a) "Tax" means the carbonated beverage or syrup tax imposed by chapter 82.64 RCW.

(b) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide.

(i) Thus, "carbonated beverage" includes but is not limited to soft drinks, "soda pop," mineral waters, seltzers, fruit juices, or any other nonalcoholic beverages, including car-

bonated waters, which are produced for human consumption and which contain any amount of carbon dioxide.

(ii) However, "carbonated beverage" does not include bromides or other carbonated liquids commonly sold as pharmaceuticals.

(c) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under chapter 82.64 RCW. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which the tax has been paid on either the carbonated beverage or on the syrup in the carbonated beverage. For example, a retailer who produces a carbonated beverage by adding water and carbonation to a syrup, on which the tax has been paid to and collected by a wholesaler, incurs no additional tax liability because the tax has been paid upon the syrup and collected by the wholesaler.

(d) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage. Thus, "syrup" includes the concentrated liquid marketed by manufacturers to which the purchaser adds water and/or carbon dioxide, or, carbonated water to produce a carbonated beverage.

(e) "State" means for the credit provisions of this section:

(i) A state of the United States other than Washington, or any political subdivision of such other state,

(ii) The District of Columbia, and

(iii) Any foreign country or political subdivision thereof.

(f) Except as otherwise expressly defined in this section, the definitions of terms provided in chapters 82.04, 82.08, and 82.12 RCW apply equally for this section. Other terms not expressly defined in these chapters or this section are to be given their common and ordinary meanings.

(3) Tax imposition and measure. The tax is imposed on the wholesale or retail sale of carbonated beverages or syrups within this state. However, the tax on sales of carbonated beverages does not apply to such sales after June 30, 1995. (Chapter 7, Laws of 1994 sp.9.)

(a) The tax shall be paid by the buyer to the wholesaler and each wholesaler shall collect the tax from the buyer unless the wholesaler is prohibited from collecting the tax from the buyer under the Constitution of this state or the Constitution or laws of the United States in which case the wholesaler is liable for the amount of the tax. The amount of the tax required to be collected by the wholesaler is a debt from the buyer to the wholesaler until the tax is paid by the buyer to the wholesaler. A wholesaler who fails or refuses to collect the tax with intent to violate the provisions of chapter 82.64 RCW or to gain some advantage directly or indirectly, is guilty of a misdemeanor. When a retailer sells carbonated beverages or uses syrup which the retailer has purchased from a wholesaler who has not collected the tax, the retailer must report and pay the tax.

(i) When a bottler produces a carbonated beverage end product, the measure of the tax shall be the volume of the carbonated beverage end product sold at wholesale or retail.

(ii) Manufacturers of syrup are taxable on the sales of syrup only when such syrup is removed from the production process and sold without further processing by them or another manufacturer or bottler.

(iii) Examples. An ingredient used in the manufacturing process by a bottler of carbonated beverages is never taxed even if the ingredient is a syrup. Therefore, a manufacturer of syrup who sells an ingredient to another manufacturer of syrup or a bottler is not taxed on the ingredient sold even if the ingredient is a syrup. The product sold is not a taxable syrup but an ingredient in the manufacturing process. The purchasing manufacturer or bottler is taxed upon the end product produced by such manufacturer of syrup or bottler, or by a contract bottler hired by the manufacturer or bottler. Similarly, a manufacturer of syrup or bottler who receives a product from an out-of-state source for use as an ingredient in the manufacturing or bottling process is taxed when the end product produced is sold.

(b) The tax for carbonated beverages is imposed on each ounce of product sold. The tax for syrup is imposed on each gallon of product sold. Fractional amounts shall be taxed proportionally.

(4) Exemptions. The following are exempt from the tax:

(a) Any successive sale of a previously taxed carbonated beverage or syrup.

(i) In order to verify the payment of the tax, all persons selling or otherwise transferring possession of taxed beverages or syrup, except retailers, shall separately itemize the amount of the tax on the invoice, bill of lading, or other instrument of sale. Beer and wine wholesalers selling carbonated beverages or syrup upon which the tax has been paid and who are prohibited under RCW 66.28.010 from having a direct or indirect financial interest in any retail business may, in lieu of a separate itemization of the amount of the tax, provide a statement on the instrument of sale that the carbonated beverage and syrup tax has been paid. For purposes of the payment and the itemization of the tax, the tax computed on standard units of a product, cases, liters, gallons, etc., may be stated in an amount rounded to the nearest cent. In competitive bid documents, the tax will be considered to not be included in the bid price unless the bid documents separately itemizes the tax. In either case, the tax must be separately itemized on the instrument of sale except when the separate itemization is prohibited by law.

(ii) Any person prohibited by federal or state law, ruling or requirement from itemizing the tax on an invoice, bill of lading, or other document of delivery shall retain the documentation necessary for verification of the payment of the tax.

(iii) A subsequent sale of carbonated beverages or syrups sold or delivered upon an invoice, bill of lading, or other document of sale which contains a separate itemization of the tax shall be exempt from the tax.

(iv) However, a subsequent sale of carbonated beverages or syrups sold or delivered to the subsequent seller upon an invoice, bill of lading or other document of sale which does not contain a separate itemization of the tax is conclusively presumed to be previously untaxed carbonated beverage or syrup and the wholesaler must report and pay the tax. The retailer must report and pay the tax when the retailer purchases from a wholesaler who has not collected the tax.

(v) This exemption for taxes previously paid is available for any person selling previously taxed carbonated beverage or syrup even though the previous payment may have been

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satisfied by the use of credits or offsets available to the prior seller.

(vi) Example. Company A sells to Company B a carbonated beverage or syrup upon which it has paid a similar carbonated beverage or syrup tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid. It provides Company B with an invoice containing a separate itemization of the tax. Company B's subsequent sale is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(i) The exemption for the sale of exported carbonated beverages or syrups may be taken by any seller within the chain of distribution of such products in this state. To perfect its entitlement to this exemption the seller of such carbonated beverage or syrup must take from its buyer or transferee of the carbonated beverage or syrup a written certification in substantially the following form:

Certificate of Tax Exempt Export Carbonated Beverages or Syrup

I hereby certify that the carbonated beverages or syrups specified herein, purchased by the undersigned, from (seller), are for export for use or sale outside Washington state. I will become liable for and pay any carbonated beverage or syrup tax due on all or any part of such products which is not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

Registration No. _____ Type of Business _____
(If applicable)

Firm Name _____

Registered Name _____

(If different)

Authorized Signature _____

Title _____

Identity of Carbonated Beverages or Syrups _____

(Kind and amount by volume)

Date _____

This certificate may be used so long as some portion of the product is exported. Sellers are under no obligation to verify the amount of the product to be exported by their buyers providing such certificates. Buyers providing such certificates are, however, subject to penalties and interest, for any late payment of tax due on products not exported.

(ii) Each successive sale of such carbonated beverages or syrups must, in turn, take a certification in substantially this form from any other person to whom such carbonated beverages or syrups are sold. Failure to take and keep such certifications as part of its permanent records will incur carbonated beverage or syrup tax liability by such sellers if the tax has not been previously paid.

(iii) Persons who themselves export or cause the exportation of such products to persons outside this state for further

sale or use outside this state must keep the proofs of actual exportation required by WAC 458-20-193 (Inbound and out-bound sales of tangible personal property).

(c) Persons or activities which the state is prohibited from taxing under the United States Constitution:

(d) Any sale at wholesale of a trademarked carbonated beverage or syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell such trademarked carbonated beverage within a specific geographic territory.

(5) Credit. Credit shall be allowed against the taxes imposed by chapter 82.64 RCW for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under chapter 82.64 RCW with respect to that carbonated beverage or syrup.

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the sale at wholesale of carbonated beverages or syrup and is not generally imposed on other activities or privileges; and

(ii) That is measured by volume of the carbonated beverage or syrup:

(b) The amount of credit is limited to the amount of tax paid in this state upon the wholesale sale of the same carbonated beverage or syrup in this state. Also, the credit may not be applied against any tax paid or owed in this state other than the carbonated beverage or syrup tax imposed by chapter 82.64 RCW.

(6) How and when to pay tax.

The tax must be reported on a special line of the combined excise tax return designated "syrup" ("carbonated beverage or syrup" on returns covering periods prior to the repeal of the tax on sales of carbonated beverages). The volume reported shall be the net volume subject to tax, i.e., the gross volume sold less volume exempt.

(a) The tax is due for payment together with the timely filing of the return upon which it is reported, covering the tax reporting period during which the carbonated beverage or syrup is sold.

(i) A wholesaler making a wholesale sale of carbonated beverage or syrup in this state must collect the tax from the buyer and report and pay it to the department. The buyer is not obligated to report or pay the tax.

(ii) A retailer making a retail sale in this state of carbonated beverage or syrup purchased from a wholesaler who has not collected the tax must collect the tax from the buyer and report and pay it to the department. The buyer is not obligated to report or pay the tax.

(b) Various circumstances may arise whereby a person will sell carbonated beverages or syrups in this state, some of which have been previously taxed in this or other states and some of which may not. In such cases formulary tax reporting may be used, only after receipt of a special ruling issued by the department of revenue authorizing such formulary reporting.

(7) How and when to claim credit. Any tax credit available to the taxpayer should be claimed and offset against tax liability reported on the same excise tax return when possible. The tax return form provides a line for reporting tax on car-

bonated beverages and syrups and the credit shall be taken on the line for taking "other credits" as an offset against the tax reported. A statement showing the computation of the credit must be provided. It is not required that any other documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(8) Administrative provisions. The provisions of chapters 82.32 and 82.04 RCW regarding due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all such general administrative provisions apply equally to the carbonated beverage or syrup tax.)) This rule explains the carbonated beverage syrup tax (syrup tax) as imposed by chapter 82.64 RCW. The syrup tax is an excise tax on the number of gallons of carbonated beverage syrup sold in this state, for use in producing carbonated beverages that are sold at wholesale or retail in this state. The syrup tax is in addition to all other taxes.

Except as otherwise provided in this rule, the provisions of chapters 82.04, 82.08, 82.12 and 82.32 RCW regarding definitions, due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all general administrative provisions apply to the syrup tax.

This rule provides examples that identify a number of facts and then state a conclusion regarding the applicability of the syrup tax. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

(2) What is carbonated beverage syrup? Carbonated beverage syrup (syrup) is a concentrated liquid that is added to carbonated water to produce a carbonated beverage. "Syrup" includes concentrated liquid marketed by manufacturers to which purchasers add water, carbon dioxide, or carbonated water to produce a carbonated beverage. "Carbonated beverage" includes any nonalcoholic liquid intended for human consumption that contains any amount of carbon dioxide, such as soft drinks, mineral or carbonated waters, seltzers, fruit juices, or frozen carbonated beverages known as FCBs. "Carbonated beverage" does not include products such as bromides or carbonated liquids commonly sold as pharmaceuticals.

(3) When is syrup tax imposed and how is it determined? Syrup tax is imposed on the wholesale or retail sales of syrup within this state. The syrup tax is determined by the number of gallons of syrup sold. Fractional amounts are taxed proportionally.

(a) When should syrup tax be reported and paid? The frequency of reporting and paying the syrup tax coincides with the reporting periods of taxpayers for their business and occupation (B&O) tax. For example, a wholesaler who reports B&O tax monthly would also report any syrup tax liability on the monthly excise tax return.

(b) What if I sell both previously taxed and nontaxed syrups? Persons selling syrups in this state, some of which have been previously taxed in this or other states and some of which have not, may contact the department of revenue (department) for authorization to use formulary tax reporting. Prior to reporting in this manner, the person must receive a

special ruling from the department that allows formulary reporting. Persons selling previously taxed syrups should refer to subsections (5)(a) and (6) of this rule for information about an exemption or credit that may be applicable to such sales.

(4) Who is responsible for paying the syrup tax? This subsection explains who is responsible for payment of the syrup tax for both wholesale and retail sales of syrup in this state. (a) Wholesale sales. A wholesaler making a wholesale sale of syrup in this state must collect the tax from the buyer and report and pay the tax to the department. If, however, the wholesaler is prohibited from collecting the tax under the Constitution of this state or the Constitution or laws of the United States, the wholesaler is liable for the tax. A wholesaler who fails or refuses to collect the syrup tax with intent to violate the provisions of chapter 82.64 RCW, or to gain some advantage directly or indirectly is guilty of a misdemeanor. The buyer is responsible for paying the syrup tax to the wholesaler. The syrup tax required to be collected by the wholesaler is a debt from the buyer to the wholesaler, until the tax is paid by the buyer to the wholesaler. Except as provided in subsection (5)(b)(ii) of this rule, the buyer is not obligated to pay or report the syrup tax to the department.

(b) Retail sales. A retailer making a retail sale in this state of syrup purchased from a wholesaler who has not collected the tax must report and pay the tax to the department. Except as provided in subsection (5)(b)(ii) of this rule, the buyer is not obligated to pay or report the syrup tax to the department.

(5) Exemptions: This subsection provides information on exemptions from the syrup tax.

(a) Previously taxed syrup. Any successive sale of previously taxed syrup is exempt. "Previously taxed syrup" is syrup on which tax has been paid under chapter 82.64 RCW.

(i) All persons selling or otherwise transferring possession of taxed syrup, except retailers, must separately itemize the amount of the syrup tax on the invoice, bill of lading, or other instrument of sale. Beer and wine wholesalers selling syrup on which the syrup tax has been paid and who are prohibited under RCW 66.28.010 from having a direct or indirect financial interest in any retail business may, instead of a separate itemization of the amount of the syrup tax, provide a statement on the instrument of sale that the syrup tax has been paid. For purposes of the payment and the itemization of the syrup tax, the tax computed on standard units of a product (e.g., cases, liters, gallons) may be stated in an amount rounded to the nearest cent. In competitive bid documents, unless the syrup tax is separately itemized in the bid documents, the syrup tax will not be considered as included in the bid price. In either case, the syrup tax must be separately itemized on the instrument of sale except when the separate itemization is prohibited by law.

(ii) Any person prohibited by federal or state law, ruling, or requirement from itemizing the syrup tax on an invoice, bill of lading, or other document of delivery must retain the documentation necessary for verification of the payment of the syrup tax.

(iii) A subsequent sale of syrup sold or delivered upon an invoice, bill of lading, or other document of sale that contains a separate itemization of the syrup tax is exempt from the tax.

However, a subsequent sale of syrup sold or delivered to the subsequent seller upon an invoice, bill of lading, or other document of sale that does not contain a separate itemization of the syrup tax is conclusively presumed to be previously untaxed syrup, and the seller must report and pay the syrup tax unless the sale is otherwise exempt.

(iv) The exemption for syrup tax previously paid is available for any person selling previously taxed syrup even though the previous payment may have been satisfied by the use of credits or offsets available to the prior seller.

(v) Example. Company A sells to Company B a syrup on which Company A paid a similar syrup tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid (see subsection (6) of this rule). It provides Company B with an invoice containing a separate itemization of the syrup tax. Company B's subsequent sale is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Syrup transferred out-of-state. Any syrup that is transferred to a point outside the state for use outside the state is exempt. The exemption for the sale of exported syrup may be taken by any seller within the chain of distribution.

(i) Required documentation. The prior approval of the department is not required to claim an exemption from the syrup tax for exported syrup. The seller, at the time of sale, must retain in its records an exemption certificate completed by the buyer to document the exempt nature of the sale. This requirement may be satisfied by using the department's "Certificate of Tax Exempt Export Carbonated Beverage Syrup," or another certificate with substantially the same information. A blank exemption certificate can be obtained through the following means:

(A) From the department's internet website at <http://dor.wa.gov>;

(B) By facsimile by calling Fast Fax at (360) 705-6705 or (800) 647-7706 (using menu options); or

(C) By writing to: Taxpayer Services, Washington State Department of Revenue, P.O. Box 47478, Olympia, Washington 98504-7478.

(ii) The exemption certificate may be used so long as some portion of the syrup is exported. Sellers are under no obligation to verify the amount of syrup to be exported by their buyers providing such certificates. Buyers providing exemption certificates for exported syrup agree to become liable for tax and any associated penalties and interest on syrup that is not exported.

(iii) Example. Company A sells a previously untaxed syrup to Company C. Company C provides the seller with a completed exemption certificate as explained in subsection (5)(b)(i) of this rule. Company C sells the syrup to Company D, who provides Company C with an exemption certificate. Company D decides to not export a portion of the purchased syrup. Companies A and C can both accept exemption certificates. Company D is responsible for paying syrup tax on the syrup not exported.

(iv) Persons who make sales of syrup to persons outside this state must keep the proofs required by WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) to substantiate the out-of-state sales.

(c) Taxation prohibited under the United States Constitution. Persons or activities that the state is prohibited from taxing under the United States Constitution are exempt.

(d) Wholesale sales of trademarked syrup to bottlers. Any wholesale sale of a trademarked syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell the trademarked carbonated beverage within a specific geographic territory is exempt.

(6) Credit for syrup tax paid to another state. Credit is allowed against the taxes imposed by chapter 82.64 RCW for any syrup tax paid to another state with respect to the same syrup. The amount of the credit cannot exceed the tax liability arising under chapter 82.64 RCW. The amount of credit is limited to the amount of tax paid in this state upon the wholesale sale of the same syrup in this state. In addition, the credit may not be applied against any tax paid or owed in this state other than the syrup tax imposed by chapter 82.64 RCW.

(a) What is a state? For purposes of the syrup tax credit, "state" is any state of the United States other than Washington, or any political subdivision of another state; the District of Columbia; and any foreign country or political subdivision of a foreign country.

(b) What is a syrup tax? For purposes of the syrup tax credit, "syrup tax" means a tax that is:

(i) Imposed on the sale at wholesale of syrup and is not generally imposed on other activities or privileges; and

(ii) Measured by the volume of the syrup.

(c) How and when to claim the credit. Any tax credit available to the taxpayer should be claimed and offset against tax liability reported on the same excise tax return when possible. The excise tax return provides a line for reporting syrup tax, and the credit must be taken in the credit section under the credit classification "other credits." A statement showing the computation of the credit must be provided. It is not required that any other documents or other evidence of entitlement to credits be submitted with the return. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

WSR 05-02-010

PERMANENT RULES

DEPARTMENT OF REVENUE

(Filed December 27, 2004, 9:46 a.m., effective January 27, 2005)

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

Purpose: This rule is being repealed because of 2004 legislation that changed the taxation of timber on publicly owned land; see chapter 177, Laws of 2004 (otherwise known as ESHB 2693). As a direct result of ESHB 2693 as of January 1, 2005, a timber harvester will have to pay timber excise tax on the timber harvested from public lands instead of personal property tax. With the elimination of personal property tax owed because of a sale of public timber, which was the focus of WAC 458-12-320, the rule is no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-320 Timber—Ownership—Valuations—Roads—Easements.

Statutory Authority for Adoption: RCW 84.04.080.

Other Authority: RCW 84.33.040 and 84.33.078.

Adopted under notice filed as WSR 04-21-091 on October 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 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 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 1.

Date Adopted: December 27, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

WSR 05-02-014

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 27, 2004, 1:36 p.m., effective January 27, 2005]

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

Purpose: This amendment to WAC 388-310-0800 WorkFirst support services, will increase the limits for the transportation allotments. This is to help reduce the financial burden on clients participating in job search.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.08A.340.

Adopted under notice filed as WSR 04-22-115 on November 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-21-154, filed 10/22/03, effective 10/27/03)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted (WAC 388-310-1600);

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to six months after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family

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violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

*** Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$((10)) 25 for immediate need, or \$((20)) 40 twice a month if you live within 40 miles of your local WorkFirst office, or \$((30)) 60 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

WSR 05-02-015

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 27, 2004, 1:40 p.m., effective January 27, 2005]

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

Purpose: To amend WAC 388-412-0005 General information about your cash benefits, in order to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month for the cash assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-412-0005.

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Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-17-116 on August 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0005 General information about your cash benefits. (1) Each separate cash assistance unit (AU) gets a separate benefit amount. If several AUs live in the same house, each AU gets a separate benefit amount.

(2) You cannot receive the same type of benefits in:

(a) Two states in the same month;

(b) Two AUs in the same month; unless

(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If you are married and both you and your spouse get general assistance, you and your spouse are one AU.

~~((3))~~ (4) Your grant is rounded down to the next whole dollar amount unless:

(a) You get a clothing and personal incidental (CPI) allowance; or

(b) Your benefits are reduced to pay an overpayment.

~~((4))~~ (5) We do not issue any cash benefits if you are eligible for less than ten dollars unless:

(a) You get a CPI allowance;

(b) Your benefits are reduced to pay an overpayment; or

(c) You get Supplemental Social Security (SSI) interim assistance payments.

WSR 05-02-016

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 27, 2004, 1:43 p.m., effective January 27, 2005]

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

Purpose: To amend WAC 388-412-0015 General information about your Basic Food allotments, in order to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month for the Basic Food program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-412-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-13-098 on June 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-22-038, filed 10/28/03, effective 12/1/03)

WAC 388-412-0015 General information about your Basic Food allotments. (1) Your monthly Basic Food benefits are called an allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

(2) You cannot receive the same type of benefit in:

(a) Two states in the same month;

(b) Two AUs in the same month, unless;

(c) You left the AU to live in a shelter for battered women and children. See WAC 388-408-0045.

(3) If your AU does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments.

~~((3))~~ (4) If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment by:

(a) Multiplying your AU's countable net monthly income by thirty percent;

(b) Rounding this amount up to the next whole dollar; and

(c) Subtracting the result from the maximum allotment.

~~((4))~~ (5) If we determine you are eligible for Basic Food, your first month's benefits are from the date you applied for benefits through the end of the month of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-

406-0055. This is called proration and is based on a thirty-day month.

~~((5))~~ (6) If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.

~~((6))~~ (7) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

~~((7))~~ (8) If your AU has one or two members, your monthly allotment will be at least ten dollars unless:

- (a) It is the first month of your certification period;
- (b) Your AU is eligible for only a partial month; and
- (c) We reduced your first month's allotment below ten dollars based on the date ~~((your))~~ you became eligible for Basic Food under WAC 388-406-0055.

WSR 05-02-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 27, 2004, 1:45 p.m., effective January 27, 2005]

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

Purpose: To amend WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit, in order to clarify that the child's caretaker relative may choose to include the child only in the grant when the caretaker relative is not the child's parent and does not live with the child's parents.

Citation of Existing Rules Affected by this Order: Amending WAC 388-408-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-17-115 on August 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit? If you are a child's parent or other caretaker relative (a relative who cares for the child's basic needs as defined in WAC 388-454-0010), use the table below to find who you may choose to include or exclude in your TANF or SFA AU. If you include a child in your AU, it could cause you to get more or less benefits. If someone is not allowed in the AU under WAC 388-408-0020, you cannot choose to include them in your TANF or SFA AU.

(1) If you are the parent of the child, you may choose whether or not to include:	(a) Yourself in the AU if the child gets SSI; and (b) The child in the AU if: (i) You already receive TANF or SFA; (ii) You are not married to the child's other parent; and (iii) The child lives with both parents.
(2) If you are not the child's parent, and do not live with the parents of the child, you may choose to ((include either)) :	(a) <u>Include</u> yourself if you are a relative defined in WAC 388-454-0010; ((or)) (b) <u>Include</u> someone else that cares for the child and is a relative defined in WAC 388-454-0010; <u>or</u> (c) <u>Receive a grant for the child only.</u>
(3) <u>If you are the child's parent or caretaker relative, you may choose whether or not to include any of the following children:</u>	(a) Brothers or sisters of a child who gets SSI; (b) Stepsisters and stepbrothers of a child; and (c) Other children that are not the child's brother or sister.

WSR 05-02-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)

[Filed December 27, 2004, 1:47 p.m., effective January 27, 2005]

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

Purpose: Amending WAC 388-02-0215 What is the authority of the ALJ?, the amendments:

- Permit the DSHS Board of Appeals to review initial orders entered by Office of Administrative Hearings administrative law judges in cases where an alleged perpetrator of abuse, abandonment, neglect or financial exploitation of a vulnerable adult requested a hearing to challenge a substantiated adult protective services finding under chapters 74.34, 74.39 and 74.39A RCW and WAC 388-71-01235 through 388-71-01275;
- Revise language to clarify the scope of subsections (4)(l) and (4)(o); and
- Update cross references in subsections (4)(l) and (4)(o).

Citation of Existing Rules Affected by this Order: Amending WAC 388-02-0215.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V.

Adopted under notice filed as WSR 04-20-042 on September 30, 2004.

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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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-046, filed 6/11/03, effective 7/12/03)

WAC 388-02-0215 What is the authority of the ALJ?

(1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, the ALJ may:

(a) Determine the order for presenting evidence;

(b) Issue subpoenas or orders directing witnesses to appear or bring documents;

(c) Rule on objections, motions, and other procedural matters;

(d) Rule on an offer of proof made to admit evidence;

(e) Admit relevant evidence;

(f) Impartially question witnesses to develop the record;

(g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:

(a) Adult family home licenses under chapter 388-76 WAC;

(b) Boarding home licenses under chapter 388-78A WAC;

(c) Resident protection program findings under WAC 388-97-077;

(d) Nursing home licenses under WAC 388-97-550 through 388-97-695;

(e) (~~Placement of personal aides providing self directed care on a state registry under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155~~) Adult protective services findings of abandonment, abuse, financial exploitation or neglect under chapters 74.34, 74.39, 74.39A RCW and WAC 388-71-01235 through 388-71-01275;

(f) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Where the client has requested a hearing under WAC 388-71-0560, the denial of a contract to a provider due to inability of the provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Where the client has requested a hearing under WAC 388-71-0560, the denial or termination of a contract and subsequent denial of payment to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710(5) and WAC 388-71-0540 (3) through (5);

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203, and under chapter 388-72A WAC, except for WAC 388-72A-0055(2), 388-72A-0060(1), and 388-72A-0065 (4) through (6);

(k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;

(l) Licensing or certification of (~~child foster care~~) homes, programs, facilities, providers, and agencies serving children, juveniles, expectant mothers and developmentally disabled persons under chapter 74.15 RCW and chapters 388-140, 388-145, ~~388-147~~, 388-148 and 388-160 WAC;

(m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, (~~and~~) ~~388-155, 388-295 and 388-296~~ WAC;

(p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;

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(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);

(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;

(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;

(u) Chemical dependency treatment provider certification under chapter 388-805 WAC;

(v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;

(w) Denial or termination of eligibility for services under WAC 388-825-030 and 388-825-035, for which a hearing has been held under WAC 388-825-120 (1)(a);

(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120 (1)(b);

(y) Authorization, denial, reduction, or termination of services under WAC 388-825-055, for which a hearing has been held under WAC 388-825-120 (1)(c);

(z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;

(aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;

(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17); or

(dd) Background checks under WAC 388-06-0110 that result in denial of authorization for unsupervised access to children or to individuals with developmental disabilities, for which a hearing has been held under WAC 388-06-0240(1); or

(ee) Cases for which a right to a hearing existed, if the request for a hearing was received by OAH or DSHS on or before November 14, 2002, and WAC 388-740-0060 and 388-891-0275 did not apply.

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

(6) A review judge has the same authority as an ALJ when presiding at a hearing.

WSR 05-02-020

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed December 27, 2004, 3:10 p.m., effective January 27, 2005]

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

Purpose: The current WAC is outdated, and the update is necessary in order to stay current with the changing technology of school bus warning lamp systems.

Citation of Existing Rules Affected by this Order: Amending chapter 204-74A WAC.

Statutory Authority for Adoption: RCW 46.37.290, 46.37.005.

Adopted under notice filed as WSR 04-21-021 on October 13, 2004.

A final cost-benefit analysis is available by contacting Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-3697, fax (360) 586-8233, e-mail Christine.Fox@wsp.wa.gov.

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 3, 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.

Date Adopted: December 21, 2004.

Lowell Porter
Chief

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

WAC 204-74A-040 Eight lamp warning system. (1) The warning system shall consist of a total of eight lamps, two amber and two red on both the front and the rear of the bus. The lamps shall conform to SAE Standard J887a, J1318 or that standard in effect for such lamps at the time of the manufacture of such lamps.

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

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

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

WAC 204-74A-050 Operation of lamps. (1) Operation of the warning lamp system shall be in compliance with FMVSS 108. Activation of the warning lamp sequence shall begin only by means of a manually-operated switch. Such activation will cause the right and left amber lamps to flash alternately until the stop signal arm is extended, or the bus entrance door is opened, at which time the amber lamps shall be automatically deactivated and the right and left red lamps shall be automatically activated. Whenever the warning lamp

system has been activated, opening of the entrance door shall automatically deactivate the amber lamps, cause the stop signal arm to extend, and activate the red lamps. Automatic extension of the stop signal arm does not apply to systems equipped with a manually operated stop signal arm. All lamps shall flash at a rate from sixty to one hundred twenty times per minute and shall reach full brilliance during each cycle.

(2) Lamp controls shall consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WSR 05-02-026

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2004-01—Filed December 29, 2004, 11:34 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: The existing insurance scoring rules, chapter 284-24A WAC, were reviewed and rewritten to provide more information. These new rules will reduce OIC staff time in reviewing rate filings. These new rules will also reduce consumer complaints because consumers will have better information about adverse actions taken by insurers based on insurance scores.

Citation of Existing Rules Affected by this Order: Amending WAC 284-24A-005, 284-24A-010, 284-24A-045, 284-24A-050, 284-24A-055, and 284-24A-065.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.545, 48.19.035, and 48.30.010.

Adopted under notice filed as WSR 04-22-089 on November 2, 2004.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 284-24A-005, bullet three was amended to differentiate between the residential property and the vehicle location;
- WAC 284-24A-010(2) was amended to include the statute reference; and subsection (3) was deleted;
- WAC 284-24A-011 (1)(c) was reworded;
- WAC 284-24A-012, "reasonably" was added to the first paragraph;
- WAC 284-24A-032, "(b)" was added to the RCW cite;
- WAC 284-24A-065(6), the last sentence was deleted.

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 4, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 6, Repealed 0.

Date Adopted: December 29, 2004.

Mike Kreidler
Insurance Commissioner
by Mike Watson

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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))~~ property location for residential property insurance and to the vehicle's garage location for personal auto insurance.

"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.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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))~~ as defined in RCW 48.18.545 (1)(a). The insurer is responsible for making sure that the reason(s) an adverse action occurred is written in reasonably clear and simple language, even if the reason(s) is provided to the insurer by a vendor.

NEW SECTION

WAC 284-24A-011 What types of information must an insurer provide in addition to the reason(s) for the adverse action to comply with WAC 284-24A-010(3)? (1) Insurers must provide information that helps the consumer determine why the consumer was charged a higher premium or determined to be ineligible for coverage by the insurer. The following information must be included with the reason for the adverse action:

(a) A description of the attribute of credit history that adversely affected the consumer's insurance score;

(b) How the attribute of credit history affected the insurance score; and

(c) Any actions that are available to the consumer that may improve this attribute of the insurance score.

(2) If an insurer refers to insurance industry research or studies to justify the effect of an insurance score on premiums or eligibility for coverage, the insurer must file those studies with the insurance commissioner so that they are available for public disclosure.

NEW SECTION

WAC 284-24A-012 What types of reasons do not provide enough information to adequately explain an adverse action? An insurer must explain any adverse action in reasonably clear and simple language. Insurers must not use phrases that do not explain why the consumer was charged a higher premium or determined to be ineligible for coverage by the insurer.

(1) Explanations of adverse actions that do not meet this standard include, but are not limited to:

(a) Unfavorable length of credit history.

(b) Absence of revolving credit account.

(c) Age of oldest account or revolving credit account.

(d) Age that consumer first opened a credit account.

(e) Unfavorable number of bank or revolving accounts.

(f) Unfavorable debt ratio.

(g) Unfavorable number of accounts opened in past year.

(2) Insurers must not use the term "unfavorable" to describe an attribute of credit history because it does not provide clear information to the consumer about their credit history.

NEW SECTION

WAC 284-24A-032 Under RCW 48.19.035 (2)(b) what does "eligibility rules or guidelines" mean? "Eligibility rules or guidelines" mean rules that determine whether a consumer is eligible for insurance from a single insurer or a

group of affiliated companies. Eligibility rules or guidelines do not include rules that determine which company within an affiliated group of companies a consumer will be placed based on their insurance score or other underwriting criteria.

NEW SECTION

WAC 284-24A-033 How will an insurer or a group of affiliated insurers know its eligibility rules or guidelines will be withheld from public inspection? Eligibility guidelines will be kept as confidential records if they:

- (1) Conform to the definition in WAC 284-24A-032; and
- (2) Are clearly identified.

To ensure confidentiality, insurers should submit eligibility guidelines in a separate and distinct part of the related rate filing so they may be separated from other documents in the filing that are public records under RCW 48.19.040(5).

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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 multi variate 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 or an insurance score to revise a risk classification plan, rating factor, rating plan, rating tier, or base rates.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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;))~~ Insurance score;
 - (ii) Territory and/or ~~((location))~~ geographic area;
 - (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;))~~ Insurance score;
 - (ii) Driver class;
 - (iii) Multicar discount;
 - (iv) Territory and/or geographic area;
 - (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.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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, which may be grouped in broader categories in a manner acceptable to the commissioner;

- (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.

AMENDATORY SECTION (Amending Matter No. R 2001-11, filed 9/6/02, effective 10/7/02)

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 organiza-

tion. 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))~~ an insurer 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))~~ Your insurer 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.))~~

WAC 458-12-110 has been amended to update existing information and to incorporate portions of the rules being repealed by explaining the process for listing and assessing taxable personal property by the assessor when the taxpayer fails or refuses to provide the information to the assessor as required under chapter 84.40 RCW. The rule also explains how and when penalties are imposed and provides examples.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-095 Listing of personalty—Partial listing, 458-12-100 Listing of personalty—Omitted property—Omitted value and 458-12-105 Listing of personalty—Willful failure to list or fraudulent listing—Penalty; and amending WAC 458-12-050 ~~((Listing of real property—))~~ Omitted property and omitted value and 458-12-110 ~~((Listing of personalty—Estimate listing penalty))~~ Listing of personal property by the assessor—Penalties for failing to list personal property and for making a false or fraudulent listing.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Other Authority: RCW 84.40.040, 84.40.080, 84.40.085, 84.40.130, and 84.40.200.

Adopted under notice filed as WSR 04-20-109 on October 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 3.

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 3.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-050 ~~((Listing of real property—))~~ Omitted property and omitted value. ~~((Whenever any real property is omitted from the assessment rolls, the assessor shall have the right and duty to go back and separately value and list such property as omitted property. When improvements or land are omitted, the assessor shall check back for a period of three years and base his assessment on the value of the improvements as of the year or years omitted regardless of the reason why the improvements or land were omitted from the rolls. If it is found that a bona fide purchaser (third party) had purchased or acquired any interest in the property prior to the time such improvements are assessed and without knowledge that the property is omitted, then there shall be no assessment made. (RCW 84.40.080) If any question arises as~~

WSR 05-02-034

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 30, 2004, 10:57 a.m., effective January 30, 2005]

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

Purpose: WAC 458-12-050 has been amended to update existing information and to incorporate portions of the rules being repealed by defining omitted property and omitted value and explaining how the assessor deals with omitted property and value under chapter 84.40 RCW. The rule also explains when the taxes are due on omitted property and value assessments, and the appeal rights of persons affected by these assessments.

to whether or not the improvement has in fact been omitted, the burden of proof shall be on the assessor to show that it has. (TCR 3-17-1953) Under no circumstances, however, is this section to be used for the purpose of revaluation or reassessment. (Wood Lbr. Company v. Whatcom County, 5 Wn.2d 63 (1940))

Once the omitted improvement assessment is made the taxpayer shall have one year from the date the tax for the current year becomes due to pay the back taxes without penalty or interest. (RCW 84.40.080.)) (1) **Introduction.** Under RCW 84.40.080, an assessor is required to add to the assessment roll any real or personal property omitted from the assessment roll for any preceding year, at the value for the preceding year. The assessor is also required to add to the assessment roll any omitted value of personal property. This rule explains the meaning of the terms "omitted property" and "omitted value." It also provides information about omitted property and omitted value assessments, including when the taxes on these assessments are due and the appeal rights of persons receiving an omitted property or omitted value assessment.

(2) **What is omitted property?** Omitted property includes all real and personal property that was not entered on the assessment roll. Omitted property does not include:

(a) Real or personal property that was listed on the assessment roll but improperly exempted from taxation in prior years; and

(b) Real or personal property that was accurately listed but improperly valued by the assessor.

(3) **What is omitted value?** Omitted value includes all personal property that was assessed at less than its true and fair value due to inaccurate reporting by the taxpayer or person making the listing. Omitted value does not include:

(a) Personal property that was listed on the assessment roll but improperly exempted from taxation in prior years; and

(b) Personal property that was accurately listed but improperly valued by the assessor.

(4) **What is the duty of the assessor upon discovery of omitted property or value?** Whenever the assessor discovers or is made aware of omitted property or omitted value, the assessor is required to make an omitted property or omitted value assessment at the property's true and fair value for each year omitted, subject to the requirements of (a) and (b) of this subsection. The assessor is required to notify the property owner or taxpayer of the omitted property or value assessment for each year omitted and the value shall be stated separately from the value of any other year. The assessor must value real property for the years omitted in accordance with the revaluation cycle of the county. For an omitted value assessment, the assessor must provide the taxpayer with a copy of the amended personal property statement along with a letter of particulars informing the taxpayer of the assessor's findings. The assessor must also notify the property owner or taxpayer of the right to appeal an omitted value assessment to the board of equalization and the right to request the board be reconvened to act on the omitted property or omitted value assessment.

(a) **Improvements omitted from the assessment roll.** Where improvements have not been valued and assessed as a

part of the real estate upon which the improvements are located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property. No such omitted assessment can be made where a bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in the property prior to the time the improvements are assessed. Thus, if a purchaser, encumbrancer, or contract buyer has acquired an interest in improvements that have been omitted from the assessment roll by giving valuable consideration, in good faith, and without actual or constructive knowledge of the omission of the assessment, the assessor is prohibited from making an omitted property assessment. However, if the assessment roll is still open in the year the omission is discovered, the improvements must be added to the assessment roll for that assessment year. If the assessment roll is closed for that year, the improvements must be placed on the assessment roll in the following year.

(b) **Limitation period for omitted property or omitted value assessments.** No omitted property or omitted value assessment can be made for any period more than three years preceding the year in which the omission is discovered. RCW 84.40.085.

(5) **When are taxes on omitted property or omitted value assessments due?** When an omitted property or omitted value assessment is made, the taxes levied as a result of the assessment may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest. An assessment is "made," for purposes of omitted property or omitted value assessments, when the assessor notifies the taxpayer in writing of the property and/or value that was previously omitted from the assessment roll. Taxes resulting from an omitted property or omitted value assessment are due on April 30th and cannot be timely paid in two installments, unlike taxes for the current tax year.

(a) **Penalties and interest.** If the taxes due on an omitted property or omitted value assessment are not paid by the due date, the penalties and interest provided in RCW 84.56.020 begin to accrue from the date the taxes become delinquent.

(b) **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 actual situation must be determined after a review of all of the facts and circumstances.

(i) In April 2003, an assessor discovers an improvement that has never been valued, that is, the assessment roll shows no improvement on the property. Construction of the improvement was completed in June 2001. (This fact means the assessor should have added the improvement to the assessment roll by the end of August 2001 under the "new construction" statute, RCW 36.21.080.) No bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in the improvement. The assessor values the improvement for 2001, 2002, and the current assessment year of 2003, and mails a valuation notice to the taxpayer. The taxes for the 2003 assessment year are due on April 30, 2004. If the amount due is fifty dollars or more, one-half of the tax due may be paid by April 30, 2004, and the balance may be paid by October 31, 2004. The taxes for the omitted property

assessment covering the 2001 and 2002 assessment years are due in full by April 30, 2005, which is one year after the due date for the taxes for the assessment year in which the omitted property assessment is made. If the taxes for the omitted assessment are not paid in full by April 30, 2005, the penalties and interest provided in RCW 84.56.020 begin to accrue as of May 1, 2005, on the unpaid amount.

(ii) In November 2002, after the assessment rolls are closed, an assessor discovers an improvement that has never been valued, that is, the assessment roll shows no improvement on the property. Construction of the improvement was completed in March 1998. No bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in the improvement. The assessor adds the improvement to the assessment roll at true and fair value for 1999, 2000, 2001, and 2002, and mails a valuation notice to the taxpayer. Because the roll is closed for assessment year 2002, no taxes are due on the improvement in 2003. The taxes resulting from this omitted property assessment are due in full by April 30, 2004, which is one year after the due date for the taxes for the assessment year in which the omitted property assessment is made. (Although the roll is closed in 2002, the assessment is still "made" in 2002.) If the taxes for the omitted property assessment are not paid in full by April 30, 2004, the penalties and interest provided in RCW 84.56.020 begin to accrue as of May 1, 2004, on the unpaid amount. The taxes for the 2003 assessment year are due on April 30, 2004. If the amount due is fifty dollars or more, one-half of the tax due may be paid by April 30, 2004, and the balance may be paid by October 31, 2004.

(iii) In May 2004, an assessor audits a taxpayer's personal property records and discovers omitted value not reported by the taxpayer. The personal property was acquired by the taxpayer in 1997, and disposed of by the taxpayer in November 2003. The assessor values the property at true and fair value for assessment years 2001, 2002, and 2003, and notifies the taxpayer of the omitted value by forwarding a copy of the amended personal property statements along with a letter of particulars informing the taxpayer of the assessor's findings and of the taxpayer's right to appeal those findings to the board of equalization, and/or to request that the board of equalization be reconvened to act on the omitted value assessment. The taxes resulting from the omitted value assessment are due in full by April 30, 2006, which is one year after the due date for the taxes for the assessment year in which the omitted value assessment is made. If the taxes for the omitted value assessment are not paid in full by April 30, 2006, the penalties and interest provided in RCW 84.56.020 begin to accrue as of May 1, 2006, on the unpaid amount.

(6) What are the appeal rights of taxpayers receiving an omitted property or omitted value assessment? Upon request of either the taxpayer or the assessor, the county board of equalization may be reconvened to act on an omitted property or omitted value assessment. RCW 84.40.085. For additional information on reconvened boards of equalization, refer to WAC 458-14-127.

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-110 (~~Listing of personal property—Estimate listing penalty.~~) ~~Listing of personal property by the assessor—Penalties for failing to list personal property and for making a false or fraudulent listing.~~ ((If a personal property statement or list is not submitted within the time allowed either by law or by the assessor where an extension has been granted, the assessor shall ascertain the amount and value of the property which should have been reported. (RCW 84.40.200) When such a listing is made by the assessor, he shall deliver or mail a copy to the person for whom the listing is made. The copy delivered must show the valuation of the property listed, and must be signed by the assessor. On the copy of the listing delivered or mailed, the assessor shall notify the person for whom the listing is made of his possible liability for penalties for his failure to make the list himself.

The listing made by the assessor shall be used by him for all purposes in the same manner as though it was submitted by the person required to list, until such person does submit the required statement.

When a statement of personal property subject to taxation is not submitted by the date prescribed, the taxpayer becomes liable to a penalty of 5% of the total tax determined to be due, for each month or fraction thereof from the date that the listing was due to the date that it is actually received, in acceptable form, by the assessor. The performance by the assessor of his duty to ascertain the amount and value of taxable property in the event of the failure of the person required to do so shall not be taken to be such a report as would terminate the accrual of this penalty.

The penalty provided for by this rule shall actually be assessed at the time that taxes are spread on the rolls, to a maximum of 25% of the tax found to be due, and shall then be added to the tax assessed, and collected in the same manner as such taxes. If the person required to list property can show, to the satisfaction of the assessor, that his failure to report is due to a reasonable cause, no late filing penalty shall be assessed.)) (1) **Introduction.** This rule explains the process of listing and assessing taxable personal property by the assessor when the taxpayer fails to make a listing as required by chapter 84.40 RCW. This rule also provides information about the penalties imposed by RCW 84.40.130 for persons who fail or refuse to make a timely listing of their taxable personal property or who willfully provide the assessor a false or fraudulent listing of their taxable personal property. For additional information about the listing of personal property, refer to the rules found in WAC 458-12-060 through 458-12-080.

(2) **Failure to provide a listing of taxable personal property to the assessor.** If a person who is required under chapter 84.40 RCW to make a listing of taxable personal property with the county assessor fails to do so by April 30, it is the duty of the assessor under RCW 84.40.200 to ascertain the amount and value of the taxable personal property that should have been listed. When such a listing is made by the assessor, he or she must deliver or mail a copy of the listing, showing the valuation of the property so listed, to the person for whom the listing is made. The provisions of RCW

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84.40.200 do not apply to the listing of ships and vessels required under RCW 84.40.065.

(3) Penalty for failing or refusing to make a listing of taxable personal property. A person who fails or refuses to provide the assessor with a listing of their taxable personal property by April 30 is subject to a mandatory penalty. The amount of the penalty is described below in (a) of this subsection.

(a) Amount of penalty. The amount of the penalty is five percent of the amount of tax assessed against the taxpayer on the property not listed, not to exceed fifty dollars per calendar day if the delinquency is for less than one month. If the delinquency is for more than one month, the taxpayer must pay an additional five percent of the amount of tax for each additional month or fraction of a month that the listing is delinquent, up to a maximum penalty each year of twenty-five percent of the amount of tax. The penalty provided in this subsection (3) will be collected in the same manner as the tax to which it is added.

(b) How does the penalty apply when a listing is made by the assessor? When the assessor makes a listing of taxable personal property under the provisions of RCW 84.40.200 and subsection (2) of this rule, the penalty provided in this subsection (3) continues to accrue until the taxpayer provides a listing to the assessor as required by chapter 84.40 RCW.

(c) Can the penalty be waived? If a person can establish to the satisfaction of the assessor that the failure to provide a listing of taxable personal property was due to reasonable cause and not due to willful neglect, no penalty will be imposed.

Whether reasonable cause exists depends upon the facts of each case. Reasonable cause may be shown by one or more of the following events or circumstances. These examples do not encompass all of the possible events or circumstances that could constitute reasonable cause for failing to make a listing of taxable personal property with the assessor by the due date.

(i) The taxpayer was unable to make a listing by the due date because of a death or serious illness of the taxpayer or of a member of the taxpayer's immediate family occurring at or shortly before the due date. For purposes of this subsection, the term "immediate family" includes, but is not limited to, a grandparent, parent, brother, sister, spouse, child, or grandchild.

(ii) The taxpayer was unable to make a listing by the due date because the taxpayer reasonably relied upon incorrect, ambiguous, or misleading written advice as to the proper listing requirements by either the assessor or assessor's staff, or the property tax advisor designated under RCW 84.48.140, or his or her staff.

(iii) The taxpayer was unable to make a listing by the due date because of a natural disaster such as a flood or earthquake occurring at or shortly before the due date.

(iv) The taxpayer was unable to make a listing by the due date because of a delay or loss related to the delivery of the listing form by the postal service. The taxpayer must be able to provide documentation from the postal service of such a delay or loss.

(v) The failure of the assessor to provide a notice and listing form as required by RCW 84.40.040 to a taxpayer does not excuse a taxpayer from making a timely listing of taxable personal property with the assessor. The assessor's failure to provide a notice and listing form may, however, be considered in determining whether the taxpayer's failure to provide a timely listing was due to reasonable cause.

(d) How are the penalties distributed? When collected, the penalties provided for in this subsection (3) are credited to the county current expense fund. RCW 84.40.130 and 84.56.020(8).

(e) 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 actual situation must be determined after a review of all of the facts and circumstances.

(i) Due to an oversight, Company A makes its listing of taxable personal property on October 6th of the assessment year, over five months after the deadline provided in RCW 84.40.040. The amount of tax imposed against Company A on its personal property in the following year is \$600.00. Company A is subject to a penalty of \$150.00, 25% of the amount of its tax liability.

(ii) Due to an oversight, Company B makes its listing of taxable personal property on May 2nd of the assessment year, two days after the deadline provided in RCW 84.40.040. The amount of tax imposed against Company B on its personal property in the following year is \$2,250.00. The amount of the penalty assessed against Company B is \$100.00. 5% of \$2,250.00 is \$112.50. However, the penalty is limited to \$50.00 per calendar day when the delinquency does not exceed one month.

(iii) Due to an oversight, Company C fails to make a listing of its taxable personal property by April 30th, the deadline provided in RCW 84.40.040. On August 24th of the assessment year, the assessor lists and values the taxable personal property of Company C and mails a copy of the listing to Company C. At this time, Company C would be subject to a penalty of 20% of the tax imposed against it on its personal property in the following year. After receiving the assessor's listing, Company C makes its own listing with the assessor on September 7th of the assessment year. The amount of penalty imposed is 25% of the tax imposed against Company C on its personal property in the following year. The listing by the assessor has no effect on the amount of the penalty Company C is subject to.

(iv) Due to an oversight, Company D fails to make a listing of its taxable personal property for assessment years 2001, 2002, and 2003. In May of 2003, the assessor learns of Company D's failure to list its taxable personal property for the 2001, 2002, and 2003 assessment years. After being notified by the assessor of its failure to make a listing, Company D makes a listing for assessment years 2001, 2002, and 2003 with the assessor on May 20, 2003. The assessor adds the taxable personal property for 2003 to the assessment roll. The assessor also adds the taxable personal property for 2001 and 2002 to the assessment roll as omitted property under the provisions of RCW 84.40.080. The penalties assessed against Company D include a penalty of 25%, for each year, of the amount of tax imposed on Company D resulting from

the omitted property assessment for assessment years 2001 and 2002. In addition, Company D is subject to a penalty for the delinquent 2003 listing in the amount of 5% of the amount of tax imposed on Company D resulting from the listing for the 2003 assessment year or \$1,000, whichever is less. The amount of \$1,000 represents \$50 per calendar day of delinquency. For additional information about omitted property, refer to WAC 458-12-050.

(4) **Penalty for willfully providing a false or fraudulent listing of taxable personal property.** If a person willfully provides the assessor with a false or fraudulent listing of taxable personal property, or, with the intent to defraud, fails or refuses to provide a listing of taxable personal property as required by chapter 84.40 RCW, the person is subject to a penalty of one hundred percent of the tax properly due. A false or fraudulent listing may arise because it does not include all of the taxable personal property in the ownership, possession, or control of the person making the listing, or because it contains false information relating to the proper value of the personal property listed. A person is not liable for the penalty provided in this subsection (4) if the failure to list or the false listing was the result of negligence, inadvertence, accident, or simple oversight rather than willfulness or an intent to defraud. Likewise, a person making a false listing will not be subject to the penalty provided in this subsection (4) if it is shown that the misrepresentations made by the person are entirely attributable to reasonable cause. The penalty imposed under this subsection (4) is in lieu of the penalty imposed under subsection (3) of this rule.

(a) **How is the penalty imposed?** The assessor does not impose the penalty provided in this subsection (4). Rather, the penalty provided for in this subsection along with any tax properly due are to be recovered in a lawsuit brought in the name of the state of Washington on the complaint of the county assessor or the county legislative authority. The provisions of this subsection (4) are in addition to any other provisions of law relating to the recovery of property taxes.

(b) **How is the penalty distributed?** When collected, the penalty imposed under this subsection (4) and the tax to which it was added must be paid into the county treasury to the credit of the current expense fund.

WSR 05-02-035

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:00 a.m., effective January 30, 2005]

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

Purpose: Rule 186 provides tax-reporting information to persons who sell, use, consume, handle, possess, or distribute cigarettes. The rule explains who is liable for the tax, how and when the cigarette tax imposed by chapter 82.24 RCW is to be paid, and the record-keeping requirements. Rule 18601 explains the application process for wholesale and retail cigarette vendor licenses. It includes references to statutory fees, bonding requirements, and explains the conditions for and process of application for a reinstatement of a license following a revocation under the Administrative Procedure Act.

Rule 186 has been revised to update existing information and incorporate legislative amendments to chapter 82.24 RCW. Information from Rule 18601 has been updated and consolidated into Rule 186. Rule 186 clarifies that cigarette wholesalers may sell only to licensed retailers and must post the statutory bond prior to commencing sales and that retailers may purchase only from licensed wholesalers. It also explains the responsibilities of persons making "delivery sales" into this state, as codified in chapter 70.155 RCW.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-20-18601 Wholesale and retail cigarette vendor licenses; and amending WAC 458-20-186 Tax on cigarettes.

Statutory Authority for Adoption: RCW 82.24.235, 82.32.300, and 82.01.060(1).

Adopted under notice filed as WSR 04-14-061 on July 1, 2004.

Changes Other than Editing from Proposed to Adopted Version: The subsections have been renumbered and minor editing changes made to present the information in a more user-friendly manner.

Language has been added to subsection 204 (d)(i) to allow licensed wholesalers to hold unstamped cigarettes in this state longer than seventy-two hours, if they first obtain permission from the department.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 1.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-20-18601	Wholesale and retail cigarette vendor licenses.
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AMENDATORY SECTION (Amending WSR 94-10-062, filed 5/3/94, effective 6/3/94)

WAC 458-20-186 Tax on cigarettes. ~~((1) Introduction. This section explains the tax liabilities of persons who sell, use, consume, handle, possess or distribute cigarettes in this state. It addresses only those taxes which apply exclu-~~

sively to cigarettes. See WAC 458-20-185 for tax liabilities associated with tobacco products other than cigarettes.

(2) In general. The Washington state cigarette tax is due and payable by the first person who sells, uses, consumes, handles, possesses or distributes the cigarettes in this state.

(a) For purposes of this rule, a possessor is anyone who personally or through an agent, employee, or designee has possession of cigarettes in this state.

(b) Payment is made through the purchase of stamps from banks authorized by the department of revenue to sell the stamps.

(3) Rates. The Washington state cigarette tax is imposed on a per cigarette basis. The rate of tax is a combination of statutory rates found in RCW 82.24.020 and 82.24.027. Charts with current rates are available from the special programs division at the department of revenue.

(4) Exemptions. To qualify for exemptions from the tax, certain procedures must be followed. Exemptions and their procedures are as follows:

(a) The cigarette tax does not apply to cigarettes sold to persons licensed as cigarette distributors in other states when, as a condition of the sale, the seller either delivers the cigarettes to such a buyer at a point outside this state, or delivers the same to a common carrier with the shipment consigned by the seller to such a buyer at a location outside this state. Any person engaged in making sales to licensed distributors in other states or making export sales (see WAC 458-20-193 and 458-20-193C) or in making sales to the federal government must furnish a surety bond in a sum equal to twice the amount of tax which would be affixed to the cigarettes that are set aside for the conduct of such business without affixing cigarette tax stamps. Such unstamped stock must be kept separate and apart from any stamped stock.

(b) The cigarette tax does not apply to cigarettes in the possession of a person authorized to purchase cigarettes at a military facility when purchased for their own consumption.

(c) The cigarette tax does not apply to cigarettes sold at an outlet on an enrolled Native American tribal member's tribal reservation to an enrolled Native American tribal member for personal consumption. Cigarettes sold to an enrolled tribal member must be stamped, but are untaxed due to the exempt nature of the sale. However, sales made by a Native American cigarette outlet to nontribal members are subject to the tax. These cigarettes are both stamped and taxed.

(5) Liability, collection and stamps. Every person unlawfully in possession of unstamped cigarettes in this state shall be liable for the cigarette tax provided for herein.

(a) Ordinarily, the tax obligation is imposed and collected on the first possessor of such unstamped cigarettes. However, failure by the first possessor to pay such tax does not excuse any subsequent possessor of unstamped cigarettes.

(b) Stamps indicating the payment of the cigarette tax must be affixed prior to any sale, use, consumption, handling, possession or distribution for all cigarettes other than those mentioned in (4)(a) of this section. The stamp must be applied to the smallest container or package, unless the department determines that it is impractical to do so.

(c) Every licensed stamping wholesaler shall stamp those cigarettes that require stamping within 72 hours after

receipt, but in any event, on or before sale or transfer to another party. Stamps shall be of the type authorized by the department which at present is the heat applied "fuson" type. The use of meter stamping machines for use in imprinting packages, in lieu of attaching stamps, is not authorized by the department. The use of water "dealeomania" type stamps by such vendors is not authorized.

(d) Persons other than licensed stamping wholesalers must file with the department of revenue, prior to receipt, a notice of intent to possess unstamped cigarettes in the state of Washington. A copy of this notice, validated by an agent of the department of revenue, must be in the possession of any such person who is in possession of unstamped cigarettes in this state.

(e) Persons who have filed the notice must bring the cigarettes to a department office for payment of the tax within 72 hours of receipt, but in any event, on or before sale or transfer to another party. Failure to file this notice will subject the person in possession of such cigarettes to criminal sanctions as set forth in subsections (9) and (10) of this section.

(f) Any unstamped or untaxed cigarettes in the possession of persons (other than licensed stamping wholesalers) who have failed to file a notice of intent to possess unstamped cigarettes in the state of Washington or who have failed to affix stamps and/or who have failed to pay the tax as required herein, will be deemed contraband and subject to seizure and forfeiture under the provisions of RCW 82.24.130.

(g) State approved cigarette stamps are available from authorized banks. Payment for stamps may be made either at the time of purchase of the stamps from the banks, or deferred until later, although the latter form of payment is available only to vendors who meet the requirements of the department and who have furnished a surety bond equal to the proposed total monthly credit limit. In addition, purchases on a deferred payment plan may be made only by the cigarette seller or by an agent authorized by the cigarette seller to do so. This authorization may be in the form of a signature card, filed with the bank, from which stamps are usually obtained, and kept current by the vendor. Payments under a deferred plan are due within 30 days following the purchase, and are to be paid at the outlet from which the stamps were obtained, and may be paid by check payable to the department of revenue. Cigarette wholesalers who purchase stamps under either plan are allowed a discount of \$4.00 per thousand stamps affixed, which is offset against the purchase price.

(h) When the rate of tax increases, the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed cigarettes after the rate increase is liable for the additional tax. Failure by the first person to pay the additional tax arising from the first taxable event does not relieve subsequent individuals of tax liability arising from a subsequent taxable event.

(6) Books and records. An accurate set of records showing all transactions had with reference to the purchase, sale or distribution of cigarettes must be retained.

(a) These records may be combined with those required in connection with the tobacco products tax, by WAC 458-20-185, provided there is a segregation therein of the amount involved. All such records must be preserved for five years from the date of the transaction.

(b) ~~Persons shipping or delivering any cigarettes to a point outside of this state shall transmit to the special programs division, not later than the 15th of the following calendar month, a true duplicate invoice showing full and complete details of the interstate sale or delivery.~~

(7) ~~Reports and returns.~~ The department of revenue may require any person dealing with cigarettes, in this state, to complete and return forms, as furnished, setting forth sales, inventory and other data required by the department to maintain control over trade in cigarettes.

~~Manufacturers and wholesalers selling stamped, unstamped or untaxed cigarettes shall, before the 15th day of each month, transmit to the special programs division a complete record of sales of cigarettes in this state during the preceding month.~~

(8) ~~Refunds.~~ Any person may request a refund of the face value of the stamps when the tax is not applicable and the stamps are returned to the department. Documentation supporting the claim must be provided at the time the claim for refund is made.

(a) ~~Refunds for stamped untaxed cigarettes sold to Native American individuals or tribes (see subsection (4)(e) of this section will include the stamping allowance and will be approved by an agent of the department.~~

(b) ~~Refunds for stamped cigarettes will not include the stamping allowance if the stamps are:~~

(i) ~~Damaged, or unfit for sale, and as a result are destroyed or returned to the manufacturer or distributor.~~

(ii) ~~Improperly or partially affixed through burns, jams, double stamps, stamped on carton flaps, or improper removal from the stamp roll.~~

(c) ~~The claim for refund must be filed on a form which is provided by the department, Form REV 37-2063. An affidavit or a certificate from the manufacturer claiming refund, or by the agent of the department verifying the voiding of stamps and authorizing the refund, shall accompany the form.~~

(9) ~~Criminal provisions.~~ RCW 82.24.110(1) prohibits certain specified criminal activities with respect to cigarettes and makes such activities gross misdemeanors. Also, RCW 82.24.100 and 82.24.110(2) prohibit alteration or fabrication of stamps and transportation and/or possession of 300 or more cartons of unstamped cigarettes and makes those activities felonies. Persons commercially handling cigarettes in this state must refer to these statutes.

(10) ~~Search, seizure and forfeiture.~~ The department of revenue may search for, seize and subsequently dispose of unstamped cigarette packages and containers, vehicles of all kinds utilized for the transportation thereof, and vending machines utilized for the sale thereof. Persons handling unstamped cigarettes in this state must refer to RCW 82.24.130 and subsequent sections for provisions relating to search, seizure and forfeiture of such property, for possible redemption thereof, and for treatment of such property in the absence of redemption.

(11) ~~Penalties.~~ RCW 82.24.120 provides a penalty for failure to affix the cigarette stamps or to cause such stamps to be affixed as required, or to pay any tax due under chapter 82.24 RCW. In addition to the tax found to be due, a penalty equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars shall be assessed.

Interest shall also be added at the rate of one percent for each thirty days or portions thereof from the date the tax became due. The department may cancel all or part of the penalty for good reason.) (1) Introduction. This rule addresses those taxes and licensing activities that apply exclusively to cigarettes as defined by RCW 82.24.010. See WAC 458-20-185 for tax liabilities and registration requirements associated with tobacco products other than cigarettes. The tax on cigarettes is in addition to all other taxes owed. For example, retailers and wholesalers are liable for business and occupation tax on their retailing or wholesaling activities, and must collect and remit sales tax on retail sales of cigarettes. Consumers pay the cigarette tax in addition to sales or use tax on purchases of cigarettes for consumption within this state. (Wholesalers not licensed in the state of Washington who are making sales of cigarettes to Indians in accordance with a cigarette tax contract authorized by RCW 43.06.455 must comply with the specific terms of their individual contracts. See also WAC 458-20-192 regarding sales in Indian country.)

(2) Organization of rule. The information provided in this rule is divided into seven parts:

(a) Part I explains the tax liabilities of persons who sell, use, consume, handle, possess, or distribute cigarettes in this state.

(b) Part II explains the licensing requirements and responsibilities for persons making wholesale or retail sales of cigarettes in this state.

(c) Part III explains the stamping requirements and how the cigarette tax rates are calculated.

(d) Part IV describes the exemptions from the tax and the procedures that must be followed to qualify for exemption.

(e) Part V explains the requirements and responsibilities for persons transporting cigarettes in Washington.

(f) Part VI explains the requirements and responsibilities for persons engaged in making delivery sales of cigarettes into this state.

(g) Part VII explains the enforcement and administration of the cigarette tax.

Part I - Tax on Cigarettes

(101) In general. The Washington state cigarette tax is due and payable by the first person who sells, uses, consumes, handles, possesses, or distributes the cigarettes in this state.

(a) Possession. For the purpose of this rule, a "possessor" of cigarettes is anyone who personally or through an agent, employee, or designee, has possession of cigarettes in this state.

(b) Payment. Payment of the cigarette tax is made through the purchase of stamps from banks authorized by the department of revenue (department) to sell the stamps. Only licensed wholesalers may purchase or obtain cigarette stamps. Except as specifically provided in Part IV of this rule, it is unlawful for any person other than a licensed wholesaler to possess unstamped cigarettes in this state. However, as explained in subsection (102)(b) of this rule, certain con-

sumers may possess unstamped cigarettes for personal consumption if they pay the tax as provided in this rule.

(c) Imposition of tax. Ordinarily, the tax obligation is imposed on and collected from the first possessor of unstamped cigarettes. However, failure of an exempt entity with an obligation to collect and remit the tax does not relieve a subsequent nonexempt possessor of unstamped cigarettes from liability for the tax.

(d) Promotions. Cigarettes given away for advertising or any other purpose are taxed in the same manner as if they were sold, used, consumed, handled, possessed, or distributed in this state, but are not required to have the stamp affixed. Instead, the manufacturer of the cigarettes must pay the tax on a monthly return filed with the department. See subsection (702) of this rule.

(102) Possession of cigarettes in Washington state.

(a) Every person who is (i) in possession of unstamped cigarettes in this state, and (ii) is not specifically exempt by law, is liable for payment of the cigarette tax as provided in chapter 82.24 RCW and this rule.

(b) Consumers who buy unstamped cigarettes or who purchase cigarettes from sources other than licensed retailers in this state must pay the cigarette tax as provided in subsection (702) of this rule when they first bring the cigarettes into this state or first possess them in this state. This requirement includes, but is not limited to, delivery sales as described in Part VI of this rule.

(c) Cigarettes purchased from Indian retailers. Special rules apply to cigarettes purchased from Indian retailers.

(i) Indians purchasing cigarettes in Indian country are exempt from the state cigarette tax; however, these sales must comply with WAC 458-20-192. Other consumers may purchase cigarettes for their personal consumption from "qualified Indian retailers" without incurring liability for state cigarette tax. A "qualified Indian retailer" is one who is subject to the terms of a valid cigarette tax contract with the state pursuant to RCW 43.06.455.

(ii) Consumers who purchase cigarettes from Indian retailers who are not subject to a cigarette tax contract with the state must comply with the reporting requirements and remit the cigarette tax as explained in subsection (702) of this rule. These consumers are also liable for the use tax on their purchases. See WAC 458-20-178.

(iii) It is the duty of the consumer in each instance to ascertain his or her responsibilities with respect to such purchases.

(d) Cigarettes purchased on military reservations. Active duty or retired military personnel, and their dependents, may purchase cigarettes for their own consumption on military reservations without paying the state tax (see Part IV). However, such persons are not permitted to give or resell those cigarettes to others.

(e) Counterfeit cigarettes. It is unlawful for any person to manufacture, sell, or possess counterfeit cigarettes. A cigarette is counterfeit if (i) it or its packaging bears any logo or marking used by a manufacturer to identify its own cigarettes, and (ii) the cigarette was not manufactured by the owner of that logo or trademark or by any authorized licensee of the manufacturer. RCW 82.24.570.

(f) Possession of unstamped and untaxed cigarettes, and possession of counterfeit cigarettes, are criminal offenses in this state. See Part VII.

Part II - Wholesale and Retail Cigarette Vendor Licensing Requirements and Responsibilities

(201) License required. No person, other than a government instrumentality or an Indian retailer as set forth in Part IV of this rule, may engage in the retail or wholesale distribution of cigarettes in this state without a license. No person may engage in the business of sampling within this state unless that person has first obtained a sampler's license. Failure to obtain the required license prior to sampling or selling cigarettes at wholesale or retail is a criminal act. RCW 70.155.050.

(202) Definitions. For the purposes of this rule, the following definitions apply:

(a) "Place of business" means any location where business is transacted with, or sales are made to, customers. The term includes, but is not limited to, any vehicle, truck, vessel, or the like at which sales are made.

(b) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale, or distributes cigarettes, regardless of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(c) "Retail selling price" means the ordinary, customary, or usual price paid by the consumer for each package of cigarettes, less the tax levied by the state.

(d) "Wholesaler" means every person who purchases, sells, or distributes cigarettes, as defined in chapter 82.24 RCW, to retailers for the purpose of resale only.

(203) Wholesale license. Prior to the sale or distribution of cigarettes at wholesale, each wholesaler must first obtain a wholesale cigarette license from the department of licensing.

(a) Background check. Each wholesaler must undergo a criminal background check before a license will be issued. RCW 82.24.510. The background check must be completed to the satisfaction of the liquor control board and the department. Failure to provide information sufficient to complete the background check may, in the department's discretion, result in denial of the license.

(b) Application. Application for license or renewal of license is made on forms supplied by the department of licensing and must be accompanied by the annual license fee as provided in chapter 82.24 RCW. A wholesale cigarette license is valid for one year from the date it is issued.

(c) Multiple locations. If the wholesaler sells, or intends to sell, cigarettes at more than one place of business, whether temporary or permanent, a separate license with a license fee as provided in chapter 82.24 RCW is required for each additional place of business. Each license must be exhibited in the place of business for which it is issued.

(d) Bond required. Each licensed wholesaler must file a bond with the department in an amount determined by the department, but not less than \$5,000.00. The bond must be executed by the wholesaler as principal, and by a corporation approved by the department of licensing and authorized to engage in business as a surety company in this state, as

surety. The bond must run concurrently with the wholesaler's license.

(204) Duties and responsibilities of licensed wholesalers.

(a) Stamps. Only licensed wholesalers may purchase or obtain cigarette stamps. Wholesalers are prohibited by law from selling or providing stamps to any other wholesaler or person.

(b) Numbering. Each roll of stamps, or group of sheets, has a separate serial number. The department keeps records of which wholesaler purchases each roll or group of sheets. Wholesalers are prohibited from possessing stamps other than those specifically issued to them.

(c) Sales restricted. Wholesalers selling cigarettes in this state may sell cigarettes only to Washington retailers who have a current retail cigarette license, to other licensed wholesalers, or to Indian tribal entities authorized to possess cigarettes that are not taxed by the state.

(d) Unstamped cigarettes. Except as explained in Part IV of this rule, no person other than a licensed wholesaler may possess unstamped cigarettes in this state. (For the purpose of this rule, the term "unstamped cigarette" means any cigarette that does not bear a Washington state cigarette stamp as described in Part III of this rule.) Licensed wholesalers may possess unstamped cigarettes in this state only in the following circumstances:

(i) Licensed wholesalers may possess unstamped cigarettes for up to 72 hours after receipt; however, the cigarettes must be stamped on or before sale or transfer to any other party other than another licensed wholesaler. Licensed wholesalers may possess unstamped cigarettes for more than 72 hours after receipt if they receive prior written permission from the department to do so.

(ii) Licensed wholesalers who have furnished a surety bond in an amount determined by the department may set aside, without stamping, that portion of their stock reasonably necessary for conducting sales to persons outside this state or to instrumentalities of the federal government. All unstamped stock must be kept separate and apart from stamped stock.

(e) Transfers. Wholesalers in possession of unstamped cigarettes under subsection (204)(d) of this rule that are transferred by the wholesaler to another facility within this state must be transferred in compliance with RCW 82.24.250.

(205) Retail license. Prior to the retail sale or distribution of cigarettes, each retailer must first be issued a retail cigarette license from the department of licensing. A license is required for each location at which cigarettes are sold at retail. Each license must be exhibited at the place of business for which it is issued.

(a) Application. Applications for license or renewal of license are made on forms supplied by the department of licensing and must be accompanied by the annual license fee as provided in chapter 82.24 RCW. A retail cigarette license is valid for one year from the date it is issued.

(b) Vending machines. Retailers operating cigarette vending machines are required to pay an additional annual fee as set forth in chapter 82.24 RCW for each vending machine.

(206) Duties and responsibilities of retailers.

(a) No retailer in this state may possess unstamped cigarettes unless he or she is also a licensed wholesaler.

(b) Retailers may obtain cigarettes only from cigarette wholesalers licensed by this state.

(207) Additional requirements for manufacturers, wholesalers, retailers, and samplers. Persons making wholesale or retail sales or engaged in the business of sampling cigarettes in this state must comply with all the provisions of chapters 70.155 and 70.158 RCW. All cigarettes sold, delivered, or attempted to be delivered, in violation of RCW 70.155.105 are subject to seizure and forfeiture. RCW 82.24.130.

(208) Suspension or revocation of wholesale or retail cigarette licenses.

(a) The department has full power and authority to revoke or suspend the license of any wholesale or retail cigarette dealer in the state upon sufficient showing that the license holder has violated the provisions of chapter 82.24 RCW or this rule. See RCW 82.24.550 and WAC 458-20-10001 for information on the procedures pertaining to suspension or revocation of cigarette licenses.

(b) Any person whose license has been revoked must wait one year following the date of revocation before requesting a hearing for reinstatement. Reinstatement hearings are held pursuant to WAC 458-20-10001.

Part III - Stamping and Rates

(301) Cigarette stamps.

(a) Stamps indicating payment of the cigarette tax must be affixed prior to any sale, use, consumption, handling, possession, or distribution of all cigarettes other than those specifically exempted as explained in Part IV of this rule. The stamp must be applied to the smallest container or package, unless the department, in its sole discretion, determines that it is impractical to do so. Stamps must be of the type authorized by the department and affixed in such a manner that they cannot be removed from the package or container without being mutilated or destroyed.

(b) Licensed wholesalers may purchase state-approved cigarette stamps from authorized banks. Payment for stamps must be made at the time of purchase unless the wholesaler has prior approval of the department to defer payment and furnishes a surety bond equal to the proposed monthly credit limit. Payments under a deferred plan are due within 30 days following purchase. Licensed wholesalers are allowed a discount of \$6.00 per thousand stamps affixed ("stamping allowance"), which amount is offset against the purchase price.

(302) Rates.

(a) The Washington state cigarette tax is imposed on a per cigarette basis. The rate of the tax is a combination of statutory rates found in RCW 82.24.020, 82.24.027, and 82.24.028.

(b) When the rate of tax increases, the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed cigarettes after the rate increase is liable for the additional tax.

(303) Refunds. Any person may request a refund of the face value of the stamps when the tax is not applicable and the stamps are returned to the department. Documentation

supporting the claim must be provided at the time the claim for refund is made.

(a) Refunds for stamped untaxed cigarettes sold to Indian tribal members or tribal entities will include the stamping allowance and will be approved by an agent of the department.

(b) Refunds for stamped cigarettes will not include the stamping allowance if the stamps are:

(i) Damaged, or unfit for sale, and as a result are destroyed or returned to the manufacturer or distributor; or

(ii) Improperly or partially affixed through burns, jams, double stamps, stamped on carton flaps, or improperly removed from the stamp roll.

(c) The claim for refund must be filed on a form provided by the department. An affidavit or a certificate from the manufacturer for stamped cigarettes returned to the manufacturer for destruction or by an agent of the department verifying the voiding of stamps and authorizing the refund must accompany the claim for refund.

Part IV - Exemptions

(401) In general. There are limited exemptions from the cigarette tax provided by law. This part discusses exemptions and the procedures that must be followed to qualify for an exemption.

(402) Government sales. The cigarette tax does not apply to the sale of cigarettes to:

(a) The United States Army, Navy, Air Force, Marine Corps, or Coast Guard exchanges and commissaries and Navy or Coast Guard ships' stores;

(b) The United States Veteran's Administration; or

(c) Any person authorized to purchase from the federal instrumentalities named in (a) or (b) above, if the cigarettes are purchased from the instrumentality for personal consumption.

(403) Sales in Indian country.

(a) The definitions of "Indian," "Indian country," and "Indian tribe," in WAC 458-20-192 apply to this rule. "Cigarette contract" means an agreement under RCW 43.06.450 through 43.06.460.

(b) The cigarette tax does not apply to cigarettes taxed by an Indian tribe in accordance with a cigarette contract under RCW 43.06.450 through 43.06.460.

(c) The cigarette tax does not apply to cigarettes sold to an Indian in Indian country for personal consumption; however, those sales must comply with the allocation provisions of WAC 458-20-192. Sales made by an Indian cigarette outlet to nontribal members are subject to the tax, except as provided in (b) above.

(d) See WAC 458-20-192 for information on making wholesale sales of cigarettes to Indians and Indian tribes.

(404) Interstate commerce. The cigarette tax does not apply to cigarettes sold to persons licensed as cigarette distributors in other states when, as a condition of the sale, the seller either delivers the cigarettes to the buyer at a point outside this state, or delivers the same to a common carrier with the shipment consigned by the seller to the buyer at a location outside this state. Any person engaged in making sales to licensed distributors in other states or making export sales or in making sales to the federal government must furnish a

surety bond in a sum equal to twice the amount of tax that would be affixed to the cigarettes that are set aside for the conduct of such business without affixing cigarette stamps. The unstamped stock must be kept separate and apart from any stamped stock.

Part V - Transporting Cigarettes in Washington

(501) Transportation of cigarettes restricted. No person other than a licensed wholesaler may transport unstamped cigarettes in this state except as specifically set forth in RCW 82.24.250 and this rule, or as may be allowed under a cigarette tax contract subject to the provisions of RCW 43.06.455. Licensed wholesalers transporting unstamped cigarettes in this state must do so only in their own vehicles unless they have given prior notice to the liquor control board of their intent to transport unstamped cigarettes in a vehicle belonging to another person.

(502) Notice required. Persons other than licensed wholesalers intending to transport unstamped cigarettes in this state must first give notice to the liquor control board of their intent to do so.

(503) Transportation of unstamped cigarettes. All persons transporting unstamped cigarettes must have in their actual possession invoices or delivery tickets for such cigarettes. The invoices or delivery tickets must show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes transported. It is the duty of the person responsible for the delivery or transport of the cigarettes to ensure that all drivers, agents, or employees have the delivery tickets or invoices in their actual possession for all such shipments.

(504) Consignment. If the cigarettes transported pursuant to subsection (501), (502), or (503) of this rule are consigned to or purchased by any person in this state, that purchaser or consignee must be a person who is authorized by chapter 82.24 RCW to possess unstamped cigarettes in this state.

(505) Out-of-state shipments. Licensed wholesalers shipping cigarettes to a point outside Washington or to a federal instrumentality must, at the time of shipping or delivery, report the transaction to the department. The report must show both (a) complete details of the sale or delivery, and (b) whether stamps have been affixed to the cigarettes.

The report may be made either by submitting a duplicate invoice or by completing a form provided by the department, and must be filed with the department as set forth in subsection (702) of this rule.

(506) Compliance required. No person may possess or transport cigarettes in this state unless the cigarettes have been properly stamped or that person has fully complied with the requirements of RCW 82.24.250 and this rule. Failure to comply with the requirements of RCW 82.24.250 is a criminal act. Cigarettes in the possession of persons who have failed to comply are deemed contraband and are subject to seizure and forfeiture under RCW 82.24.130.

PERMANENT

Part VI - Delivery Sales of Cigarettes

(601) Definitions. The definitions in this subsection apply throughout this rule.

(a) "Delivery sale" means any sale of cigarettes to a consumer in the state where either: (i) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (ii) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes made in this manner is a delivery sale regardless of whether the seller is located within or outside the state. (For example, "Royal Tax-free Smokes," located in the state of Vermont, offers sales via the internet and a toll-free telephone number, and ships its products to consumers in this state. These transactions are delivery sales.) A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed under chapter 82.24 RCW or a retailer licensed under chapter 82.24 RCW is not a delivery sale.

(b) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers, that requires the recipient of that letter, package, or container to sign to accept delivery.

(602) Tax liability. Cigarettes delivered in this state pursuant to a delivery sale are subject to tax as provided in Part I of this rule. Persons making delivery sales in this state are required to provide prospective consumers with notice that the sales are subject to tax pursuant to chapters 82.24 and 82.12 RCW, with an explanation of how the tax has been or is to be paid with respect to such sales.

(603) Additional requirements. Persons making delivery sales of cigarettes in this state must comply with all the provisions of chapter 70.155 RCW. All cigarettes sold, delivered, or attempted to be delivered, in violation of RCW 70.155.105 are subject to seizure and forfeiture. RCW 82.24.130.

Part VII - Enforcement and Administration

(701) Books and records. An accurate set of records showing all transactions related to the purchase, sale, or distribution of cigarettes must be retained. RCW 82.24.090. These records may be combined with those required in connection with the tobacco products tax (see WAC 458-20-185), if there is a segregation therein of the amounts involved. All records must be preserved for five years from the date of the transaction.

(702) Reports and returns. The department may require any person dealing with cigarettes in this state to complete and return forms, as furnished by the department, setting forth sales, inventory, and other data required by the department to maintain control over trade in cigarettes.

(a) Manufacturers and wholesalers selling stamped, unstamped, or untaxed cigarettes must submit a complete record of sales of cigarettes in this state monthly. This report is due no later than the 15th day of the calendar month and must include all transactions occurring in the previous month.

(b) Persons making sales of tax-exempt cigarettes to Indian tribes or Indian retailers pursuant to WAC 458-20-192 (9)(a) must transmit a copy of the invoice for each such sale

to the special programs division of the department prior to shipment.

(c) Wholesalers selling stamped cigarettes manufactured by nonparticipating manufacturers as defined in WAC 458-20-264 must report all such sales to the special programs division no later than the 25th day of the calendar month and must include all transactions occurring in the previous month.

(d) Persons making sales of cigarettes into this state to other than a licensed wholesaler or retailer must file a report as required under Title 15, Chapter 10A, section 376 of the U.S. Code (commonly referred to as the "Jenkins Act" report). This report is due no later than the 10th day of each calendar month and must include all transactions occurring in the previous month.

(e) Persons shipping or delivering any cigarettes to a point outside of this state must submit a report showing full and complete details of the interstate sale or delivery as set forth in Part V of this rule. This report is due no later than the 15th day of the calendar month immediately following the shipment or delivery.

(f) Persons giving away unstamped cigarettes for advertising, promotional, or any other purpose, must report and pay the tax on the number of cigarettes distributed in this state.

(g) Consumers who buy unstamped cigarettes or who purchase cigarettes from sources other than licensed retailers in this state must pay the tax when they first bring the cigarettes into this state or first possess them in this state. The tax is paid with a "Tax Declaration for Cigarettes," which may be obtained from the department.

(703) Criminal provisions. Chapter 82.24 RCW prohibits certain activities with respect to cigarettes. Persons handling cigarettes within this state must refer to these statutes. The prohibited activities include, but are not limited to, the following:

(a) Transportation or possession of 60,000 or fewer cigarettes. Transportation or possession of 60,000 or fewer unstamped cigarettes is prohibited unless the notice requirements set forth in RCW 82.24.250 have been met; failure to meet those notice requirements is a gross misdemeanor. RCW 82.24.110 (1)(m).

(b) Transportation or possession of more than 60,000 cigarettes. Transportation or possession of more than 60,000 unstamped cigarettes is prohibited unless the notice requirements set forth in RCW 82.24.250 have been met; failure to meet those notice requirements is a felony. RCW 82.24.110 (2).

(c) Forgery or counterfeiting of stamps. Alteration, fabrication, forgery, and counterfeiting of stamps are felonies. RCW 82.24.100.

(d) Counterfeit cigarettes. The manufacture, sale, or possession of counterfeit cigarettes in this state is a felony. RCW 82.24.570.

(704) Search, seizure, and forfeiture. The department or the liquor control board may search for, seize, and subsequently dispose of unstamped cigarette packages and containers, counterfeit cigarettes, conveyances of all kinds (including aircraft, vehicles, and vessels) used for the transportation of unstamped and/or counterfeit cigarettes, and vending machines used for the sale of unstamped and/or

counterfeit cigarettes. See RCW 82.24.130, et seq., for provisions relating to search, seizure, and forfeiture of property, possible redemption of property, and for treatment of such property in the absence of redemption.

(705) Penalties. RCW 82.24.120 provides a penalty for failure to affix the cigarette stamps or to cause the stamps to be affixed as required, or to pay any tax due under chapter 82.24 RCW. In addition to the tax deemed due, a penalty equal to the greater of \$10.00 per package of unstamped cigarettes or \$250.00 will be assessed. Interest is also assessed on the amount of the tax at the rate as computed under RCW 82.32.050(2) from the date the tax became due until the date of payment. The department may, in its sole discretion, cancel all or part of the penalty for good cause.

WSR 05-02-036

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:02 a.m., effective January 30, 2005]

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

Purpose: This rule describes the retail sales and use tax exemptions provided for the purchase of machinery and equipment used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power. Statutory amendments to RCW 82.08.02567 and 82.12.02567 added fuel cells as a qualifying source of electric energy and reduced the overall generating capacity threshold from 200 kilowatts to 200 watts. The amended rule reflects the current statutory provisions. The amended rule also defines "support facilities," updates documentation requirements, and simplifies the language and construction of the existing rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-263 Wind, landfill gas, and solar energy electric generating facilities sales and use tax exemption.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-18-035 on August 25, 2004.

Changes Other than Editing from Proposed to Adopted Version: The adopted version includes a crane and forklift as examples of equipment that might be used to install qualifying machinery and equipment, but that do not qualify for the exemption.

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 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 1, Repealed 0.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager

Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 99-11-106, filed 5/19/99, effective 6/19/99)

WAC 458-20-263 Fuel cell, wind, landfill gas, and solar energy electric generating facilities sales and use tax exemption. (1) **Introduction.** ~~((This rule explains the retail sales and use tax exemptions provided by RCW 82.08.02567 and 82.12.02567 for the sale and/or use of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal source of power. These exemptions expire on June 30, 2005.~~

(2) ~~Definitions.~~ The following definitions apply to this section:

(a) ~~"Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using the wind, landfill gas, or solar energy as the principal source of power.~~

(i) ~~"Machinery and equipment," where solar energy is the principal source of power, includes, but is not limited to: Solar modules; power conditioning equipment; batteries; transformers; power poles; power lines; and connectors to the utility grid system.~~

(ii) ~~"Machinery and equipment," where wind is the principal source of power, includes, but is not limited to: Turbines; blades; generators; towers and tower pads; substations; guy wires and ground stays; control buildings; power conditioning equipment; anemometers; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system.~~

(iii) ~~"Machinery and equipment," where landfill gas is the principal source of power, includes, but is not limited to: Turbines; blades; blowers; burners; heat exchangers; generators; towers and tower pads; substations; guy wires and ground stays; control buildings; pipe; valves; power conditioning equipment; pressure control equipment; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system.~~

(iv) ~~"Machinery and equipment" does not include: The utility grid system and any tangible personal property used to connect electricity directly to consumers; hand tools; property with a useful life of less than one year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; buildings; or building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.~~

(b) ~~"Used directly" means the machinery and equipment provides any part of the process that captures the energy of the wind, landfill gas, or solar, converts that energy to elec-~~

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tricity, and transforms or transmits that electricity for entry into electric transmission and distribution systems.

(e) "Installation charges" means sales of or charges made for labor and services rendered in respect to installing the machinery and equipment.

(i) Labor and services to install machinery and equipment includes both the charges for labor and charges for the rental of equipment with an operator.

(ii) Labor and services to install machinery and equipment does not include the rental of tangible personal property used by the buyer to install machinery and equipment. See WAC 458-20-211.

(3) Retail sales tax exemption. The retail sales tax does not apply to the purchase or lease of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating not less than two hundred kilowatts of electricity. Retail sales tax also does not apply to installation charges for this machinery and equipment. RCW 82.08.02567.

(a) The exemption is effective July 1, 1996, for machinery and equipment using wind and solar energy, and April 3, 1998, for machinery and equipment using landfill gas (chapter 309, Laws of 1998).

(b) Prior approval is not required from the department of revenue in order to claim the retail sales tax exemption. However, the buyer is required to provide the seller with an exemption certificate. The seller must retain a copy of the certificate to document the exemption.

The exemption certificate may be:

(i) Issued for each purchase; or

(ii) In blanket form certifying all future purchases as being exempt from sales and use tax. Blanket forms must be renewed every four years.

(c) This certificate should be in substantially the following form:

Sales and Use Tax Exemption Certificate for Wind, Landfill Gas, or Solar Powered Electrical Generation Facilities

The buyer (user) certifies that the items listed below are machinery and equipment, or are labor and services rendered to install the machinery and equipment, used directly in generating electricity using the wind, landfill gas, or solar energy as the principal source of power at a facility capable of generating not less than two hundred kilowatts of electricity, and that such purchase is exempt from the retail sales tax under RCW 82.08.02567. This certificate is given with full knowledge of, and subject to, the legally prescribed penalties for fraud and tax evasion.

Buyer (User) UBI/Registration #
Name of Buyer (User)
Address of Buyer (User)
Seller UBA/Registration #
Name of Seller Date
Item or category of items

Buyer or Buyer's Agent

(Print)

Authorized signature Title

Date

(4) Use tax. The law provides a corresponding use tax exemption for the use of machinery and equipment used directly in generating not less than two hundred kilowatts of electricity using wind, landfill gas, or solar energy as the principal source of power. RCW 82.12.02567. The use tax exemption is effective July 1, 1996, machinery and equipment, using wind and solar energy and April 3, 1998, for machinery and equipment using landfill gas (chapter 309, Laws of 1998).

(5) Time of sale. The existing rules pertaining to time and place of sale and when tax liability arises apply for purposes of whether a given transaction occurred on or after the effective date of the law. The effective date with respect to machinery and equipment used to generate electricity using wind or solar energy is July 1, 1996, and, machinery and equipment using landfill gas, April 3, 1998. See WAC 458-20-103, 458-20-178, and 458-20-197.

(a) In the case of an outright purchase of goods, the sale takes place when the goods are delivered to the buyer in this state. Thus, machinery and equipment delivered to the buyer on or after July 1, 1996, or April 3, 1998, respectively, can qualify for exemption, regardless of when the order for the goods was placed.

(b) If machinery and equipment is acquired without payment of retail sales tax, use tax is due at the time of first use. Thus, machinery and equipment for electricity-generating facilities using wind or solar energy which is first put to use after July 1, 1996, can qualify for the exemption. See WAC 458-20-178.

(c) In the case of leases or rentals of tangible personal property, liability for sales tax arises as of the time the lease or rental payment falls due. Thus, in the case of leased machinery and equipment using landfill gas, rental payments that fall due on or after April 3, 1998, can qualify for exemption, regardless of when the lease was initiated.)) This rule explains the retail sales and use tax exemptions provided by RCW 82.08.02567 and 82.12.02567 for the sale and/or use of machinery and equipment used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power. These exemptions expire June 30, 2009.

(2) Retail sales and use tax exemptions. The following exemptions apply for retail sales and use taxes.

(a) For periods before July 1, 2001, the retail sales tax does not apply to the purchase or lease of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating at least two hundred kilowatts of electricity.

For this period, RCW 82.12.02567 provided a corresponding use tax exemption for the use of machinery and equipment for these purposes.

(b) Effective July 1, 2001, the retail sales tax does not apply to the purchase or lease of machinery and equipment

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used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating at least two hundred watts of electricity. See RCW 82.08.02567.

For this period, RCW 82.12.02567 provides a corresponding use tax exemption for the use of machinery and equipment for these purposes, except that no use tax exemption existed with regard to fuel cells until June 10, 2004. Between July 1, 2001, and June 10, 2004, although the purchase of machinery and equipment used directly in generating electricity using fuel cells is exempt from sales tax, the purchaser owes use tax upon the first use in this state of the machinery and equipment.

(3) What is "machinery and equipment"? "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power.

A "support facility" is a part of a building, or a structure or improvement, used to contain or steady an industrial fixture or device. A support facility must be specially designed and necessary for the proper functioning of the industrial fixture or device and must perform a function beyond being a building or a structure or an improvement. It must have a function relative to an industrial fixture or a device. To determine if some portion of a building is a support facility, the parts of the building are examined. For example, a highly specialized structure, like a vibration reduction slab under generators in a landfill gas generating facility, is a support facility. Without the slab, the generators would not function properly. The ceiling and walls of the building housing the generator are not support facilities if they only serve to define the space and do not have a function relative to an industrial fixture or a device.

"Machinery and equipment" does not include:

- (a) The utility grid system;
- (b) Hand-powered tools;
- (c) Property with a useful life of less than one year;
- (d) Repair parts required to restore machinery and equipment to normal working order;
- (e) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment;
- (f) Buildings; or
- (g) Building fixtures that:
 - (i) Are permanently affixed to and become a physical part of a building; but
 - (ii) Are not integral and necessary to the generation of electricity.

(4) When is machinery and equipment "used directly" in generating electricity? Machinery and equipment is used directly to generate electricity when it is used to:

- (a) Capture the energy of fuel cells, the wind, landfill gas, or solar energy;
- (b) Convert that energy to electricity; or
- (c) Store, transform, or transmit that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(5) Examples of qualifying machinery and equipment. This subsection provides examples of machinery and equipment that is used directly in generating electricity and qualifies for the retail sales tax exemption provided by RCW 82.08.02567 and the use tax exemption provided by RCW 82.12.02567. This list is illustrative only and is not intended to provide an exhaustive list of possible qualifying machinery and equipment.

(a) Where solar energy is the principal source of power: Solar modules; power conditioning equipment; batteries; transformers; power poles; power lines; and connectors to the utility grid system or point of use.

(b) Where wind is the principal source of power: Turbines; blades; generators; towers and tower pads; substations; guy wires and ground stays; power conditioning equipment; anemometers; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system or point of use.

(c) Where landfill gas is the principal source of power: Turbines; blades; blowers; burners; heat exchangers; generators; towers and tower pads; substations; guy wires and ground stays; pipe; valves; power conditioning equipment; pressure control equipment; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system or point of use.

(d) Where fuel cells are the principal source of power: Fuel cell assemblies; fuel storage and delivery systems; power inverters; transmitters; transformers; power poles; power lines; and connectors to the utility grid system or point of use.

(6) Installation charges. Retail sales and use taxes do not apply to installation charges for qualifying machinery and equipment. This includes charges for labor and services rendered to install the machinery and equipment. However, there is no exemption for charges for labor and services rendered in respect to constructing buildings or access roads that may be necessary to install or use qualifying machinery and equipment. Nor is there an exemption for tangible personal property, such as a crane or forklift, used by the buyer to install qualifying machinery and equipment.

(7) Required documentation. The prior approval of the department of revenue is not required to claim the retail sales tax exemption. The seller, at the time of sale, must retain in its records an exemption certificate completed by the buyer to document the exempt nature of the sale. This requirement may be satisfied by using the department's "buyer's retail sales tax exemption certificate," or another certificate with substantially the same information as it relates to the exemption provided by RCW 82.08.02567.

A blank exemption certificate can be obtained through the following means:

- (a) From the department's internet website at <http://dor.wa.gov>;
- (b) By facsimile by calling Fast Fax at 360-705-6705 or 800-647-7706 (using menu options); or
- (c) By writing to: Taxpayer Services, Washington State Department of Revenue, P.O. Box 47478, Olympia, Washington 98504-7478.

WSR 05-02-037
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:04 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule is required by statute (RCW 84.33.140) to be effective on January 1 of each year.

Purpose: WAC 458-40-540 contains the forest land values for 2005. County assessors use these published land values for property tax assessments made January 1, 2005. A statutory formula adjusts values annually and requires adoption by the beginning of January each year.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540 Forest land values—2005.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.140.

Adopted under notice filed as WSR 04-23-077 on November 16, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
 Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 04-02-018, filed 12/30/03, effective 1/1/04)

WAC 458-40-540 Forest land values—((2004)) 2005. The forest land values, per acre, for each grade of forest land for the ((2004)) 2005 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES ROUNDED
1	1	\$((210)) <u>203</u>
	2	(207) <u>201</u>
	3	(196) <u>190</u>
	4	(142) <u>138</u>

((2004))
 2005

LAND GRADE	OPERABILITY CLASS	VALUES ROUNDED
2	1	(178) <u>172</u>
	2	(172) <u>167</u>
	3	(165) <u>160</u>
	4	(149) <u>115</u>
3	1	(139) <u>135</u>
	2	(135) <u>131</u>
	3	(134) <u>130</u>
	4	(102) <u>99</u>
4	1	(106) <u>103</u>
	2	(103) <u>100</u>
	3	(102) <u>99</u>
	4	(78) <u>76</u>
5	1	(77) <u>75</u>
	2	(70) <u>68</u>
	3	(69) <u>67</u>
	4	(47) <u>46</u>
6	1	(39) <u>38</u>
	2	(36) <u>35</u>
	3	(36) <u>35</u>
	4	(34) <u>33</u>
7	1	(18) <u>17</u>
	2	(18) <u>17</u>
	3	(17) <u>16</u>
	4	(17) <u>16</u>
8		1

WSR 05-02-038
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:06 a.m., effective January 30, 2005]

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

Purpose: The amended rule coordinates the accreditation requirements for accredited appraisers with the Department of Revenue and county assessor's offices under RCW 36.21.015 with the requirements for certified and licensed real estate appraisers under chapter 18.140 RCW. The amended rule provides that no continuing education credit will be given for courses taken within any four-year period. Prior to amendment, the rule provides that no continuing education credit will be given for courses taken within any five-year period that have the same or very similar content. This coordination is required by RCW 36.21.015.

Citation of Existing Rules Affected by this Order: Amending WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics.

Statutory Authority for Adoption: RCW 36.21.015.

Other Authority: RCW 84.08.010 and 84.08.070.

Adopted under notice filed as WSR 04-21-092 on October 20, 2004.

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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 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 1, Repealed 0.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 97-08-068, filed 4/1/97, effective 5/2/97)

WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics. (1) **Introduction.** This rule provides information about the process for renewing an accreditation certificate, including detailed information about the continuing education requirements required of renewal applicants.

(2) **Renewal of accreditation certificate.** An accredited appraiser desiring to renew his or her accreditation certificate must complete a renewal application and submit it to the property tax division of the department at least two weeks prior to the expiration date of the certificate. In order to receive a renewal of the certificate, the applicant must provide proof that he or she has attended a minimum of fifteen classroom hours of approved instruction within the two years preceding the expiration date of the certificate.

((2)) (3) **Extensions of time for renewal.** An applicant may request an extension of time to submit the renewal application and complete the continuing education requirements if the request is submitted prior to the expiration date of the certificate. The time extension shall only be approved upon a showing of good cause by the applicant and only for a maximum time period of three months from the original expiration date of the certificate. Good cause may include, but is not limited to, a showing of long-term illness or extended absence from work for valid reasons. Excessive workload, insufficient funds, lack of budget allocation, or other similar reasons are not satisfactory to show good cause.

((3)) (4) **Preapproval of courses.** All courses, seminars, or workshops must be preapproved by the department in order to be applied toward the continuing education requirement. The department ((shall)) will use the following criteria to approve courses, seminars, or workshops:

(a) Any course, seminar, or workshop directly related to real property appraising and offered by qualified personnel ((shall)) will be approved for the full number of classroom hours involved; and

(b) Any seminar or workshop directly related to a topic or topics of general interest to an assessor's office and offered by qualified personnel ((shall)) will be approved for a maximum of three classroom hours. No more than three hours out of the fifteen classroom hours required may be on a topic or topics of general interest to an assessor's office.

((4)) (5) **Course examination not required.** No examination is required for courses, seminars, or workshops taken to satisfy the requirement for continuing education classroom hours.

((5)) (6) **Participation in education other than as a student.** The continuing education requirement may be satisfied by participating other than as a student in educational process and programs approved by the department including teaching, program development, and authorship of textbooks or other written instructional materials. Approval of the number of classroom hours ((shall)) will be based upon the subject matter and time spent in preparation or development of the training or materials. In order to meet the continuing education requirement in this manner, the following criteria must be met:

(a) Textbook, course, or presentation materials must originate with and be developed by the textbook or course author or the presenter;

(b) The textbook or course author or presenter must provide the department with a description of the work involved in preparing the textbook, course, or presentation, together with the amount of time spent in preparation and amount of time, if any, proposed to be spent in actual training or presenting; and

(c) The course author or presenter must provide the department with a copy of the course or presentation outline showing the amount of time allotted to each topic covered in the course or presentation.

((6)) (7) **Topics covered.** Courses, seminars, or workshops taken to satisfy the continuing education requirement for accredited appraisers must cover topics related to real property appraisal, such as:

- (a) Ad valorem taxation;
- (b) Arbitrations;
- (c) Business courses related to practice of real estate;
- (d) Construction estimating;
- (e) Ethics and standards of professional practice;
- (f) Land use planning, zoning, and taxation;
- (g) Property development;
- (h) Real estate law;
- (i) Real property exchange;
- (j) Real property computer applications;
- (k) Mass appraisal;
- (l) Geographic information systems (GIS);
- (m) Levy process;
- (n) Boards of equalization; and
- (o) Other subjects as are approved by the department.

((7)) (8) **Same or similar content.**

(a) No applicant ((shall)) will receive approval from the department for courses taken within any ((five)) four-year time period that have the same or very similar content and are deemed comparable by the department, even if the course providers are different.

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(b) Applicants who request approval from the department for continuing education hours for preparation and development of textbook, course, or presentation materials that have previously been approved by the department must provide sufficient information and explanation to indicate how the materials differ from the original approved materials and how much preparation and time was involved in the revision of the original materials.

~~((8))~~ **(9) Carry-over of classroom hours.** A maximum of five continuing education classroom hours may be carried over and applied to the following two-year period of accreditation.

~~((9))~~ **(10) Education requirement for standards of appraisal practice and ethics.** Each accredited appraiser is required to successfully complete fifteen classroom hours of a course or courses approved by the department in standards of appraisal practice and ethics. If the course or courses have not been successfully completed at the time an applicant is accredited, the course or courses attended to satisfy this requirement may also be used to satisfy the general continuing education requirement and are not in addition to the fifteen hours of continuing education required to be satisfied every two years. The requirement for successful completion of fifteen classroom hours in standards of appraisal practice and ethics must be satisfied in any one of the following three ways:

(a) An accredited appraiser had successfully completed the fifteen classroom hours of a course or courses at the time he or she was initially accredited, and can provide proof to the department of such successful completion;

(b) An accredited appraiser who has not yet successfully completed the fifteen hours of such course or courses must do so within three years of the effective date of this rule; or

(c) An applicant for accreditation must either:

(i) Have successfully completed fifteen hours of such course or courses within three years prior to the date of application; or

(ii) Successfully complete fifteen hours of such course or courses within three years of the date of accreditation.

~~((10))~~ **(11) Failure to comply with continuing education requirements.** Any accredited appraiser whose accreditation certificate has expired, and who has not received an extension of time under subsection ~~((2))~~ **(3)** of this section, is prohibited from appraising real property for purposes of taxation. After the certificate has expired, an applicant must show the following in order to renew the certificate:

(a) For a certificate that expired less than two years prior to the date the renewal application is submitted, an applicant must show that he or she has satisfied the fifteen classroom hours of continuing education requirement within the previous two years. Any application submitted within two years of the certificate expiration that fails to satisfy the continuing education requirement will be denied.

(b) For a certificate that expired more than two years prior to the date the renewal application is submitted, the application will be treated as a new application for accreditation and in addition, the applicant will be required to show that he or she has satisfied thirty classroom hours of continuing education within the previous four years.

WSR 05-02-039

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:08 a.m., effective January 30, 2005]

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

Purpose: WAC 458-20-110 Delivery charges, has been revised to incorporate changes in the law. Changes include provisions of chapter 167, Laws of 2003, which implemented provisions of the national Streamlined Sales and Use Tax Agreement, and chapter 367, Laws of 2002, regarding treatment of delivery charges for purposes of use tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-110 Delivery charges.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 04-19-076 on September 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 458-20-110 Delivery charges.

Language has been added to subsection (3)(e), which explains the use of the examples included in subsections (3)(e)(i)-(v). New language not included in the proposed rule is underlined:

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances. In these examples, if the seller had been required to collect use tax (RCW 82.12.040) instead of retail sales tax (RCW 82.08.050), the use tax collection responsibility remains the same as for retail sales tax. This is because, in this context, the "value of article used" has the same meaning as the "purchase price" or "selling price."

In subsection (3)(e)(v), the city location of the seller has been deleted.

In subsection (4), the words "or servicing" have been removed from the first sentence, and a citation to RCW 82.12.040 has been added in the second sentence.

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.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 91-23-037, filed 11/13/91, effective 12/14/91)

WAC 458-20-110 ((Freight and)) Delivery charges.

(1) **Introduction.** ((This rule explains that freight and delivery costs charged to the buyer are generally part of the selling price. Chapter 82.04 RCW in defining "gross proceeds of sales" and "gross income of the business" states that delivery costs may not be deducted from the measure of the B&O tax. Sellers who are making deliveries from an out-of-state location to customers in Washington should refer to WAC 458-20-193 to determine if they have sufficient nexus to require the payment of the B&O tax or collection of retail sales or use tax on the "gross proceeds of sales."))

(2) Amounts received by a seller from a purchaser for freight and delivery costs incurred by the seller prior to completion of sale constitute recovery of costs of doing business and must be included in the selling price or gross proceeds of sales reported by the seller regardless of whether charges for such costs are billed separately or whether the seller is also the carrier. The sale is complete when the purchaser or the purchaser's agent has received the goods.

(a) "Purchaser's agent" means a person authorized to receive goods for the purchaser with the power to inspect and accept or reject them.

(b) "Received" or "receipt" means the purchaser or its agent first either taking physical possession of the goods or having dominion and control over them.

(c) It is presumed that the person who is shown as the consignor (or other designation of the person from whom the goods are sent) on the bill of lading has control over the goods while the goods are in the hands of the carrier. It also will be presumed that the sale is not complete at the time of delivery to the carrier if the seller has personal liability to pay or has paid the carrier.

(3) Freight and delivery costs incurred by a lessor, regardless of whether billed separately to a lessee or not, are costs of doing business to the lessor in every case and must be included in the selling price or gross proceeds of sales reported by the lessor.

(4) Delivery costs incurred after the buyer has taken receipt of the goods are not part of the selling price when the seller is not liable to pay or has not paid the carrier. It must be clearly shown that the buyer alone is responsible to pay the carrier for the delivery costs to be excluded from the taxable value of the selling price. See WAC 458-20-112 for the deduction of out-of-state freight and delivery charges from "value of products." Also see WAC 458-20-111 for a further discussion of "advances and reimbursements."

(5) **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 tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) XYZ Corporation in Seattle orders a repair part for its machine from ABC Distributors located in Spokane. XYZ Corporation requests that the part be shipped by next-day air and agrees to pay the additional shipping costs. The seller bills the buyer the exact amount of shipping costs. ABC Distributors is subject to the business and occupation tax and also is required to collect and report the retail sales tax on the

amounts billed as shipping charges. The seller was liable to pay the air carrier and the buyer had not taken receipt at the time the part was given to the carrier.

(b) Jane Doe orders a life vest from Marine Sales in Seattle and she requests that the vest be shipped by United States mail to her home in Bellingham. The seller places the correct postage on the package using a postage meter and charges the buyer the exact amount of postage. The reimbursement of the postage is taxable to the seller. The seller had liability for payment of the postage to the postal service and was required to effect delivery to the buyer.

(c) L&M Machinery of Spokane ordered a large piece of equipment from ACE Equipment in Renton. L&M specified that the equipment was to be shipped by prepaid freight and free on board (FOB) the seller's dock. L&M requested that the seller use M&T Trucking as the carrier. The transportation charge billed to the buyer is taxable to the seller. The FOB point or other shipping terms are not controlling. The seller was required to deliver the equipment to the buyer. Delivery was not completed until the equipment arrived in Spokane.

(d) ABC Construction in Seattle ordered replacement parts for a saw from XYZ Parts, Inc., an unregistered business located in Chicago. ABC Construction requested that the parts be shipped freight collect from Chicago and that ABC be shown as the shipper/consignor and also as the consignee on the bill of lading. The seller had no liability to pay the carrier. ABC Construction is subject to use tax on the purchase price of the parts. ABC Construction may exclude the cost of the transportation from the value on which use tax is due.

(e) Jones Computer Supply, a distributor located in Seattle, sells computer products primarily by mail order. It is the practice of Jones Computer Supply to make a three dollar handling charge for each order. No separate charge is made for the transportation. The handling charge is part of the measure of the selling price of the product and fully subject to the wholesaling or retailing and retail sales tax.) This rule explains the manner in which delivery charges are considered for purposes of business and occupation (B&O), retail sales, and use taxes. For information about delivery charges with regard to promotional materials, see WAC 458-20-17803 (Use tax on promotional materials).

(2) What are delivery charges? "Delivery charges" means charges by the seller for preparation and delivery to a location designated by the purchaser of tangible personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. RCW 82.08.010 and chapter 168, Laws of 2003, adopted the national Streamlined Sales and Use Tax Agreement definition of "delivery charges."

(3) Do the business and occupation (B&O) and retail sales taxes apply to delivery charges? The measure of the tax is "gross proceeds of sales" for B&O tax (RCW 82.04-.070) and "selling price" for retail sales tax (RCW 82.08.010). Gross proceeds of sales and selling price include all consideration paid by the buyer, without any deduction for costs of doing business such as material, labor, and transportation costs, including delivery charges. Thus, delivery charges by the seller are a component of these tax measures.

(a) What if delivery charges are separately itemized on the sales invoice? Amounts received by a seller from a buyer for delivery charges are included in the measure of tax regardless of whether charges for such costs are billed separately, itemized, or whether the seller is also the carrier. Limiting delivery charges to the actual cost of delivery to the seller does not affect taxability.

(b) Does retail sales tax apply to all delivery charges by the seller? Delivery charges by the seller making a retail sale are a component of the selling price. If the sale of the tangible personal property or service is exempt from retail sales tax, such as certain "food and food ingredients," retail sales tax does not apply to the selling price, including delivery charges, associated with that sale. Similarly, if the product is sold at wholesale, retail sales tax does not apply to the delivery charges of that sale.

(c) Are there any situations in which delivery charges by the seller may be excluded from the measure of tax? There is no specific exclusion from the measure of tax for delivery charges by the seller. Actual delivery costs, regardless of whether separately charged, may be excluded from the measure of the manufacturing and extracting B&O taxes when the products are delivered outside the state. For further discussion, refer to WAC 458-20-112 (Value of products). WAC 458-20-13501 (Timber harvest operations) provides guidance regarding this issue for persons engaged in activities associated with timber harvesting.

(d) Delivery charges in cases of payments to third parties. Delivery charges incurred after the buyer takes delivery of the goods are not part of the selling price when the seller is not liable for payment of the delivery charges. To be excluded from the gross proceeds of sales for B&O tax and selling price for retail sales tax, the seller must document that the buyer alone is responsible to pay the carrier for the delivery charges.

(e) 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 tax results of other situations must be determined after a review of all of the facts and circumstances. In these examples, if the seller had been required to collect use tax (RCW 82.12.040) instead of retail sales tax (RCW 82.08.050), the use tax collection responsibility remains the same as for retail sales tax. This is because, in this context, the "value of article used" has the same meaning as the "purchase price" or "selling price."

(i) Example 1. Jane Doe orders a life vest from Marine Sales and requests that the vest be mailed by the United States Postal Service to her home. Marine Sales places the correct postage on the package using its postage meter and separately itemizes a charge on the sales invoice to Jane at the exact amount of the postage cost. Marine Sales is subject to the retailing B&O tax on the gross proceeds of the sale and must collect retail sales tax on the selling price, both of which measures of tax include the charge for postage.

(ii) Example 2. XYZ Corporation orders equipment from ABC Distributors and provides ABC with a properly completed resale certificate. ABC ships the equipment using overnight air delivery and itemizes the actual amount of its shipping costs on the sales invoice. ABC must remit wholesaling B&O tax on the gross proceeds of sale, which includes

the amount billed as shipping charges. Since the equipment is purchased for resale, ABC does not collect or report retail sales tax.

(iii) Example 3. The facts in this example are the same as those in (ii) of this subsection except that XYZ provides ABC with a properly completed exemption certificate. Retail sales tax does not apply to the delivery charge because the selling price, of which the delivery charge is a component, is exempt from retail sales tax. However, the delivery charge is included in the gross proceeds of the sale, and thus, is subject to retailing B&O tax.

(iv) Example 4. Jones Computer Supply, a distributor, makes retail sales of computer products primarily by mail order. It is the practice of Jones Computer Supply to add a ten-dollar handling charge for each order. No separate charge is made for actual transportation. The handling charge is part of the measure of tax for the retailing B&O and retail sales taxes.

(v) Example 5. ABC Construction in Seattle purchased a new saw from XYZ, Inc. The sales contract specifies that ABC will contract with MNO, Inc. for shipping to Seattle and that MNO, Inc. will pick up the saw in Spokane. ABC does contract with MNO for the shipping and is shown as the consignor on the bill of lading. The transportation charge is not included in the measure of tax for purposes of the retailing B&O and retail sales taxes because ABC, the buyer, is liable for payment to MNO, for shipping the new saw.

(4) Delivery charges and use tax. Beginning June 1, 2002, "value of article used," which is the measure of the use tax for tangible personal property, includes the amount of any delivery charge paid or given to the seller or on behalf of the seller with respect to the purchase of such article. Beginning July 1, 2004, both the "value of the article used" and the "value of the service used" will be the "purchase price" in instances where the seller is required under RCW 82.12.040 to collect use tax from the purchaser. RCW 82.12.010. "Purchase price" has the same meaning as "selling price" as described in subsection (3) of this rule. Consumers responsible for remitting use tax directly to the department should refer to WAC 458-20-178 (Use tax).

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances. Presume that all transactions in the following examples occur July 1, 2004, or later.

(a) Example 1. ABC Construction ordered replacement parts for a saw from XYZ, Inc., a business located in Chicago that is not required to collect Washington taxes. XYZ contracted with MNO Freight to ship the parts from Chicago. ABC is subject to use tax on the value of the article used (presumed to be the purchase price of the parts) including the cost of the transportation, regardless of whether the transportation costs are itemized.

(b) Example 2. The facts in this example are the same as those in (a) of this subsection except that instead of ordering a replacement part, ABC Construction sends a broken part to XYZ, Inc. in Chicago for repair. ABC is subject to use tax on the repair service. The cost of transportation is included in

the value of the service used, regardless of whether the transportation costs are itemized.

(c) Example 3. ABC Construction ordered replacement parts for a saw from XYZ, Inc., a business located in Chicago that is not required to collect Washington taxes. ABC hired MNO Freight to ship the parts from Chicago and was responsible for payment. ABC may exclude the cost of the transportation from the value on which use tax is due. The transportation costs ABC pays MNO are not a component of the value of the article used because the cost is not part of the consideration paid to XYZ for the replacement parts. ABC is subject to use tax on the value of the parts, which is presumed to be their purchase price.

Date Adopted: December 30, 2004.

Janis P. Bianchi, Manager
Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 04-14-033, filed 6/29/04, effective 7/1/04)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) Stumpage value tables. The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~(July)~~ January 1 through ~~(December 31, 2004))~~ June 30, 2005:

WSR 05-02-040

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed December 30, 2004, 11:09 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on January 1, 2005.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the first half of 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 04-23-078 on November 16, 2004.

A final cost-benefit analysis is available by contacting Roseanna Hodson, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543, e-mail roseannah@dor.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$423	\$416	\$409	\$402	\$395
		2	423	416	409	402	395
		3	365	358	351	344	337
		4	360	353	346	339	332
Western-Redcedar(2)	RC	1	777	770	763	756	749
Western-Hemlock-and-Other-Conifer(3)	WH	1	303	296	289	282	275
		2	221	214	207	200	193
		3	215	208	201	194	187
		4	208	201	194	187	180
Red-Alder	RA	1	368	361	354	347	340
		2	302	295	288	281	274
Black-Cottonwood	BC	1	1	1	1	1	
Other-Hardwood	OH	1	190	183	176	169	162
Douglas-Fir-Poles	DFL	1	637	630	623	616	609
Western-Redcedar-Poles	RCL	1	1192	1185	1178	1171	1164
Chipwood(4)	CHW	1	1	1	1	1	
RC-Shake-Blocks	RCS	1	303	296	289	282	275
RC-Shingle-Blocks	RCF	1	121	114	107	100	93
RC & Other Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF-Christmas-Trees(6)	DFX	1	0.25	0.25	0.25	0.25	0.25

PERMANENT

(TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling				
		Quality	Distance	Zone	Number	Number
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-680.
(2) Includes Alaska Cedar.
(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
(4) Stumpage value per ton.
(5) Stumpage value per 8 lineal feet or portion thereof.
(6) Stumpage value per lineal foot.

(TABLE 2—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number	Number	
Douglas Fir	DF	+	\$500	\$493	\$486	\$479	\$472
Western Redcedar(2)	RC	+	777	770	763	756	749
Western Hemlock and- Other Conifer(3)	WH	+	303	296	289	282	275
Black Cottonwood	BC	+	+	+	+	+	+
Other Hardwood	OH	+	190	183	176	169	162
Douglas Fir Poles	DFP	+	637	630	623	616	609
Western Redcedar Poles	RCP	+	1192	1185	1178	1171	1164
Chipwood(4)	CHW	+	+	+	+	+	+
RC Shake-Blocks	RCS	+	303	296	289	282	275

(1) Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-680.
(2) Includes Alaska Cedar.
(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
(4) Stumpage value per ton.
(5) Stumpage value per 8 lineal feet or portion thereof.
(6) Stumpage value per lineal foot.

(TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 8—Stumpage Value Table
Stumpage Value Area 8
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 9—Stumpage Value Table
Stumpage Value Area 9
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 10—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 11—Stumpage Value Table
Stumpage Value Area 11
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50	0.50		

(TABLE 12—Stumpage Value Table
Stumpage Value Area 12
July 1 through December 31, 2004
Stumpage Values per Thousand Board Feet Net Scribner Log Scale(t))

Species Name	Species Code	Hauling							
		Quality	Distance	Zone	Number	Number			
Other Christmas Trees(6)	TFX	+	0.50	0.50	0.50	0.50			
DF Christmas Trees(6)	DFX	+	0.25	0.25	0.25	0.25			
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45			
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
Species Name <td>Species Code</td> <td>+</td> <td>Code</td> <td>Number</td> <td>+</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td>	Species Code	+	Code	Number	+	2	3	4	5
Timber			Quality	Distance	Zone	Number			
Hauling									
RC Shingle-Blocks	RCP	+	121	114	107	100	93		
RC & Other Poles(5)	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees(6)									

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Poles	RCL	1	1192	1185	1178	1171	1164
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir(2)	DF	1	\$418	\$411	\$404	\$397	\$390
		2	395	388	381	374	367
		3	395	388	381	374	367
		4	395	388	381	374	367
Lodgepole Pine	LP	1	166	159	152	145	138
Ponderosa Pine	PP	1	256	249	242	235	228
		2	205	198	191	184	177
Western Redcedar(3)	RC	1	777	770	763	756	749
Western Hemlock and Other Conifer(4)	WH	1	303	296	289	282	275
		2	216	209	202	195	188

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		3	207	200	193	186	179
		4	179	172	165	158	151
Red Alder	RA	1	368	361	354	347	340
		2	302	295	288	281	274
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	190	183	176	169	162
Douglas Fir Poles	DFL	1	637	630	623	616	609
Western Redcedar Poles	RCL	1	1192	1185	1178	1171	1164
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per 8 lineal feet or portion thereof.
- (7) Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir(2)	DF	1	\$412	\$405	\$398	\$391	\$384
		2	412	405	398	391	384
		3	355	348	341	334	327

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TABLE 5 - Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine	LP	1	166	159	152	145	138
Ponderosa Pine	PP	1	256	249	242	235	228
Ponderosa Pine	PP	2	205	198	191	184	177
Western Redcedar(3)	RC	1	777	770	763	756	749
Western Hemlock and Other Conifer(4)	WH	1	303	296	289	282	275
Other Conifer(4)		2	209	202	195	188	181
Douglas Fir Poles	DPL	1	627	620	623	616	609
Western Redcedar Poles	RCL	1	1192	1185	1178	1171	1164
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCP	1	121	114	107	100	93
RC & Other Poles(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	DFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot.

TABLE 6 - Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir(2)	DF	1	\$280	\$273	\$266	\$259	\$252
Lodgepole Pine	LP	1	166	159	152	145	138
Lodgepole Pine	LP	2	205	198	191	184	177
Ponderosa Pine	PP	1	256	249	242	235	228
Ponderosa Pine	PP	2	205	198	191	184	177
Western Redcedar(3)	RC	1	525	518	511	504	497
Western Hemlock and Spruce(4)	WH	1	161	154	147	140	133
Western White Pine	WPP	1	298	291	284	277	270
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	525	518	511	504	497
Small Logs(5)	SML	1	23	22	21	20	19
Chipwood(5)	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCP	1	92	85	78	71	64
LP & Other Poles(6)	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees(7)	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(8)	DFX	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
 (8) Stumpage value per lineal foot.

TABLE 8 - Stumpage Value Table

Stumpage Value Area 10
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber					
		Quality	Distance	Zone	Number	Number	
Douglas Fir(2)	DF	1	\$404	\$397	\$390	\$383	\$376
		2	381	374	367	360	353
		3	381	374	367	360	353
		4	381	374	367	360	353
		5	381	374	367	360	353
Lodgepole Pine	LP	1	166	159	152	145	138
		2	256	249	242	235	228
		3	205	198	191	184	177
		4	205	198	191	184	177
		5	205	198	191	184	177
Ponderosa Pine	PP	1	256	249	242	235	228
		2	205	198	191	184	177
		3	202	195	188	181	174
		4	165	158	151	144	137
		5	165	158	151	144	137
Western Redcedar(3)	RC	1	763	756	749	742	735
		2	289	282	275	268	261
		3	202	195	188	181	174
		4	165	158	151	144	137
		5	165	158	151	144	137
Western Hemlock and Other Conifer(4)	WH	1	289	282	275	268	261
		2	202	195	188	181	174
		3	193	186	179	172	165
		4	165	158	151	144	137
		5	165	158	151	144	137
Red Alder	RA	1	354	347	340	333	326
		2	288	281	274	267	260
		3	202	195	188	181	174
		4	165	158	151	144	137
		5	165	158	151	144	137
Black Cottonwood	BC	1	1	1	1	1	1
		2	1	1	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
		5	1	1	1	1	1
Other Hardwood	OH	1	176	169	162	155	148
		2	623	616	609	602	595
		3	623	616	609	602	595
		4	623	616	609	602	595
		5	623	616	609	602	595
Douglas Fir Poles	DFP	1	623	616	609	602	595
		2	623	616	609	602	595
		3	623	616	609	602	595
		4	623	616	609	602	595
		5	623	616	609	602	595
Western Redcedar Poles	RCP	1	1178	1171	1164	1157	1150
		2	1178	1171	1164	1157	1150
		3	1178	1171	1164	1157	1150
		4	1178	1171	1164	1157	1150
		5	1178	1171	1164	1157	1150
Chipwood(5)	CHW	1	1	1	1	1	1
		2	1	1	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
		5	1	1	1	1	1
RC Shake & Shingle Blocks	RCS	1	203	206	209	212	215
		2	203	206	209	212	215
		3	203	206	209	212	215
		4	203	206	209	212	215
		5	203	206	209	212	215
RC Shingle Blocks	RCF	1	121	114	107	100	93
		2	121	114	107	100	93
		3	121	114	107	100	93
		4	121	114	107	100	93
		5	121	114	107	100	93
RC & Other Posts(6)	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.45	0.45	0.45	0.45	0.45
		3	0.45	0.45	0.45	0.45	0.45
		4	0.45	0.45	0.45	0.45	0.45
		5	0.45	0.45	0.45	0.45	0.45
DP Christmas Trees(7)	DPX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
		3	0.25	0.25	0.25	0.25	0.25
		4	0.25	0.25	0.25	0.25	0.25
		5	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	TFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.50	0.50	0.50	0.50	0.50
		3	0.50	0.50	0.50	0.50	0.50
		4	0.50	0.50	0.50	0.50	0.50
		5	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-10-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot.
 (8) Stumpage value per lineal foot.

TABLE 7 - Stumpage Value Table

Stumpage Value Area 7
July 1 through December 31, 2004

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Timber					
		Quality	Distance	Zone	Number	Number	
Douglas Fir(2)	DF	1	\$282	\$275	\$268	\$261	\$254
		2	194	187	180	173	166
		3	194	187	180	173	166
		4	194	187	180	173	166
		5	194	187	180	173	166
Lodgepole Pine	LP	1	214	207	200	193	186
		2	253	246	239	232	225
		3	214	207	200	193	186
		4	214	207	200	193	186
		5	214	207	200	193	186
Ponderosa Pine	PP	1	543	536	529	522	515
		2	543	536	529	522	515
		3	543	536	529	522	515
		4	543	536	529	522	515
		5	543	536	529	522	515
Western Redcedar(3)	RC	1	206	199	192	185	178
		2	206	199	192	185	178
		3	206	199	192	185	178
		4	206	199	192	185	178
		5	206	199	192	185	178
True Firs and Spruce(4)	WH	1	50	43	36	29	22
		2	50	43	36	29	22
		3	50	43	36	29	22
		4	50	43	36	29	22
		5	50	43	36	29	22
Western White Pine	WPP	1	310	303	296	289	282
		2	310	303	296	289	282
		3	310	303	296	289	282
		4	310	303	296	289	282
		5	310	303	296	289	282
Hardwoods	OH	1	1	1	1	1	1
		2	1	1	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
		5	1	1	1	1	1
RC Shake & Shingle Blocks	RCP	1	92	85	78	71	64
		2	92	85	78	71	64
		3	92	85	78	71	64
		4	92	85	78	71	64
		5	92	85	78	71	64
Chipwood(5)	CHW	1	1	1	1	1	1
		2	1	1	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
		5	1	1	1	1	1
Small Logs(5)	SMB	1	21	20	19	18	17
		2	21	20	19	18	17
		3	21	20	19	18	17
		4	21	20	19	18	17
		5	21	20	19	18	17
Western Redcedar Poles	RCP	1	543	536	529	522	515
		2	543	536	529	522	515
		3	543	536	529	522	515
		4	543	536	529	522	515
		5	543	536	529	522	515
LP & Other Posts(6)	LPP	1	0.35	0.35	0.35	0.35	0.35
		2	0.35	0.35	0.35	0.35	0.35
		3	0.35	0.35	0.35	0.35	0.35
		4	0.35	0.35	0.35	0.35	0.35
		5	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees(7)	PX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
		3	0.25	0.25	0.25	0.25	0.25
		4	0.25	0.25	0.25	0.25	0.25
		5	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(8)	DPX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
		3	0.25	0.25	0.25	0.25	0.25
		4	0.25	0.25	0.25	0.25	0.25
		5	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-10-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per ton.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot.
 (8) Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir	DF	1	\$473	\$466
		2	441	434	427	420	413
		3	400	393	386	379	372
		4	352	345	338	331	324
Western Redcedar ⁽²⁾	RC	1	752	752	745	738	731
Western Hemlock and Other Conifer ⁽³⁾	WH	1	331	324	317	310	303
		2	223	216	209	202	195
		3	223	216	209	202	195
		4	223	216	209	202	195
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles	DFL	1	657	650	643	636	629
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir	DF	1	\$502	\$495
		2	418	411	404	397	390
		3	416	409	402	395	388
		4	366	359	352	345	338
Western Redcedar ⁽²⁾	RC	1	752	752	745	738	731
Western Hemlock and Other Conifer ⁽³⁾	WH	1	331	324	317	310	303
		2	276	269	262	255	248
		3	244	237	230	223	216
		4	237	230	223	216	209
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles	DFL	1	657	650	643	636	629
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$386	\$379	\$372	\$365	\$358
		2	334	327	320	313	306
		3	334	327	320	313	306
		4	317	310	303	296	289
Western Redcedar ⁽²⁾	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	331	324	317	310	303
		2	232	225	218	211	204
		3	167	160	153	146	139
		4	148	141	134	127	120
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles	DFL	1	657	650	643	636	629
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DEX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$434	\$427	\$420	\$413	\$406
		2	434	427	420	413	406
		3	434	427	420	413	406
		4	412	405	398	391	384
Lodgepole Pine	LP	1	207	200	193	186	179
Ponderosa Pine	PP	1	251	244	237	230	223
		2	199	192	185	178	171
Western Redcedar ⁽³⁾	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	331	324	317	310	303
		2	264	257	250	243	236
		3	225	218	211	204	197
		4	224	217	210	203	196
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles	DFL	1	657	650	643	636	629
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

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TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$440	\$433	\$426	\$419	\$412
		2	440	433	426	419	412
		3	416	409	402	395	388
		4	412	405	398	391	384
Lodgepole Pine	LP	1	207	200	193	186	179
Ponderosa Pine	PP	1	251	244	237	230	223
		2	199	192	185	178	171
Western Redcedar ⁽³⁾	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	331	324	317	310	303
		2	239	232	225	218	211
		3	237	230	223	216	209
		4	230	223	216	209	202
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas-Fir Poles	DFL	1	657	650	643	636	629
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$312	\$305	\$298	\$291	\$284
Lodgepole Pine	LP	1	207	200	193	186	179
Ponderosa Pine	PP	1	251	244	237	230	223
		2	199	192	185	178	171
Western Redcedar ⁽³⁾	RC	1	475	468	461	454	447
True Firs and Spruce ⁽⁴⁾	WH	1	219	212	205	198	191
Western White Pine	WP	1	302	295	288	281	274
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	475	468	461	454	447
Small Logs ⁽⁵⁾	SML	1	25	24	23	22	21
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁸⁾ Stumpage value per lineal foot.

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TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$345	\$338	\$331	\$324	\$317
Lodgepole Pine	LP	1	225	218	211	204	197
Ponderosa Pine	PP	1	240	233	226	219	212
		2	206	199	192	185	178
Western Redcedar ⁽³⁾	RC	1	475	468	461	454	447
True Firs and Spruce ⁽⁴⁾	WH	1	266	259	252	245	238
Western White Pine	WP	1	302	295	288	281	274
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	475	468	461	454	447
Small Logs ⁽⁵⁾	SML	1	25	24	23	22	21
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁸⁾ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$420	\$413	\$406	\$399	\$392
		2	420	413	406	399	392
		3	420	413	406	399	392
		4	398	391	384	377	370
Lodgepole Pine	LP	1	207	200	193	186	179
Ponderosa Pine	PP	1	251	244	237	230	223
		2	199	192	185	178	171
Western Redcedar ⁽³⁾	RC	1	745	738	731	724	717
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	317	310	303	296	289
		2	250	243	236	229	222
		3	211	204	197	190	183
		4	210	203	196	189	182
Red Alder	RA	1	356	349	342	335	328
		2	283	276	269	262	255
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles	DFL	1	643	636	629	622	615
Western Redcedar Poles	RCL	1	1177	1170	1163	1156	1149
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot.

PERMANENT

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(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July)) January 1 through ((December 31, 2004)) June 30, 2005:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((July)) January 1 through ((December 31, 2004)) June 30, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	- \$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	- \$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	- \$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((July)) January 1 through ((December 31, 2004)) June 30, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	

III. Remote island adjustment:

For timber harvested from a remote island	- \$50.00
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TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

WSR 05-02-044
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed December 30, 2004, 3:59 p.m., effective January 30, 2005]

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

Purpose: The rules implement SB 6088 (chapter 29, Laws of 2003) which directs state agencies to establish an evidence-based prescription drug program that identifies preferred drugs, develop programs to provide prescription drugs at a reasonable price to those in need, and increase public awareness regarding their sale and cost-effective use. To fulfill this legislative mandate, the rules establish new sections within chapter 388-530 WAC, Pharmacy services, for preferred drug lists and the therapeutic interchange program (TIP). The rules also amend sections to update, clarify, and make them consistent with the new sections.

Citation of Existing Rules Affected by this Order: Amending WAC 388-530-1050, 388-530-1100, 388-530-1125, 388-530-1150, 388-530-1200, 388-530-1250, 388-530-1260, 388-530-1270, 388-530-1400, 388-530-1900, and 388-530-1950.

Statutory Authority for Adoption: RCW 74.08.090, 70.14.050, 69.41.150, 69.41.190, chapter 41.05 RCW.

Adopted under notice filed as WSR 04-19-109 on September 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-530-1100, (moved text from (3)(c) to (2)(b) and (c) as follows):

(2) MAA reimburses a provider for medically necessary drugs, devices, and supplies as follows:

(a) Only when the manufacturer has signed a drug rebate agreement with the federal Department of Health and Human Services (DHHS). Exceptions to the drug rebate requirement are described in WAC 388-530-1125 which describes the drug rebate program.

(b) For drugs requiring prior authorization:

(i) When prior authorized by MAA; or

(ii) When they meet MAA's published expedited prior authorization (EPA) criteria and the dispensing pharmacist follows the EPA process described in WAC 388-530-1250(4).

(c) For preferred drugs in drug classes on the preferred drug list(s):

(i) Without prior authorization; and

(ii) According to WAC 388-530-1280.

(3) MAA covers the following medically necessary drugs, devices, and supplies:...

(c) ~~Drugs requiring prior authorization when:~~

(i) ~~Prior authorized by MAA; and~~

(ii) ~~They meet MAA's published expedited prior authorization (EPA) criteria and the dispensing pharmacist follows the EPA process described in WAC 388-530-1250(4).~~

(i) ~~Preferred drugs in drug classes on the preferred drug list(s), according to WAC 388-530-1280.~~ Oral, topical, and/or injectable drugs, vaccines for immunizations, and biologicals, prepared or packaged for individual use.

(d), (e), (f), (g), and (h) in this subsection are relettered to ensure consistency.

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WAC 388-530-1150

(1) The Medical Assistance Administration (MAA) does not cover:...

(n) Nonpreferred drugs when a therapeutic equivalent is on the preferred drug list(s) (PDL), according to WAC 388-530-1100, and subject to the dispense as written (DAW) provisions in WAC 388-530-1280 and 388-530-1290.

A final cost-benefit analysis is available by contacting Ann Myers, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, 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 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 11, Repealed 0.

Date Adopted: December 27, 2004.

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

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-03 issue of the Register.

WSR 05-02-046
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-327—Filed January 3, 2005, 2:23 p.m., effective February 3, 2005]

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

Purpose: Amend WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three, 232-28-248 Special closures and firearm restriction areas, 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions, 232-28-291 Special hunting season permits and 232-12-021 Importation and retention of dead nonresident wildlife; and adopting WAC 232-28-284 Spring black bear damage seasons and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-333, 232-28-248, 232-28-271, 232-28-291, and 232-12-021.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-21-098, 04-21-100, 04-21-101, 04-21-099, 04-21-095, and 04-21-097 on October 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.**

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 1

2005 - Mule and Whitetail Deer; Buckrun Limited Permit Draw Hunts

- Calendar Date Adjustments
 - Buckrun A from Sept. 1-Oct. 15 to Sept. 1-Oct. 14
 - Buckrun B from Oct. 25-Dec. 31 to Oct. 24-Dec. 31
 - Buckrun C from Sept. 1-Oct 15 and Oct. 25-Dec. 31 to Sept. 1-Oct. 14 and Oct. 24-Dec. 31

Page 2

2005 - Mule and Whitetail Deer; Buckrun Limited Area

- Calendar Date Adjustments
 - Buckrun Any Deer from Sept. 15-Oct. 15 and Oct. 25-Dec. 31 to Sept. 15-Oct. 14 and Oct. 24-Dec. 31
 - Buckrun Antlerless Only from Sept. 15-Oct. 15 and Oct. 25-Dec. 31 to Sept. 15-Oct. 14 and Oct. 24-Dec. 31
 - Buckrun Raffle from Sept. 15-Oct. 15 and Oct. 25-Dec. 31 to Sept. 15-Oct. 14 and Oct. 24-Dec. 31

Page 3

2005 - Blacktail Deer; Merrill and Ring's Pysht Tree Farm

- Calendar Date Adjustments
 - Pysht C from Nov. 7-22 to Nov. 5-22
 - Pysht D from Nov. 7-22 to Nov. 5-22
- Changed the year in the heading for the Elk Raffle Seasons from 2004 to 2005 to correct an error.

Page 4

2005 - Elk; Merrill and Ring PLWMA 600 Pysht Tree Farm

- For consistency with the rest of the WAC added the words Any Weapon, to the Special Restrictions column.

WAC 232-28-291 Special hunting season permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Page 3

- This adjustment clarifies both the language and the intent of the section pertaining to second deer and second elk tags. Section 7 should read as shown below:

~~7. ((In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.))~~ Second deer or elk tag: Second deer or elk tags may be offered under the special hunting season permit application process. Successful applicants under

this section may purchase an appropriate second transport tag. The legal bag limit restrictions for second tags will be listed in the respective deer or elk hunting season WACs. Purchase deadline restrictions for second deer or elk tags will be listed in the respective deer or elk hunting season WACs.

WAC 232-28-284 Spring black bear damage seasons and regulations.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Hunt areas, permits and season dates

- Change Capitol Forest to one season and one area, rather than split seasons and sub-areas. This change is to simplify the season structure and increase hunter success.
- Change permit levels in Capitol Forest from 150 to 100. This change is to reduce the risk of harvesting too many black bears during the first year. Once estimates of hunter success are generated from the first season, permit levels can be changed.
- Remove the hunter restriction that requires hunters to contact Rainier Timber Company to apply for the bear hunt in Kapowsin Tree Farm. This is because the note to hunters will be included in the hunter notice and pamphlet, and is not necessary in rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 3, 2004.

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewett Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kitti-

tas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

GMU 329-QUILMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up

Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umptanum Creek; W up Umptanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umptanum Rd; N on Umptanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):
Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umptanum Creek; E down the Umptanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; ~~(NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain;)~~ SW up Reservation Creek to the high point on the ridge above its headwaters; NW to Spenser Point (as represented on the Mt. Adams DNR 100K map); SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372-KIONA (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLIICKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-28-248 Special closures and firearm restriction areas.**RESTRICTED AND PROHIBITED HUNTING AREAS.**

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. **Little Pend Oreille National Wildlife Refuge:** The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.
The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.
2. **Parker Lake:** All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. **Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing**

(wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

4. **Green River (GMU 485):** Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. **McNeil Island:** McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
6. **Loo-wit (GMU 522):** Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
7. **The Voice of America Dungeness Recreation Area County Park in Clallam County** is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. **Clark, Cowlitz, Pacific, and Wahkiakum counties** are closed to Columbian Whitetail Deer hunting.
2. **Cathlamet:** Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. **Willapa National Wildlife Refuge:** Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. **Walla Walla Mill Creek Watershed (GMU 157):** All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. **Westport:** Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State

Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

COUNTY	AREA
Chelan	<u>That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.</u>
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

PERMANENT

COUNTY	AREA	COUNTY	AREA
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.	Snohomish	West of Highway 9.
		Skagit	Guemes Island and March Point north of State Highway 20.
		Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.	Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

AMENDATORY SECTION (Amending Order 03-321, filed 1/13/04, effective 2/13/04)

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

**DEER GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS**

Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm			
Hunting Method	((2004)) 2005 Dates	Special Restrictions	Boundary Description
Early Archery	((Aug. 27-Sept. 12)) Aug. 26-Sept. 11	Any Buck	PLWMA 401 B & C (Central & South)
Early Muzzleloader	((Aug. 27-Sept. 12)) Aug. 26-Sept. 11	Any Buck	PLWMA 401A (North)
Modern Firearm	((Oct. 8-24)) Oct. 7-23	2 Pt. Min.	PLWMA 401 (All)
Late Archery	((Nov. 19-Dec. 5)) Nov. 18-Dec. 4	2 Pt. Min. or Antlerless	PLWMA 401A (North)
Late Muzzleloader	((Nov. 19-Dec. 5)) Nov. 18-Dec. 4	2 Pt. Min. or Antlerless	PLWMA 401 B & C (Central & South)

Merrill and Ring (PLWMA 600) Pysht Tree Farm (South Unit)			
Hunting Method	((2004)) 2005 Dates	Special Restrictions	Boundary Description
Archery	((Nov. 26-Dec. 31)) Nov. 25-Dec. 23	2 Pt. Min.	South Unit (600B)
Modern Firearm	Oct. ((16-31)) 15-30 and Nov. ((18-21)) 17-20	2 Pt. Min.	South Unit (600B)
Muzzleloader	Oct. 1-10	2 Pt. Min.	South Unit (600B)

PERMANENT

((2004)) 2005 DEER PERMIT SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

((2004)) 2005 - Mule and Whitetail Deer

Buckrun Limited Permit Draw Hunts. Hunters apply to Washington Department of Fish and Wildlife. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one to three days of hunting during the permit season with written authorization from the PLWMA manager. All hunters must check in and out on hunt day.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A	20	((Sept. 1-Oct. 15)) <u>Sept. 1-Oct. 14</u>	((*Partnership application required; *)*)*3 Pt. Maximum or Antlerless deer	PLWMA 201
Buckrun B	40	((Oct. 25-Dec. 31)) <u>Oct. 24-Dec. 31</u>	((*Partnership application required; *)*) Antlerless deer	PLWMA 201
Buckrun C	10	((Sept. 1-Oct. 15 and Oct. 25-Dec. 31)) <u>Sept. 1-Oct. 14 and Oct. 24-Dec. 31</u>	Senior hunters only, Antlerless deer	PLWMA 201

((~~*To apply for Buckrun A or B, you must submit a partnership application. One partner must be an adult and the other a youth between the ages 12 and 15. Successful partnership applicants will each be able to harvest one deer.~~))

((~~*~~))*3 Pt. maximum - A legal deer must have no more than 3 antler points on either antler (i.e. 1x1, 1x2, 1x3, ((1x4, 1x5, 1x6, etc.)) 2x2, 2x3, ((2x4, 2x5, 2x6, etc.)) 3x3((, 3x4, 3x5, 3x6, etc...))) are legal). All antler points must be at least one inch long. Antler points exclude eye guards.

Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply.

((2004)) 2005 - Blacktail Deer

Rainier Timber Company Kapowsin Tree Farm -

Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, All Hunters	PLWMA 401A North
Kapowsin Central	10	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, AHE Hunters	PLWMA 401B Central
	15	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, Disabled Hunters	PLWMA 401B Central
	25	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, Youth Hunters	PLWMA 401B Central
Kapowsin South	50	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, Hunters 65 & Older	PLWMA 401C South
	50	Dec. ((10-12)) <u>9-11</u>	Antlerless Only, All Hunters	PLWMA 401C South

ACCESS QUOTAS AND RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

((2004)) 2005 - Mule and Whitetail Deer

Buckrun Limited Area - Access Quotas and Seasons

Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	70	((Oct. 1-Oct. 15)) <u>Sept. 15-Oct. 14 and ((Oct. 25-Dec. 31)) Oct. 24 and Dec. 31</u>	Any Deer	PLWMA 201

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((2004)) 2005 - Mule and Whitetail Deer
Buckrun Limited Area - Access Quotas and Seasons
 Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
	40	((Oct. 1-Oct. 15)) <u>Sept. 15-Oct. 14</u> and ((Oct. 25-Dec. 31)) <u>Oct. 24</u> and <u>Dec. 31</u>	Antlerless Only	PLWMA 201
Buckrun Raffle	2	((Oct. 1-Oct. 15)) <u>Sept. 15-Oct. 14</u> and ((Oct. 25-Dec. 31)) <u>Oct. 24</u> and <u>Dec. 31</u>	Raffle - Any Deer	PLWMA 201

((2004)) 2005 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm—Raffle Quotas and Seasons
 Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.
 Only hunters possessing a valid deer tag (any ((2004)) 2005 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	9	((Oct. 29-Nov. 14)) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401A North
Kapowsin Central/Buck	21	((Oct. 29-Nov. 14)) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401B Central
Kapowsin South/Buck	21	((Oct. 29-Nov. 14)) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401C South
Kapowsin Central	50	Dec. ((10-12)) <u>9-11</u>	Antlerless Only (Draw)	PLWMA 401B Central

((2004)) 2005 - Blacktail Deer
Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons
 An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Hunters drawing a Merrill and Ring deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht A	15	((Nov. 26-Dec. 31)) <u>Nov. 25-Dec. 23</u>	Raffle, Archery, 3 pt. minimum	PLWMA (600) North Unit
Pysht B	20	Oct. 1-10	Raffle, Muzzleloader, 3 pt. minimum	PLWMA (600) North Unit
Pysht C	30	Nov. ((8-23)) <u>5-22</u>	Raffle, Any Weapon, 3 pt. minimum	PLWMA (600) North Unit
Pysht D	5	Nov. ((8-23)) <u>5-22</u>	Restricted, 3 pt. minimum	PLWMA (600) North Unit

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((2004)) 2005 ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

((2004)) 2005 - Elk

Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons

Only hunters possessing a valid ((2004)) 2005 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on PLWMA 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull Central	4	((Sept. 17-Oct. 3)) Sept. 16-Oct. 2	Raffle Any Bull, Any Tag	PLWMA 401B Central
Kapowsin Bull South	4	((Sept. 17-Oct. 3)) Sept. 16-Oct. 2	Raffle Any Bull, Any Tag	PLWMA 401C South

((2004)) 2005 - Elk

Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Permit Draw Elk Hunts.

Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	1	((Sept. 17-Oct. 3)) Sept. 16-Oct. 2	Any Bull, Any Elk Tag	PLWMA 401A North

((2004)) 2005 - Elk

Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season

Hunter must contact Merrill and Ring for raffle hunt opportunity. Hunters drawing a Merrill and Ring elk raffle permit may purchase a second elk tag for the hunt. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht A	4	Sept. 15-30	Any Bull Elk, Any Weapon	PLWMA 600
Pysht B	1	Sept. 1-14	Any Bull Elk, Archery	PLWMA 600
Pysht C	1	Oct. ((6-15)) 5-14	Any Bull Elk, Muzzleloader	PLWMA 600

((2004)) 2005 - Elk

Merrill and Ring PLWMA 600 Pysht Tree Farm - Permit draw elk hunt. Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.

Hunt Name	Harvest Quota	Permit Season	Special Restrictions	Boundary Descriptions
Pysht	1	Nov. 1-7	Any Bull, Any Weapon	PLWMA 600

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Buckrun Limited (Grant County):
PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:

T22N R29EWM:

Sections 2 (S 1/2 of NW 1/4), 3 (N 1/2), 4 (except SE 1/4 of SE 1/4), 5, 6 (those lands lying north of the Burlington Northern Santa Fe Railroad bed and S 1/2 of the SE 1/4), 8, and 9.

T23N R26EWM:

Section 13 (E 1/2 of SE 1/4).

T23N R27EWM:

Sections 7 (E 1/2 of SE 1/4 and SE 1/4 of NE 1/4), 8 (S 1/2 and S 1/2 of the NW 1/4), 11 (S 1/2), 12 (S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 13 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), 14, 17 (except those lands enrolled in the Hunt By Written Permission program), 18, 19, 20 (W 1/2), 21, 22, 23, 24, 25 (N 1/2), 26, and 27.

T23N R28EWM:

Sections 1, 2, 3 (except W 1/2 of W 1/2), 4 (W 1/2 of SE 1/4 south of the Pinto Ridge Road), 8 (SE 1/4 and S 1/2 of SW 1/4), 9 (southeast of the Pinto Ridge Road except the Stratford Game Reserve), 10 (NE 1/4 and the E 1/2 of NW 1/4), 12 (N 1/2), 15 (south of the Stratford Game Reserve), 16 (south

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of the Stratford Game Reserve), 18 (south of the Northern Pacific Railroad bed), 19, 20, 21, 22, 23, 26, 27, 28, 29 (N 1/2 and N 1/2 of the S 1/2), 30, 32 (SE 1/4, S 1/2 of NE 1/4 east of the Pinto Ridge Road), 33, 34 (N 1/2 and N 1/2 of the S 1/2), and 35 (north of the Stratford Game Reserve).

T23N R29EWM:

Sections 1 (S 1/2 of S 1/2), 5, 6, 7, 8, 9, 12 (except S 1/2 of SW 1/4), 13, 14, 15, 16 (E 1/2), 17, 18, 19 (except the Stratford Game Reserve), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 (SE 1/4), 31, 32, 33, 34, and 35).

T24N R28EWM:

Section 35.

T24N R29EWM:

Sections 31 and 32 (W 1/2).

A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

PLWMA 401 - Rainier Timber Company (Pierce County):**Kapowsin North:**

T19N R06E all of section 24; section 12 SWSE; section 13 except private holdings in W 1/2; section 14 N of S Prairie Ck except NW and except private holdings in SW; section 25 N of S Prairie Ck;

T19N R07E all of sections 14, 15, 18, 19, 20, 21, 22, 27, 28, 29; sections 6, 7, 8, 10, 11 S of White River except private holdings; section 9 E 1/2 S of White River except private holdings; except private holdings section 16 except NWNW and NWNENW; section 17 S of White River except N 1/2 NE; section 30 E 1/2 N of S Prairie Ck; sections 31, 32 N of S Prairie Ck; section 33 except S 1/2 SWSE; section 34 W 1/2;

T18N R07E section 3 N of E Fork S Prairie Ck; section 5 E 1/2 N of S Prairie Ck;

Kapowsin Central:

T19N R05E section 34 SE S of Patterson Road;

T19N R06E section 32 S of Carbon River;

T18N R05E all of sections 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, 36; section 1 E 1/2 except SWSE and W 1/2 SESE; section 2 S 1/2 except private holdings in SE; section 3 N of Coplar Ck except NWNW; section 9 SE except SWSE; section 10 except NW and E 1/2 SW; section 15 except private holdings in SW; section 16 except W 1/2 NW and except private holdings in E 1/2 NW; section 21 NE and E 1/2 SE and NENW; section 28 E 1/2 and S 1/2 SW; section 29 N of Puyallup River except private holdings in E 1/2 and NW; section 32 N of Puyallup River or E of 1 Road; section 33 except private holdings in S 1/2 of S 1/2;

T18N R06E all of sections 7, 8, 17, 18, 19, 20, 29, 30, 32; sections 4, 5, 9 S of Carbon River; section 6 except private holdings in SWSW; section 16 W 1/2; section 21 W 1/2; section 28 except E 1/2 of E 1/2; section 31 except private holdings in NWNW; section 33, 34 S of Highway 165;

T17N R05E all of sections 1, 2; sections 3, 10, 11, 12 N of Puyallup River;

T17N R06E all of sections 3, 4, 5, 6, 8, 9, 10, 15, 16, 22, 23, 24, 25, 26, 27, 35, 36; sections 2, 11, 13, 14 S of Highway 165; sections 7, 17, 18, 20, 21, 28, 33, 34 N of Puyallup River;

T17N R07E sections 32, 33; section 29 except N 1/2 of N 1/2;

T16N R06E all of section 1; sections 2, 3, 11, 12 N of Puyallup River;

T16N R07E all of sections 4, 5, 6, 7, 8, 16; sections 17, 18, 20, 21, 33 N of S Fork Puyallup River; section 28 N of S Fork Puyallup River except E 1/2 NE;

Kapowsin South:

T17N R04E all of section 36; sections 23, 24 E of Ohop Creek except private holdings; section 25 N 1/2 except private holdings; section 26 NE E of Ohop Creek except private holdings; section 35 E of Orville Road and E of Ohop Lake;

T17N R05E all of sections 9, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36; section 3 SWSW except private holdings; section 4 SW and SWNW except private holdings; section 5 S of Kapowsin Lake except NENE and except private holdings in S 1/2 sections 7, 18 S of Kapowsin Lake; section 8 except private holdings in N 1/2 section 10 except private holdings in N 1/2; section 11 SW S of Flume and S 1/2 SE S of Flume; section 13 S of Flume except NENE; section 19 except SWSW; sections 20 except private holdings in NE; section 21 except private holdings in NW; section 30 except W 1/2 NW and NWSW;

T17N R06E all of sections 19, 30, 32; section 18 SW S of Flume; section 20 S of Flume except private holdings in N 1/2; section 29 S of Flume except N 1/2 SE and SWNE; section 31 except W 1/2 NE; section 33 S of Flume except private holdings;

T16N R05E section 2 NW; section 6 N 1/2 except private holdings; section 36 E of Busywild Creek;

T16N R06E all of sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36; sections 2, 11, 12 S of Puyallup River; section 3 except private holdings in NW;

T16N R07E all of sections 19, 30, 31; sections 17, 18, 20, 21, 28, 33 S of S Fork Puyallup River;

T15N R06E all of sections 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 22; sections 6, 8, 9, 10 N of Busywild Creek; section 23 except SW; section 24 except E 1/2 SE.

PLWMA 600 - Merrill and Ring (Clallam County): Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the

SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SW 1/4, NW 1/4 north of the Pysht River, SE 1/4 NW 1/4, south of the Pysht River, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, Except All Section 36, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of

the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

7. ~~((In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.))~~ Second deer or elk tag: Second deer or elk tags may be offered under the special hunting season permit application process. Successful applicants under this section may purchase an appropriate second transport tag. The legal bag limit restrictions for second tags will be listed in the respective deer or elk hunting season WACs. Purchase deadline restrictions for second deer or elk tags will be listed in the respective deer or elk hunting season WACs.

AMENDATORY SECTION (Amending Order 583, filed 1/27/93, effective 2/13/93)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained

Hunt areas, permits and season dates:

Hunt name	Hunt area	2005 Permits	2005 Season dates
Capitol Forest	That portion of Capitol Forest within GMU 663	100	April 15 - June 15
Kapowsin (All)	PLWMA 401 in GMU 653 and 654	100	April 15 - June 15

Bag limit: One black bear per black bear special permit season.

Hunting method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting bear teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer or elk, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

NEW SECTION

WAC 232-28-284 2005 Spring black bear damage seasons and regulations. Spring black bear hunting seasons under this section constitute a three-year pilot program to reduce black bear damage to trees.

Who may apply: Anyone with a valid Washington big game license, which includes black bear.

WSR 05-02-064

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 4, 2005, 10:52 a.m., effective February 4, 2005]

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

Purpose: Amending adult day services, WAC 388-71-0734(4), to remove the moratorium imposed on contracting with new adult day health centers.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 388-71-0734.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.200, 74.09.520, 74.39A.030.

Adopted under notice filed as WSR 04-23-068 on November 15, 2004.

A final cost-benefit analysis is available by contacting Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov. No changes, the preliminary cost benefit analysis will be final.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 3, 2005.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-06-024, filed 2/24/03, effective 7/1/03)

WAC 388-71-0734 Limiting expenditures. (1) In order to provide adult day services within the limits of available funding, the department may limit services when program expenditures exceed the budget appropriation or when limiting services is required to prevent expenditures from exceeding the appropriation.

(2) When adult day health program expenditures exceed available funding, the department may limit adult day health services based on the four care level system as determined through the established department assessment and described in chapter 388-105 WAC.

(a) Using the care level determined by the department assessment tool, the department will limit adult day services on a statewide basis to clients whose total scores exceed the assessed need level identified by the department as necessary to provide adult day health services to the extent of available funding.

(b) At least thirty days before implementing the limitation on services under this subsection, the department will notify the area agencies on aging, adult day health centers, and the affected adult day health clients that services are being limited and for what period of time the limitation is estimated to remain in effect.

(c) For purposes of RCW 74.08.080, the reduction in services shall be deemed an assistance adjustment for an entire class of recipients that is required by state laws prohibiting

the department from expending funds in excess of appropriations.

(3) The department may adopt additional or alternative rules to control costs, such as, but not limited to, imposing a moratorium on contracting with new adult day centers, limiting services to clients based on level of care need, or reducing the numbers of days per week that clients may receive services.

~~((4) Effective upon the adoption of these rules, and until this subsection is repealed, a moratorium is imposed on contracting with new adult day health centers, including but not limited to additional sites operated by currently contracted providers, except in an area where no existing program is available, funding is available, and prior departmental approval has been obtained.))~~

WSR 05-02-074

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2004-07—Filed January 4, 2005, 4:33 p.m., effective February 4, 2005]

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

Purpose: This rule making will eliminate a conflict between small group laws that were passed subsequent to the adoption of the existing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-49-020, 284-49-050, 284-49-100, 284-49-115, 284-49-300, 284-49-330, 284-49-500, 284-49-510, 284-49-520, 284-49-900 and 284-49-999; and amending WAC 284-49-010.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

Adopted under notice filed as WSR 04-21-054 on October 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 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 1, Repealed 11.

Date Adopted: January 4, 2004 [2005].

Mike Kreidler
Insurance Commissioner

PERMANENT

AMENDATORY SECTION (Amending Order 90-10, filed 9/4/90, effective 10/5/90)

WAC 284-49-010 (~~(Scope.)~~) **Reservation of chapter.** (~~(The regulations contained in this chapter shall apply to all policies or contracts issued to groups of fewer than twenty-five employees by disability insurers, health care service contractors and health maintenance organizations, pursuant to the authority of chapter 187, Laws of 1990, and such policies or contracts shall be referred to as "basic coverage policies." All other policies or contracts issued by disability insurers, health care service contractors, and health maintenance organizations shall conform to all other provisions of the Insurance Code and regulations issued thereunder applying to the type of policy or contract being issued.)~~) **Chapter 284-49 WAC is reserved for future small group health regulations.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-49-020 Supplanting or superseding of existing policies.
- WAC 284-49-050 Definitions.
- WAC 284-49-100 Forms—prior approval.
- WAC 284-49-115 General contents of form and rate filings.
- WAC 284-49-300 Minimum policy requirements.
- WAC 284-49-330 Minimum coverage.
- WAC 284-49-500 Standards for loss ratios.
- WAC 284-49-510 Filing requirements.
- WAC 284-49-520 Experience records.
- WAC 284-49-900 Collection of data and reporting.
- WAC 284-49-999 Separability.

**WSR 05-02-075
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Insurance Commission Matter No. R 2004-06—Filed January 4, 2005, 4:34 p.m., effective February 4, 2005]

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

Purpose: The purpose of this rule making is to correct a reference and make the regulation more clear.

Citation of Existing Rules Affected by this Order: Amending WAC 284-13-580.

Statutory Authority for Adoption: RCW 48.02.060, 48.12.154.

Adopted under notice filed as WSR 04-19-143 on September 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 4, 2005.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 93-6, filed 9/1/93, effective 10/2/93)

WAC 284-13-580 Reinsurance contract. (~~Credit will not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of this regulation or otherwise in compliance with RCW 48.12.160 after the adoption of this regulation unless~~) The reinsurance agreement between any ceding insurer claiming credit for reinsurance and an assuming insurer that meets the requirements of this regulation or is in compliance with RCW 48.12.160 and 48.12.162 must include:

(1) ~~(Includes)~~ A proper insolvency clause pursuant to RCW ~~(48.12.160(2))~~ 48.12.162 (1)(b); and

(2) ~~(Includes)~~ A provision ~~(whereby the)~~ stating that an unauthorized assuming insurer ~~(, if an unauthorized assuming insurer,);~~

(a) Has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States();

(b) Has agreed to comply with all requirements necessary to give such court or panel jurisdiction();

(c) Has designated an agent upon whom service of process may be effected(); and

(d) Has agreed to abide by the final decision of such court or panel.

**WSR 05-02-076
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-02—Filed January 4, 2005, 4:36 p.m., effective April 1, 2005]

Effective Date of Rule: April 1, 2005.

Purpose: These new regulations establish new prima facie rates that are more in line with the NAIC model and better protect consumers. Chapter 284-34 WAC was reviewed and rewritten in a more clear and understandable way.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-34-010, 284-34-020, 284-34-030, 284-34-040, 284-34-050, 284-34-060, and 284-34-070.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010, 48.34.100, and 48.34.110.

Adopted under notice filed as WSR 04-23-073 on November 15, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-34-110(11), 284-34-120 (2) and (4), 284-34-130(3), 284-34-160, and 284-34-180 were rewritten for clarification; WAC 284-34-150 (2)(b), ninety-six cents was written in; and WAC 284-34-260 (3)(c), April was changed to October.

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40255, Olympia, WA, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 17, Amended 0, Repealed 7.

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 17, Amended 0, Repealed 7.

Date Adopted: January 4, 2005.

Mike Kreidler
Insurance Commissioner

NEW SECTION

WAC 284-34-100 What is the purpose of this regulation? The purpose of this regulation, WAC 284-34-100 through 284-34-260, is to protect debtors and the public by establishing a system of rate, policy form, and operating standards for the transaction of consumer credit insurance. This regulation interprets and implements the sections of Title 48 RCW that apply to consumer credit insurance, including, but not limited to, the following sections: RCW 48.02.060 (3)(a), 48.24.040 and chapter 48.34 RCW.

NEW SECTION

WAC 284-34-110 What definitions are important throughout this regulation? (1) "Affiliate" has the same meaning as stated in RCW 48.31B.005(1).

(2) "Closed-end credit" means any credit transaction that does not meet the definition of open-end credit.

(3) "Control" has the same meaning as stated in RCW 48.31B.005(2).

(4) "Compensation" means any form of payment that results directly from the sale of consumer credit insurance, including:

- (a) Commissions;
 - (b) Dividends;
 - (c) Equipment;
 - (d) Expense allowances or reimbursements;
 - (e) Experience refunds;
 - (f) Facilities;
 - (g) Gifts;
 - (h) Goods or services;
 - (i) Retrospective rate credits; or
 - (j) Service fees.
- (5) "Consumer credit insurance" means credit life insurance or credit accident and health insurance defined in RCW 48.34.030.
- (6) "Credit transaction" means an agreement to:
- (a) Repay money loaned;
 - (b) Pay for a loan commitment made; or
 - (c) Pay for goods, services, or property sold or leased. Payment would be made at a future date or dates.
- (7) "Evidence of individual insurability" means a statement furnished by the debtor related to:
- (a) The health status or health or medical history of the debtor;
 - (b) The occupation of the debtor; or
 - (c) Other conditions for the insurance to take effect. Evidence of individual insurability does not include information related to the eligibility of the debtor for coverage.
- (8) "Loss ratio" means incurred claims divided by the sum of earned premiums and imputed interest earned on unearned premiums. The commissioner imputes interest at the maximum rate permitted for the valuation of whole life insurance.
- (9) "Net debt" means the amount needed to repay all remaining debt in a single payment. Net debt does not include unearned interest and other unearned finance charges.
- (10) "Open-end credit" means a credit agreement in which the creditor:
- (a) Allows repeated transactions;
 - (b) Applies finance charges to unpaid balances; and
 - (c) May allow additional credit if part of the balance is repaid.
- (11)(a) "Preexisting condition" means any condition for which the insured debtor received medical advice, consultation, or treatment.
- (b) The insured debtor must have received the medical advice, consultation or treatment within six months before the insurance takes effect.
 - (c) The insured debtor must have become disabled within six months after the insurance takes effect.
- (12) "Premium" means the same as RCW 48.18.170, and includes all forms of compensation.
- (13) "Underwriting" means applying criteria under which the insurer:
- (a) Issues or refuses to issue;
 - (b) Renews or refuses to renew; or
 - (c) Limits coverage.
- Underwriting includes decisions by the insurer based on eligibility criteria or evidence of individual insurability.

NEW SECTION

WAC 284-34-120 What rights do debtors have? (1) A debtor has the right to know about all available credit insurance plans. The creditor must inform every debtor about:

(a) Each plan of insurance for which the debtor is eligible; and

(b) The premium or insurance charge for each plan of insurance.

(2) If the creditor requires consumer credit insurance, then the debtor has the right to provide alternative insurance coverage. The creditor must tell the debtor before the transaction is completed that the debtor may provide alternative insurance coverage. The debtor may:

(a) Use existing insurance policies the debtor owns or controls; or

(b) Get coverage from any authorized insurer.

(3) Debtor's rights when a policy of group consumer credit insurance ends:

(a) The insurer must continue coverage for the entire period for which a premium has been paid. This paragraph applies if the policy provides for:

(i) Single premium payments; or

(ii) Premium payments that prepay coverage beyond one month.

(b) The insurer must provide termination notice to the insured debtor at least thirty days before coverage ends. If the policy provides for monthly premium payments, the insurer does not have to provide termination notice if the debtor obtains equivalent coverage and no lapse of coverage occurs.

(4) For coverage on refinanced debt, all exclusions and policy limitations will apply as of the first date that the debtor first became insured for the original debt.

This subsection applies to the amount of debt and term of the debt outstanding on the day the debtor refinances.

NEW SECTION

WAC 284-34-130 What obligations do insurers have? (1) If the creditor adds insurance charges or premiums to the debt, the insurer must collect the premium or charges within sixty days after it is added to the debt.

(2) If the debtor refinances and pays off the debt before the scheduled maturity date, the insurer must terminate existing insurance before any new insurance may be issued to provide coverage for the refinanced debt.

(3) If insurance coverage ends due to prepayment before the scheduled maturity date, the insurer must terminate coverage and comply with WAC 284-34-190 and refund all unearned insurance or premium charges and cause those amounts to be paid or credited to the debtor. The following exceptions apply:

(a) The insurer does not have to refund insurance charges or premiums for any coverage under which a lump sum insurance benefit is paid.

(b) The insurer does not have to refund insurance charges or premiums for any period of disability under which credit accident and health benefits are paid.

(c) The insurer must comply with WAC 284-34-170 (1)(d)(ii), which says that disability premium charges must be

returned for the months following the billing month in which the disability occurred.

(4) The insurer may apply a maximum limit on total claim payments only to a specific individual policy or group certificate.

NEW SECTION

WAC 284-34-140 How will the commissioner determine if benefits are reasonable in relation to premium charges? (1) Insurers must provide consumer credit insurance benefits that are reasonable in relation to the premium charged. This means that debtors must be provided reasonable benefits in return for their premium payments.

(a) The commissioner presumes that the rates in WAC 284-34-150 and 284-34-170, as adjusted under WAC 284-34-210, satisfy this standard. These rates allow:

(i) Sixty percent of premium for benefits on one debtor; and

(ii) Forty percent of premium for expenses and profit.

(b) If an insurer wants to use rates that are different than those in WAC 284-34-150 or 284-34-170, the insurer must file those rates under WAC 284-34-220.

(i) The commissioner must approve the alternative rates before they are used; and

(ii) The insurer must provide data that prove the alternative rates will result in reasonable benefits in relation to premium charges.

(2) The commissioner presumes excessive compensation requires premiums that are not reasonable in relation to benefits provided to debtors. The commissioner presumes that compensation is excessive if:

(a) Total compensation exceeds thirty percent of the net written prima facie premium; or

(b) More than twenty-five percent of net written prima facie premium is paid directly or indirectly to a creditor.

(3) If an insurer does not provide coverage to a debtor during a time period, the insurer may not charge premium for that period.

(4) If an insurer files any form providing coverage that is different from that described in WAC 284-34-150 through 284-34-180, the insurer must prove that the rates:

(a) Will develop a loss ratio of sixty percent; or

(b) Are actuarially consistent with the rates in WAC 284-34-150 and 284-34-170.

NEW SECTION

WAC 284-34-150 What are the standards for prima facie credit life insurance rates? Subject to WAC 284-34-160 and 284-34-220, the commissioner presumes the prima facie rates shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support.

(1) Monthly outstanding balance basis:

(a) Outstanding insured debt:

(i) Single life: Sixty cents per month per one thousand dollars of outstanding insured debt.

(ii) Joint life: Ninety-six cents per month per one thousand dollars of outstanding insured debt.

(b) Age or age bracket basis: The actuarial equivalent of 1/12 the annual mortality rate for male lives according to commissioner's 1980 standard ordinary mortality table. These conditions apply to the coverage:

- (i) The insurer must define the rated age of the debtor in the individual policy or group certificate of insurance;
- (ii) The mortality table must be on the same age basis as the coverage;
- (iii) If premiums change according to the attained age of the debtor and increase on the debtor's birthday, the mortality table must be on the age near birthday basis;
- (iv) The insurer must show the premiums or premium rates for the entire term of coverage in the individual policy or group certificate of insurance; and
- (v) All rate changes must be approved by the commissioner.

(2) Single premium basis: If an insurer charges premium on a single premium basis, the rates must be computed by using:

- (a) The following formula; or
- (b) An alternative formula approved by the commissioner. The alternative formula must produce rates that are equivalent to those produced by the following formula:

$$S_p = \sum_{t=1}^n (O_p/10) \times (I_t/I_1)$$

S_p = Single premium per one hundred dollars of initial insured net debt.

O_p = Sixty cents or ninety-six cents, the prima facie life insurance premium rate per one thousand dollars for monthly outstanding balance coverage from subsection (1) of this section.

I_t = The scheduled amount of insurance for month t.
 I_1 = Initial amount of insurance. For a net insurance policy, I_1 equals the initial principal balance of the loan.
 n = The number of months in the term of the insurance.

(3) If an insurer provides benefits that are different than those described in this section, premium rates for those benefits must be actuarially consistent with rates in this section.

NEW SECTION

WAC 284-34-160 What mandatory benefits apply to prima facie credit life insurance rates? The premium rates in WAC 284-34-150 apply to credit life insurance contracts that contain terms as favorable to insured debtors as the terms below:

- (1) Suicide:
 - (a) An insurer may exclude coverage for suicide occurring within one year after the effective date of the coverage.
 - (b) Open-ended credit transactions: An insurer may apply a new suicide exclusion period to the portion of a new advance or charge that causes the amount of credit life insurance to exceed the greatest amount previously subject to this exclusion.
- (2) Insurers may elect to include age restrictions in their certificates or policies, subject to the following conditions:
 - (a) An age restriction may say that no insurance will become effective on debtors who are age sixty-six or older.

(b) An age restriction may say that all insurance will end when the debtor becomes age sixty-six.

(c) Insurance coverage must continue until the end of the period for which a premium payment or charge is made.

NEW SECTION

WAC 284-34-170 What are the standards for credit accident and health insurance rates? (1) Subject to WAC 284-34-180 and 284-34-220, the commissioner presumes the prima facie rates shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support.

(a) Single-premium basis for the entire period of debt: The prima facie rate per one hundred dollars of initial insured debt is shown in the table below. Rates for monthly periods other than those listed must be interpolated:

No. of Months	Nonretroactive Benefits		Retroactive Benefits		
	14-day	30-day	7-day	14-day	30-day
1	0.08	0.00	0.27	0.21	0.00
3	0.49	0.18	0.71	0.66	0.47
6	0.95	0.47	1.16	1.12	0.87
12	1.49	0.86	1.85	1.77	1.39
18	1.83	1.13	2.38	2.26	1.76
24	2.07	1.35	2.81	2.65	2.04
30	2.25	1.52	3.17	2.97	2.28
36	2.41	1.67	3.48	3.25	2.48
48	2.65	1.90	3.98	3.69	2.80
60	2.83	2.09	4.38	4.05	3.05
72	2.97	2.24	4.66	4.33	3.25
84	3.09	2.37	4.87	4.57	3.42
96	3.18	2.47	5.04	4.77	3.56
108	3.26	2.56	5.17	4.93	3.68
120	3.32	2.63	5.26	5.07	3.77

(b) Monthly outstanding balance basis for closed-end debt: Insurers must compute premiums according to:

(i) A formula approved by the commissioner that produces rates actuarially consistent with the single premium rates in (a) of this subsection; or

(ii) This formula:

$$OP_n = 10 SP_n \times n / (\sum_{t=1}^n a_{n-t+1})$$

where $a_t = (1 - 1/(1 + i)^t)/i$.

SP_n = Single premium rate per one hundred dollars of initial insured debt repayable in n equal monthly installments as shown in (a) of this subsection.

OP_n = Monthly outstanding balance premium rate per one thousand dollars.

n = The number of months in the term of the insurance.

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i = The monthly loan interest rate.

(c) Insurers must calculate single premium rates using the actuarial equivalent of (a) of this subsection.

(i) If an insurer provides coverage for constant maximum indemnity for a given period of time, the commissioner presumes premiums based on the rates in (a) of this subsection are earned according to the rule of anticipation.

(ii) The insurer may estimate the portion of the single premium earned in the first month of coverage by the average of the pro rata earned premium and the "sum of the digits" (also called the "Rule of 78") earned premium.

(iii) If an insurer provides critical period coverage with a benefit period of at least twelve months or the remaining term of the loan:

(A) The rates must be actuarially consistent with the rates for full term benefits in (a) of this subsection.

(B) To ensure actuarial consistency, the insurer may calculate conversion ratios based on the 1974 basic tables of credit A&H claim costs published in the NAIC Proceedings—1975 Vol. I, pages 675-691, or other suitable morbidity table.

(d) Lump sum disability coverage:

(i) The commissioner presumes the monthly premium charges per one hundred dollars of insured balance shown below meet the requirements of WAC 284-34-140. An insurer may use these rates without filing additional actuarial support:

(A) For a ninety-day qualifying period, fifteen cents; and

(B) For a one hundred eighty-day qualifying period, nine cents.

(ii) The insurer must provide a benefit equal to the insured balance on the date of disability. The insurer must return disability premium charges to the debtor for months following the billing month when the disability occurred.

(iii) The insurer may provide lump sum benefits on a single premium basis using the credit life insurance formula in WAC 284-34-150(2) and the rates in (d)(i) of this subsection in place of $O_p/10$.

(2) If insurance is written on open-end credit, the commissioner presumes that the prima facie rates for credit accident and health insurance shown below meet the requirements of WAC 284-34-140.

(a) Open-end credit rates must comply with WAC 284-34-170(3) and 284-34-220. An insurer may use these prima facie rates and the formulae used to calculate them without filing additional actuarial support.

(b) If approved by the commissioner, the insurer may use other formulae to convert rates from a single premium basis to a monthly outstanding balance basis.

(c) If the maximum benefit of the insurance equals the net debt on the date of disability, the term of the loan is calculated according to the formula: $1/(\text{benefit percent})$. The prima facie rate applied to the insured net debt is the portion of the single premium rate earned in the first month of coverage during the calculated term.

(d) If the maximum insurance benefit equals the outstanding balance of the loan on the date of disability plus any interest accruing on that amount during disability, the term of the insurance (n) is estimated by using the following formula:

$$n = \ln \{ 1 - (1000i/x) \} / \ln(v)$$

where:

i = Interest rate on the account or the lowest interest rate in the range used for the class of loan;

x = Monthly payment per one thousand dollars of coverage consistent with the term calculated above; and

$$v = 1/(1 + i).$$

(e) The calculated value of the term is used to look up a single premium rate in WAC 284-34-170 (1)(a). The insurer must calculate the prima facie rate applied to the insured net debt by multiplying the portion of the single premium rate earned in the first month of coverage by:

The adjustment n/a_n

Where:

n is the term calculated above, not to exceed forty-eight months; and

$$a_n = (1 - v^n)/i.$$

(f) An insurer may use the following monthly premium rates per one thousand dollars of insured net debt as composite rates for the following minimum benefit plans:

(i) Fourteen-day nonretroactive plan: \$1.06

(ii) Thirty-day nonretroactive plan: \$0.81

(iii) Seven-day retroactive plan: \$1.72

(iv) Fourteen-day retroactive plan: \$1.58

(v) Thirty-day retroactive plan: \$1.18

The insurer must state the monthly benefit in the certificate of insurance as a percentage of the insured net debt. The insurer must provide a monthly benefit sufficient to pay off the insured debt, including accruing interest, within forty-eight months.

(3) If an insurer sells accident and health coverage on a joint basis (insuring two debtors on the same loan), the joint coverage rate must be computed by multiplying the corresponding single coverage rate by 1.6.

(4) If an insurer provides benefits that are different than those described in this section, premium rates for those benefits must be actuarially consistent with rates in this section.

NEW SECTION

WAC 284-34-180 What mandatory benefits apply to prima facie credit accident and health insurance rates? The premium rates in WAC 284-34-170 apply to contracts providing credit accident and health insurance that contain terms as favorable to insured debtors as the terms below:

(1) The insurer may exclude benefits for disabilities that result from the following:

(a) War or any act of war;

(b) Elective surgery;

(c) Intentionally self-inflicted injury;

(d) Flight in any aircraft other than a commercial scheduled aircraft;

(e) A preexisting condition. The preexisting condition exclusion does not apply to disabilities that begin at least six months after the effective date.

(2) Open-ended credit transaction: An insurer may apply a preexisting condition exclusion only to the portion of a new

advance or charge that causes the amount of credit accident and health insurance to exceed the greatest amount previously subject to this exclusion.

(3) Definition of disability:

(a) For the first twenty-four months of disability: Total disability means the inability to perform the essential functions of the debtor's own occupation.

(b) After the first twenty-four months: Disability means the inability of the insured to perform the essential functions of any occupation for which the debtor is reasonably suited due to education, training or experience.

(4) An insurer may require a statement that the debtor is actively at work before insurance becomes effective.

(a) The insurer may not require the insured debtor to be employed more than thirty hours per week.

(b) If a debtor is absent due to a regular day off, holiday or paid vacation, the commissioner presumes the debtor is actively at work.

(5) Insurers may elect to include age restrictions in their certificates or policies, subject to the following conditions:

(a) An age restriction may say that no insurance will become effective on debtors who are age sixty-six or older.

(b) An age restriction may say that all insurance will end when the debtor becomes age sixty-six.

(c) Insurance coverage must continue until the end of the period for which a premium payment or charge is made.

(6) The insurer must provide a daily benefit equal to or greater than one-thirtieth of the monthly benefit payable under the policy.

NEW SECTION

WAC 284-34-190 What refund formulas are allowed? (1) The commissioner must approve refund formulas before they are used. The insurer must state the basis for the refund in the policy or certificate delivered to the debtor. The following methods, or other methods approved by the commissioner must be used:

(a) Pro rata method. The pro rata unearned gross premium method must be used for:

(i) Level term credit life insurance;

(ii) Credit accident and health insurance if the insured is covered for a constant maximum indemnity; and

(iii) All credit insurance where the debtor is not charged on the single premium basis.

(b) Rule of anticipation. Unless the coverage is listed in (a) of this subsection, the refund must be at least what would have been charged for the remaining coverage for the remaining term of debt. An insurer may file other methods if they generate equivalent results.

(2) If coverage ends:

(a) The insurer may not charge insurance premium for the first fifteen days of a month.

(b) The insurer may charge premium for a full month if the debtor is covered for sixteen days or more.

(3) No refund of five dollars or less need be made.

NEW SECTION

WAC 284-34-200 Do insurers have to file experience reports? Each authorized insurer in this state must file an

annual report of consumer credit insurance written on a calendar year basis. The insurer must file the report with the commissioner and the National Association of Insurance Commissioners (NAIC). The report must:

(1) Use the Credit Insurance Supplement - Annual Statement Blank approved by the NAIC;

(2) Contain data separately for each state. An insurer may not use an allocation of its country-wide experience; and

(3) Be filed by the due date in the instructions to the annual statement.

NEW SECTION

WAC 284-34-210 When will the commissioner adjust prima facie rates, and how will rate changes be implemented? (1) Every three years, the commissioner will review the loss ratio standards in WAC 284-34-140 and the prima facie rates in WAC 284-34-150 and 284-34-170 to:

(a) Determine the rate of expected claims on a statewide basis;

(b) Compare the rate of expected claims with the rate of actual claims for the preceding three years using data reported in the annual statement supplement or other available source(s);

(c) Determine if new rates should be published based on the rate of expected claims; and

(d) If needed, publish new statewide prima facie rates, and establish a date when all insurers must file new rates.

(2) When the commissioner publishes new rates, they will reflect:

(a) The difference between actual claims based on experience; and

(b) Expected claims based on the loss ratio standards in WAC 284-34-140 applied to the prima facie rates in WAC 284-34-150 and 284-34-170.

NEW SECTION

WAC 284-34-220 What rates may an insurer use for its direct business? (1) An insurer may file rates that are equivalent to the prima facie rates in WAC 284-34-150 and 284-34-170 and use those rates without further proof of their reasonableness.

(2) An insurer must file rates and supporting actuarial documentation if it proposes:

(a) Policy provisions more restrictive than those allowed for prima facie rates; or

(b) Rates higher than those developed according to the standard case rating procedure.

(3) An insurer must file rates in a manner that permits public disclosure of the rates and their application as described in a supporting actuarial memorandum. If an insurer wants the commissioner to withhold experience and proprietary rate development methods from public disclosure to preserve trade secrets or prevent unfair competition, the insurer must:

(a) File that information in a separate actuarial memorandum; and

(b) Clearly identify the information that is confidential.

(4) Any filings that do not include all data and calculations required by this section will be disapproved and returned to the insurer.

(5) An insurer may file rates that are higher than the prima facie rates included in WAC 284-34-150 and 284-34-170. The rates must be adjusted under WAC 284-34-210 and result in benefits that are reasonable in relation to the premium charged. When evaluating deviations, the commissioner will:

(a) Evaluate the insurer's total consumer credit insurance business, including insurance written by affiliated insurers, for each type of consumer credit insurance for which a rate deviation is being filed.

(b) Consider whether the insurer can be reasonably expected to develop a sixty percent loss ratio.

(c) Evaluate the actuarial justification to see if it proves that the benefits will be reasonable in relation to premium charged. The insurer must submit actuarial justification that includes:

(i) All calculations and supporting data required for the standard case rating procedure set forth in WAC 284-34-220(10). The insurer must show the loss ratio the rates are expected to develop.

(ii) An actuarial memorandum that:

(A) Explains the calculations of all elements affecting earned premiums or incurred claims; and

(B) Projects experience from inception to equilibrium or termination.

(6) The insurer must specify the account or accounts to which the deviated rates apply.

(7) A deviated rate may be applied:

(a) Uniformly to all accounts of the insurer;

(b) Equitably to only one or more accounts of the insurer for which the experience has been less favorable than expected; or

(c) According to a case-rating procedure approved by the commissioner. The insurer must compare the rates developed by the proposed case-rating procedure to the rates developed by the standard case-rating procedure set forth in WAC 284-34-220(10).

(8) A deviated rate may be in effect for a period no longer than the experience period used to establish the rate (i.e., one-year, two-years or three-years). An insurer may file a new rate before the end of a rate period, but no more than once during any twelve-month period.

(9) A deviated rate may be used only by the insurer that filed the rate. If an account changes insurers, the rates approved for the prior insurer may not be used by the succeeding insurer.

(10) Standard case rating procedure. An insurer may file rates calculated using this standard case rating procedure. If an insurer decides to use this procedure, the insurer must use it to rate all of its credit insurance in this state. Once an insurer selects this procedure, the insurer must continue to use it until a different procedure has been approved by the commissioner.

(a) Account case rate. The case rate for an account is determined as follows:

(i) If the account is a single account case or a multiple account case, the case rate must be determined by the formula in (b) of this subsection.

(ii) If the account is in a pooled account case, the case rate for each account must be determined by the formula set forth in (b) of this subsection.

(iii) If the account is new and the insurer has no experience in this state, the case rate for the account will be the prima facie rate under WAC 284-34-150 and 284-34-170.

(b) New case rate. The new case rate, NCR, is the sum of:

(i) The adjusted expense loading, AE; and

(ii) The prima facie rate, PFR, times the credibility adjusted case loss ratio at prima facie basis, CLR.

(iii) Formula: $NCR = AE + PFR \times CLR$.

(c) Definitions:

(i) NCR is equivalently redefined in (d) of this subsection.

(ii) ALR is the actual loss ratio for the case at prima facie rates.

(iii) ELR is the minimum loss ratio, equal to sixty percent.

(iv) Z is the credibility factor for the case.

(v) CLR is the sum of Z times ALR and (1-Z) times ELR.

(vi) E is the expense loading in the prima facie rate, equal to forty percent of the prima facie rate.

(d) Formulas:

(i) If CLR is less than ELR for credit life insurance or credit accident and health insurance, then $AE = E$, and $NCR = PFR[1 - (ELR - CLR)]$.

(ii) If CLR is greater than ELR for credit life insurance, $AE = E + .1(CLR - ELR)$, and $NCR = PFR[1 + 1.1(CLR - ELR)]$.

(iii) If CLR is greater than ELR for credit accident and health insurance, $AE = E + .2(CLR - ELR)$, and $NCR = PFR[1 + 1.2(CLR - ELR)]$.

(e) The new case rate will be the current case rate if the new case rate, as defined above, does not differ by more than five percent of the prima facie rate from the current case rate.

(f) If an insurer has filed deviated rates or has elected to use the standard case rating procedure, the insurer must file a new schedule of rates after it submits the credit insurance experience exhibit.

(i) This filing must include an actuarial memorandum that proves the new rates are appropriate and explains any differences in the character of the claim reserves and liabilities as reported in its:

(A) Exhibit 6 (claim reserves) and Exhibit 8 (claim liabilities) of its annual statement;

(B) Credit insurance experience exhibits for this state; and

(C) Experience as filed for the total of the cases subject to the rate filing.

(ii) The new rates must be placed in effect on September 1 of that year unless:

(A) The commissioner approves a different effective date; or

(B) The commissioner disapproves the rates within thirty days after receipt of the filing or by July 1 of that year, whichever is later.

(11) An insurer may file lower rates at any time. The commissioner must approve those rates before they are used.

(12) These definitions apply to this section:

(a) "Case" includes either a "single account case" or a "multiple account case" or a "pooled account case."

(i) "Single account case" means an account that is at least as credible as the minimum level of credibility elected by the insurer for defining a single account case. A single account case must exclude all accounts which have been included in multiple account cases. If the insurer makes no written election, the minimum credibility factor will be one hundred percent.

(ii) "Multiple account case" means two or more accounts of the same insurer having similar underwriting characteristics that are combined by the insurer for premium rating purposes.

(A) A single account case may not be included in a multiple account case; and

(B) All accounts, when combined, must be at least as credible as the minimum level of credibility the insurer selects for single account cases; and

(C) The commissioner must approve the accounts put into a multiple case account.

(iii) "Pooled account case" means a combination of all the insurer's accounts of the same plan of insurance. The pooled account case must have experience in this state and exclude all single account cases and multiple account cases.

(b) "Earned premium" means the total gross premiums that become due to the insurer adjusted for the change in unearned premium reserve. The insurer may reduce earned premium only for refunds and adjustments due to termination of coverage. The unearned premium reserve is calculated according to the refund formula in WAC 284-34-190.

(c) "Experience" means:

(i) Written premiums;

(ii) Earned premiums;

(iii) Earned premiums at prima facie rates;

(iv) Paid claims;

(v) Incurred claims;

(vi) Incurred claim count; and

(vii) The number of life years insured during the experience period.

(d) "Experience period" means the most recent period of time for which experience is reported. The experience period may not exceed three full years.

(e) "Incurred claims" means total claims paid during the experience period adjusted for the change in claim reserves and liabilities.

(i) The commissioner considers a disability claim incurred on the date disability commenced.

(ii) The commissioner may disallow that part of any claim reserve or liability that cannot be supported by verifiable data.

(f) "Incurred claim count" means the number of claims incurred for the case during the experience period. An incurred claim count includes:

(i) The total number of claims reported during the experience period, whether paid or in the process of payment.

(ii) Any incurred but not reported (IBNR) at the end of the experience period less the number of IBNR claims at the beginning of the experience period.

(iii) If a debtor has been issued more than one certificate for the same plan of insurance, only one claim may be counted.

(iv) If a debtor receives disability benefits, only the initial claim payment for that period of disability may be counted.

(g) "Average number of life years" means the average number of group certificates or individual policies in force during the experience period (without regard to multiple coverage) times the number of years in the experience period, or an equivalent calculation.

(h) "Credibility table" for purposes of the standard case rating procedure means the following table:

Credit Life	Credit Accident and Health Plans Retroactive and Nonretroactive			Incurred Claim Count	Credibility Factor
	7-day	14-day	30-day		
1	1	1	1	1	0.00
1,800	95	141	209	9	0.25
2,400	126	188	279	12	0.30
3,000	158	234	349	15	0.35
3,600	189	281	419	18	0.40
4,600	242	359	535	23	0.45
5,600	295	438	651	28	0.50
6,600	347	516	767	33	0.55
7,600	400	594	884	38	0.60
9,600	505	750	1,116	48	0.65
11,600	611	906	1,349	58	0.70
14,600	768	1,141	1,698	73	0.75
17,600	926	1,375	2,047	88	0.80
20,600	1,084	1,609	2,395	103	0.85
25,600	1,347	2,000	2,977	128	0.90

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Credit Life	Credit Accident and Health Plans Retroactive and Nonretroactive			Incurred Claim Count	Credibility Factor
	7-day	14-day	30-day		
30,600	1,611	2,391	3,558	153	0.95
40,000	2,106	3,125	4,651	200	1.00

(i) The integral numbers above represent the lower end of the bracket for each credibility factor "Z." The upper end is one less than the lower end for the next higher Z factor.

(ii) To use this table, find the credibility factor from the credibility table for the experience group.

(iii) If actual loss ratios are less than fifty percent, use the average number of life years for both life insurance and disability insurance. Otherwise, use either the average number of life years or the incurred claims count.

If either of these measures cannot be accurately determined, the commissioner may accept reasonable approximations.

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

NEW SECTION

WAC 284-34-230 What obligations does an insurer have to supervise consumer credit operations? Each insurer transacting credit insurance in this state must:

- (1) Periodically conduct a complete review of creditors. This review must include all aspects of the credit insurance business and assure compliance with all state insurance laws and regulations.
- (2) Maintain written records of the reviews for examination by the commissioner for at least three years.
- (3) Maintain a list of all licensed individuals who have sold or been compensated for the sale of consumer credit insurance. This list must show a licensed individual for each consumer credit insurance policy or certificate issued.

NEW SECTION

WAC 284-34-240 What practices are insurers prohibited from doing? The following practices, when engaged in by insurers in connection with the sale or placement of credit insurance, or as an inducement thereto, constitute unfair methods of competition and are subject to the enforcement provisions of RCW 48.30.010. An insurer must not:

- (1) Offer or grant to a creditor any special advantage or service that is not included in either the group insurance contract or in the agency contract. This subsection does not prohibit payment of agent's commissions.
- (2) Agree to deposit with a bank or financial institution money or securities of the insurer with the design or intent that the deposit will affect or replace a deposit of money or securities that otherwise would be required of the creditor by the bank or financial institution as a compensating balance or offsetting deposit for a loan or other advancement.
- (3) Deposit money or securities without interest or at a lesser rate of interest than is currently being paid by the creditor, bank or financial institution to other depositors of like amounts for similar durations. This subsection does not prohibit an insurer from maintaining demand deposits or pre-

mium deposit accounts that the insurer needs to use in the ordinary course of the insurer's business.

NEW SECTION

WAC 284-34-250 What information must be disclosed to debtors? (1) If a debtor buys consumer credit insurance in connection with a credit transaction, the creditor must disclose this information to the debtor in writing:

- (a) The debtor does not have to buy consumer credit insurance.
- (b) The debtor may not need consumer credit insurance if the debtor has other insurance that covers the risk.
- (c) The debtor does not have to buy consumer credit insurance to obtain credit approval.
- (d) If the creditor offers more than one type of consumer credit insurance to debtors, whether the debtor can buy each type of insurance separately.
- (e) The insurer may decide to deny coverage. This statement must list all factors that may cause the insurer to deny or limit coverage, including:
 - (i) Underwriting standards;
 - (ii) Exceptions to coverage;
 - (iii) Limitations and exclusions to coverage;
 - (iv) Eligibility criteria; and
 - (v) The date coverage will be effective.
- (f) The debtor can cancel coverage within the first thirty days after receiving an individual policy or group certificate. The insurer or creditor must promptly refund or credit to the debtor's account all amounts charged for insurance or obtaining it.
- (g) The debtor may cancel coverage at any time during the term of the loan if the:
 - (i) Debtor buys other insurance that covers the risk; or
 - (ii) Credit agreement does not require the debtor to buy consumer credit insurance.
- (h) If the debtor cancels coverage, the insurer or creditor must promptly pay or credit to the debtor's account a refund of all unearned premium.
 - (i) That the debtor must provide evidence of alternative insurance acceptable to the creditor at the time of cancellation only if insurance is a requirement for the extension of credit.
 - (j) A brief description of the coverage, including a description of:
 - (i) The amount of insurance;
 - (ii) The term of insurance;
 - (iii) Insured events;
 - (iv) Any waiting or elimination period;
 - (v) Any applicable waiver of premium provision;
 - (vi) To whom the benefits would be paid; and
 - (vii) The rate for each type of coverage.
 - (k) If the premium or insurance charge(s) are financed, they are subject to finance charges at the rate applicable to the credit transaction.

PERMANENT

(2) An individual policy or group certificate must, in addition to other requirements of RCW 48.34.090, state the following:

(a) Closed-end credit: The premium or amount of payment by the debtor separately for each kind of coverage.

(b) Open-end credit: The premium rate and the basis of premium calculation (e.g., average daily balance, prior monthly balance).

(c) If the scheduled term of insurance is less than the scheduled term of the credit transaction, the face of each individual policy or group certificate must display a prominent notice explaining that the insurance coverage will end before the loan ends.

(d) Each individual policy or group certificate must display a prominent notice of any exceptions, restrictions, limitations or exclusions.

NEW SECTION

WAC 284-34-260 What is the effective date of this regulation? (1) This regulation takes effect on April 1, 2005.

(2) Approval of all forms that do not comply with this regulation is withdrawn as of October 1, 2005. No form may be issued on or after October 1, 2005, unless it has been approved by the commissioner and conforms to this regulation.

(3) Group insurance:

(a) Certificates and premium rates used with existing policies must conform to this regulation by the first anniversary date of the policy on or after October 1, 2005. This includes, but is not limited to:

(i) Continuing insurance on a debtor where agreement between the insurer and the group policyholder, with or without notice to the debtor, is sufficient to terminate that insurance; and

(ii) Continuing insurance on a debtor where the insurer has the right to change premium rates with the approval of the commissioner.

(b) For the purpose of this subsection, no new form or policy that amends or replaces an existing policy of consumer credit insurance may alter the anniversary date of the policy.

(c) "Existing policy" means a policy in force prior to October 1, 2005.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-34-010	Credit life insurance.
WAC 284-34-020	Credit accident and health insurance.
WAC 284-34-030	Collection and remittance of premiums.
WAC 284-34-040	Rate filings and deviations from prima facie rates.
WAC 284-34-050	Refunds.

WAC 284-34-060 Effective date—Implementation.

WAC 284-34-070 Prohibited transactions.

WSR 05-02-094

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed January 5, 2005, 10:54 a.m., effective February 5, 2005]

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

Purpose: Current law encourages state agencies to contract with "sheltered workshops" by allowing agencies to negotiate contracts directly with the workshops, avoiding the usual bid and review requirements.

This law would transfer that preference from "sheltered workshops" to "community rehabilitation programs" (CRPs) which provide a broader range of employment options and services beyond traditional sheltered employment. It also extends the preference to businesses owned and operated by persons with disabilities. CRPs and businesses owned and operated by people with disabilities that met some additional criteria are put on a listing of "vendors in good standing" (VIGS). The law would increase the contracting preference for VIGS by requiring any agency purchasing a good or service offered by a VIGS to solicit and consider in good faith a proposal from at least one such vendor before making that purchase.

Statutory Authority for Adoption: RCW 50.12.040.

Adopted under notice filed as WSR 04-24-091 on December 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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 0, Repealed 0.

Date Adopted: January 5, 2005.

Dr. Sylvia P. Mundy
Commissioner

PERMANENT

Chapter 192-35 WAC

**IMPROVING EMPLOYMENT OPPORTUNITIES
FOR PEOPLE WITH DISABILITIES THROUGH
STATE USE CONTRACTS**

NEW SECTION

WAC 192-35-010 Definitions. "Application base" means either the first fifteen applications for vendor in good standing received, or all applications for vendor in good standing received during the first twelve months of the program, whichever is greater at the time an application is being considered.

"Integrated setting" means a setting commonly found in the community (such as a store, office or school) where the individual with a disability comes into contact with nondisabled people who are not providing vocational rehabilitation services or other specialized services to that individual; or a setting commonly found in the community where the individual with a disability comes into contact with nondisabled people as he/she does his/her work. The amount of contact the individual with a disability has with nondisabled people is the same that a nondisabled person in the same type of job would experience.

"Transitioned to a less restrictive employment setting" means any change to an individual's job or work setting, or working conditions that increases that individual's workplace integration, independence from special services or participation in unsubsidized work. Some examples include moving from sheltered to supported employment; or from nonintegrated to integrated employment; or from working for a community rehabilitation program to working for a community employer.

NEW SECTION

WAC 192-35-020 The state use advisory committee. The state use advisory committee hereinafter referred to as the SUAC, is established within the governor's committee on disability issues and employment (GCDE). The SUAC shall have the following composition:

- (1) Three members chosen by GCDE from among those current or former clients of a community rehabilitation program who have nominated themselves, at least one of whom must be a person with a developmental disability;
- (2) One member chosen by GCDE from among those guardians, parents, or other relatives of a current client or employee of a community rehabilitation program who have nominated themselves;
- (3) One member chosen by GCDE from among those who have been nominated by a community rehabilitation program;
- (4) One member chosen by GCDE from among those owners of a business owned and operated by persons with disabilities who have nominated themselves;
- (5) One member who is designated by the developmental disabilities council;
- (6) One member who is a member of and selected by GCDE;

(7) One member who is designated by the secretary of the department of social and health services; and

(8) One member who is designated by the director of the department of services for the blind.

NEW SECTION

WAC 192-35-030 Meetings. The SUAC shall hold its regular public meeting annually in December. Additional public meetings may be held at such times and places as the board may deem necessary. Notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary. Executive sessions shall deal only with matters authorized by RCW 42.30.110.

NEW SECTION

WAC 192-35-040 Application for listing as a vendor in good standing. The application for listing as a vendor in good standing must be submitted on forms approved by the SUAC and shall be accompanied by additional documentation as follows:

(1) Applications from community rehabilitation programs must be accompanied by:

(a) A document issued by the department of social and health services recognizing the applicant as eligible to do business as a community rehabilitation program; and

(b) A document issued by the secretary of state establishing that the applicant is registered as a nonprofit corporation.

(2) Applications by business owned and operated by persons with disabilities must be accompanied by documentation:

(a) Issued by the department of social and health services establishing that the individual exercising ownership and control has been determined to have a developmental disability as defined in RCW 71A.10.020; or

(b) Issued by an agency established under Title I of the Federal Vocational Rehabilitation Act establishing that the individual exercising ownership and control has been determined to be or have been eligible for vocational rehabilitation services; or

(c) Issued by the United States Social Security Administration establishing that the individual exercising ownership and control has been determined to be or have been eligible for Social Security Disability Insurance or Supplemental Security Income; or

(d) Issued by the United States Department of Veterans Affairs establishing that the individual exercising ownership and control has been determined to be or have been eligible for vocational rehabilitation services due to a service connected disability under 38 U.S.C. Sec. 3100 et seq.

(3) Applications must be accompanied by documentation that objectively demonstrates that the applicant has met or made progress over the previous twelve months toward meeting a minimum of six of the following criteria:

(a) The number of people with disabilities in the entity's total work force who are working in integrated settings. To demonstrate progress for this criterion an applicant's docu-

mentation must show that the number of people with disabilities employed by it, and working in an integrated setting, during the quarter immediately preceding the date of application is greater than the number of people with disabilities employed by it, and working in an integrated setting for the same quarter in the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people with disabilities employed by it, and working in an integrated setting during the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(b) The percentage of the people with disabilities in the entity's total work force who are working in integrated settings. To demonstrate progress for this criterion an applicant's documentation must show that the percent of those people with disabilities employed by it and working in an integrated setting, during the quarter immediately preceding the date of application is greater than the percentage of people with disabilities employed by it, and working in an integrated setting for the same quarter in the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the percentage of people with disabilities employed by it, and working in an integrated setting, during the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(c) The number of people with disabilities in the entity's total work force who are working in individual supported employment settings. To demonstrate progress for this criterion an applicant's documentation must show that the number of people with disabilities employed by it, and working in individual supported employment settings, during the quarter immediately preceding the date of application is greater than the number of people with disabilities employed by it, and working in individual supported employment settings for the same quarter for the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people with disabilities employed by it, and working in individual employment settings for the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(d) The percentage of the people with disabilities in the entity's total work force who are working in individual supported employment settings. To demonstrate progress for this criterion an applicant's documentation must show that the percent of people with disabilities among all individuals employed by it, and working in an individual supported employment setting, during the quarter immediately preceding the date of application is greater than the percentage of people with disabilities employed by it, and working in an integrated setting for the same quarter of the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the percentage of people with disabilities employed by it, and working in an individual supported employment setting, during the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(e) The number of people with disabilities in the entity's total work force who, during the last twelve months, have transitioned to less restrictive employment settings either within the entity or with other community employers. To demonstrate progress for this criterion an applicant's documentation must show that the number of people with disabilities who had been employed by it at some point during the twelve months immediately preceding the time of application and had transitioned to less restrictive employment settings during those twelve months either within the entity or with other community employers was greater than the number of such employees who had made such a transition during the prior twelve months. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people who had been employed by it at some point during the twelve months immediately preceding the time of application and had transitioned to less restrictive employment settings during those twelve months either within the entity or with other community employers at the time of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(f) The number of people with disabilities in the entity's total work force who are earning at least the state minimum wage. To demonstrate progress for this criterion an applicant's documentation must show that the number of people with disabilities employed by it, who were paid at least the state minimum wage for all hours worked, during the quarter immediately preceding the date of application is greater than the number of people with disabilities employed by it, and paid at least the state minimum wage for all hours worked for the same quarter for the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people with disabilities employed by it, and paid at least the state minimum wage for all hours worked for the same quarter of the previous year is at least one standard deviation higher than the norm for this criterion derived from the application base.

(g) The percentage of the people with disabilities in the entity's total work force who are earning at least the state minimum wage. To demonstrate progress for this criterion an applicant's documentation must show that the percent of people with disabilities among all people with disabilities employed by it, who were paid at least the state minimum wage for all hours worked during the quarter immediately preceding the date of application is greater than the percentage of people with disabilities employed by it, who were paid at least state minimum wage for all hours worked for the same quarter for the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the percentage of people with disabilities employed by it, who were paid at least state minimum wage for all hours worked for the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(h) The number of people with disabilities serving in supervisory capacities within the entity. To demonstrate progress for this criterion an applicant's documentation must show that the number of people with disabilities employed by it in positions in which they supervised the work of other employees during the quarter immediately preceding the date

of application is greater than the number of people with disabilities employed by it in such positions during the same quarter for the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people with disabilities employed by it in positions in which they supervised the work of other employees during the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(i) The percentage of supervisory positions within the entity that are occupied by people with disabilities. To demonstrate progress for this criterion an applicant's documentation must show that the percent of people with disabilities among all individuals employed by it in positions in which they supervise the work of other employees during the quarter immediately preceding the date of application is greater than the percentage of people with disabilities employed by it in such positions for the same quarter of the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the percentage of people with disabilities employed by it in supervisory positions at the time of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(j) The number of people with disabilities serving in an ownership capacity or on the governing board of the entity. To demonstrate progress for this criterion an applicant's documentation must show that the number of people with disabilities who exercise ownership and participate in the day to day management of the entity, or who serve in elected or appointed positions on a board with the authority to hire and fire the executive director of the entity during the quarter immediately preceding the date of application is greater than the number of people with disabilities in such positions during the same quarter for the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the number of people with disabilities in such positions during the quarter immediately preceding the date of application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(k) The ratio of the total amount paid by the entity in wages, salaries, and related employment benefits to people with disabilities as compared to the total amount paid by the entity in wages, salaries, and related employment benefits to persons without disabilities during the previous year. To demonstrate progress for this criterion an applicant's documentation must show that the total amount paid by it in wages, salaries, and related employment benefits to people with disabilities during the twelve months immediately preceding the date of application had increased in proportion to the total amount it paid in wages, salaries, and related employment benefits to people who do not have a disability when compared to the ratio of those two figures from the previous year. To demonstrate that it has met this criterion, an applicant's documentation must show that the ratio of the total amount paid by the entity in wages, salaries, and related employment benefits to people with disabilities as compared to the total amount paid by the entity in wages, salaries, and related employment benefits to persons without disabilities for the twelve months immediately preceding the date of

application is at least one standard deviation higher than the norm for this criterion derived from the application base.

(l) The percentage of people with disabilities in the entity's total work force for whom the entity has developed a reasonable, achievable, and written career plan. To demonstrate progress for this criterion an applicant's documentation must show that the percent of people with disabilities employed by it, for whom it had developed reasonable, achievable, written career plans, at the time of application was greater than the percentage of people with disabilities employed by it for whom it had developed reasonable, achievable, written career plans one year prior to the time of application. To demonstrate that it has met this criterion, an applicant's documentation must show that the percentage of people with disabilities employed by it for whom it had developed reasonable, achievable, written career plans at the time of application was at least one standard deviation higher than the norm for this criterion derived from the applications submitted that program year.

(4) In the event that the SUAC preliminarily determines that the documentation provided in an application is insufficient to demonstrate objectively that the applicant has made progress in or met at least six of the relevant eligibility criteria under this chapter, the SUAC will communicate that determination to the applicant in writing. The notification will clearly identify the specific criteria for which the SUAC determined the applicant's documentation to be insufficient. The SUAC will hold the application open for up to six months from the date of the notification during which time the applicant may submit additional documentation addressing the identified deficiencies.

(5) Applicants must also provide such documentation as may be required by the department of general administration to establish:

(a) That the applicant has not been in material breach of any quality or performance provision of any contract for the purchase of goods or services during the past thirty-six months; and

(b) Those goods and services for which the applicant is seeking to be listed as a vendor in good standing.

(6) Applicants must also provide such additional information, or documentation as may be required by the office of minority and women's business enterprises for the purpose of determining ownership and exercise of control of a business.

NEW SECTION

WAC 192-35-050 Application fees. Applications must be accompanied by the annual application fee of five hundred dollars. The application fee is nonrefundable.

NEW SECTION

WAC 192-35-060 Period of eligibility. Applicants will be listed as vendors in good standing for a period of one year beginning on the date of final determination of eligibility to be so listed: Unless, prior to the end of that period, the applicant requests in writing to be removed from that listing; or is found to be in material breach of any quality or performance provision of any contract for the purchase of goods or services. Applications for continued listing or relisting for sub-

sequent periods of eligibility are subject to the same documentation requirements, fees and procedures as initial applications.

NEW SECTION

WAC 192-35-070 Denials and appeals. The governor's committee on disability issues and employment will provide written notice when it has determined that an applicant failed to demonstrate that it has met the eligibility criteria for a vendor in good standing. The written notice shall include the basis for that determination; a notification of the applicant's right to appeal; and the address to which an appeal may be submitted. Applicants shall have thirty working days from the date of the notice to file an appeal. All appeals must be in writing.

NEW SECTION

WAC 192-35-080 Application of brief adjudicative proceedings. The commissioner adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request pursuant to subsection (1) of this section or at the discretion of the commissioner pursuant to RCW 34.05.482.

(1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the governor's committee on disability issues and employment accepts the recommendation of the state use advisory committee and the matter involves a determination of one or more of the following issues:

(a) Whether an applicant has provided clear documentation that it qualifies under the criteria established by RCW 43.19.525 (1)(a) through (d); or

(b) Whether an applicant has provided clear documentation that it qualifies under the criteria established by RCW 43.19.525 (2)(a) and (b); or

(c) Whether an applicant has provided clear documentation that it qualifies under the criteria established by RCW 50.40.065 (3)(a) through (l).

(2) Brief adjudicative proceedings under subsection (1) of this section will be limited to consideration of the following issues:

(a) In proceedings under subsections (1)(a) and (b) of this section, the sole issue to be considered at the hearing is whether the documentation submitted by an applicant clearly establishes that the applicant has been determined to meet the applicable eligibility criterion or criteria under RCW 43.19.525 (1) or (2) by the agency or agencies authorized to make that determination;

(b) In proceedings under subsection (1)(c) of this section, the sole issue to be considered at the hearing is whether the documentation submitted by the applicant clearly demonstrates that the applicant has either met or made progress over the previous twelve months toward meeting a minimum of six of the criteria established in RCW 50.40.065.

(3) Brief adjudicative proceedings may not be used to appeal a decision by the governor's committee on disability issues and employment to reject a recommendation of the state use advisory committee, based on a finding of misfeasance or malfeasance.

NEW SECTION

WAC 192-35-090 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the commissioner or designee in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but must not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, at his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings will not issue an oral order. Within ten working days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings will enter an initial written order.

NEW SECTION

WAC 192-35-100 Preliminary record in brief adjudicative proceedings. The preliminary record with respect to an application must consist of:

(1) The application and all associated documents; and

(2) All documents relied upon by the state use advisory committee in proposing to deny the application; and

(3) All correspondence between the applicant and the state use advisory committee regarding the application.

NEW SECTION

WAC 192-35-110 Appeal of the brief adjudicative proceedings. (1) Within thirty working days following the issuance of an initial written order, any party, including the department, may file a written appeal of that order with the deputy commissioner.

(2) The deputy commissioner will review the record of the brief adjudicative proceedings under appeal and issue the final written order, within thirty working days of the receipt of the appeal.

(3) The final written order, issued by the deputy commissioner, shall be the department's final decision on all matters subject to these brief adjudicative proceedings.

NEW SECTION

WAC 192-35-120 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings. (1) At least five working days before the scheduled brief adjudicative proceeding, any party, including the department, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request

that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the agency.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

(3) The written order of the formal adjudicative hearing shall be the department's final decision.

PERMANENT

WSR 05-02-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-328—Filed December 22, 2004, 1:59 p.m., effective December 22, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600U; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The state has determined that the crabmeat recovery rate is below the agreed rate that allows opening of the coastal season, the crabs are not ready for harvest, and the season opening should be delayed. The provisions of this rule are in conformity with agreed plans with the states of Oregon and California. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 22, 2004.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-52-04600V Coastal crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective immediately, it is unlawful for non-Indian commercial fishers to fish for, possess or take crab for commercial purposes, or place gear in coastal, Pacific Ocean, Grays Harbor, Willapa Bay, and Columbia River waters immediately through January 14, 2005 except that it is lawful to set baited crab gear beginning at 8:00 a.m. January 12, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600U Coastal crab fishery—Seasons and areas. (04-316)

WSR 05-02-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-326—Filed December 22, 2004, 1:59 p.m., effective January 18, 2005]

Effective Date of Rule: January 18, 2005.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Q and 220-33-01000R; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Sets the winter season sturgeon fishery. Season is consistent with the 2003-2005 sturgeon fishery management plan. Landings are expected to stay within the harvest guideline of 1,800 fish for this season. Regulation is consistent with compact action of December 16, 2004. 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.

Date Adopted: December 22, 2004.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-33-01000R Columbia River season below Bonneville. Notwithstanding the provision of WAC 220-33-

010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

SEASON: 6:00 a.m. Tuesday January 18, 2005 to 6:00 a.m. Wednesday, January 19, 2005

6:00 a.m. Tuesday January 25, 2005 to 6:00 a.m. Wednesday, January 26, 2005

6:00 a.m. Tuesday February 1, 2005 to 6:00 a.m. Wednesday, February 2, 2005

6:00 a.m. Tuesday February 8, 2005 to 6:00 a.m. Wednesday, February 9, 2005

6:00 a.m. Tuesday February 15, 2005 to 6:00 a.m. Wednesday, February 16, 2005

GEAR: 9-inch minimum mesh and 9-3/4 inch maximum mesh

ALLOWABLE SALE: Sturgeon and adipose fin-clipped salmon.

SANCTUARIES: Sandy River.

OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

MISCELLANEOUS: Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000Q Columbia River season below Bonneville. (03-287)

The following section of the Washington Administrative Code is repealed effective 6:01 a.m. February 16, 2004:

WAC 220-33-01000R Columbia River season below Bonneville.

WSR 05-02-013

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 27, 2004, 1:33 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: To amend WAC 388-492-0070 How are my WASHCAP food benefits calculated?, effective January 1, 2005, in order to be consistent with a federal waiver amendment regarding how Washington combined application project (WASHCAP) benefits are calculated. Specifically, the department is amending the utility allowance methodology used to calculate WASHCAP benefit amounts. The

change will bring the department into compliance with the demonstration project cost-neutrality provisions stipulated in the federal waiver.

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

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: This emergency rule must be effective January 1, 2005, to comply with an amended food and nutrition services waiver; federal regulations governing combined application projects (CAP) or other demonstration projects are found in 7 C.F.R. 282. The rule and its effective date are necessary to maintain federal funding of the WASHCAP based on compliance with demonstration project cost-neutrality requirements. The department is in the process of amending this rule by regular adoption; a CR-101 preproposal notice is being filed jointly with this filing.

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 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR04-23-026, filed 11/8/04, effective 12/9/04)

WAC 388-492-0070 How are my WASHCAP food benefits calculated? We calculate your food benefits as follows:

- (1) We begin with your gross income.
- (2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.
- (3) We figure your shelter cost as follows:
 - (a) If SSA tells us you pay three hundred nineteen dollars or more a month for shelter, we use three hundred twenty-nine dollars as your shelter cost; or
 - (b) If SSA tells us you pay less than three hundred nineteen dollars for shelter, we use one hundred fifty-nine dollars as your shelter cost; and
 - (c) We add the current ((standard)) limited utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP food benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, you will get at least ten dollars in food benefits each month.

WSR 05-02-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-329—Filed December 28, 2004, 2:55 p.m., effective December 29, 2004]

Effective Date of Rule: December 29, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300P; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.240.

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 amounts of red and green sea urchins exist in the areas described. Prohibition of all diving from licensed sea urchin and sea cucumber harvest vessels within one day of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. Prohibiting transport of nonlanded urchins from Districts 1 and 2 will prevent spoiling of product, promote accurate catch accounting, and provide for an orderly fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-07300Q Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective December 29, 2004 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 3 and 4 are open only on January 2-6, 9-13 and 16-20, 2005. Sea Urchin Districts 6 and 7 are open only on January 2, 3, 9, 10, 16 and 17, 2005. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on December 29, 30 and 31, 2004. Sea Urchin District 4 is open only on December 29 and 30, 2004. In Sea Urchin Districts 1 and 2 it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines). In Sea Urchin District 4 it is unlawful to harvest red sea urchins smaller than 3.25 inches or larger than 5.0 inches (size in largest test diameter exclusive of spines).

(3) Red sea urchins harvested in Sea Urchin Districts 1 and 2 must be landed in Sea Urchin Districts 1 and 2.

(4) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on Saturdays of each week, except by written permission from the Director.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 29, 2004:

WAC 220-52-07300P Sea urchins. (04-315)

WSR 05-02-027
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-330—Filed December 29, 2004, 4:17 p.m., effective December 29, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000C; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: December 29, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-44-05000D Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 69, No. 246, published December 23, 2004. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty per-

cent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000C Coastal bottomfish catch limits. (04-276)

**WSR 05-02-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-331—Filed December 29, 2004, 4:18 p.m., effective December 29, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-20-05100A; and amending WAC 220-52-046 and 220-20-051.

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: The winter 2005 Washington Coastal Dungeness crab fishery will not open until substantially later than the Dungeness crab fishery off the Oregon and California coast. This rule is needed to promote orderly fisheries in accordance with RCW 77.04.012. It is intended to be consistent with the fair start provisions as agreed to between the states of California, Oregon and Washington under the tri-state agreement. 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 30 [29], 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-04600W Coastal crab fishery—Areas and seasons. Notwithstanding the provisions of WAC 220-52-046, effective immediately in waters of the Pacific Ocean north of Point Arena, California, it is unlawful to fish in any area for which the season opening has been delayed due to soft shell crab for the first thirty days following the opening of such an area if the Dungeness crab—coastal fishery license holder, or any vessel or alternate operator designated on the license, participated in any coastal crab fishery during the previous forty-five days.

NEW SECTION

WAC 220-20-05100A Vessel designation requirements. Notwithstanding the provisions of WAC 220-20-051, effective immediately until February 14, 2005, holders of Dungeness crab—coastal fishery licenses are prohibited from changing the vessel designated on the license unless they did not participate in a coastal crab fishery in the States of California or Oregon between December 1, 2004 and January 15, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed effective February 14, 2005:

WAC 220-20-05100A Vessel designation requirements.

**WSR 05-02-031
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed December 30, 2004, 9:53 a.m., effective December 30, 2004]

Effective Date of Rule: Immediately.

Purpose: Due to an increase in medical costs paid by the crime victims compensation program, it has been determined that the current appropriation will not be sufficient to carry the program through this biennium. RCW 7.68.080 (2)(b) gives the department the authority to set the service levels and fees no lower than those established by the Department of Social and Health Services under Title 74 RCW. The purpose of this rule is to lower provider reimbursement rates for services to crime victims to those of the Department of Social and Health Services. Lowering the reimbursement rates for services has the least onerous impact on crime victims.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-090.

Statutory Authority for Adoption: RCW 7.68.030.

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: In light of this critical financial situation, the CVC program filed an emergency rule to immediately reduce its reimbursement rates to the Department of Social and Health Services (DSHS) reimbursement rates (the lowest rates allowed by law), effective September 1, 2004. L&I will also file a second emergency rule, in order to continue the reimbursement rate at the DSHS rate while the agency works to put a permanent rule in place.

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 1, Amended [1], Repealed 0.

Date Adopted: December 30, 2004.

December 30, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-090 ~~What are the maximum allowable fees? (1) ((Maximum allowable fees for medical services are those fees published in the Medical Aid Rules and Fee Schedules less any available benefits of public or private insurance.~~

~~(2) Maximum allowable fees for mental health services are those fees published in the Crime Victims Compensation Program Mental Health Treatment Rules and Fees less any available benefits of public or private insurance.~~

EXCEPTION: ~~If any of the maximum allowable fees in the publications entitled Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.~~

~~(3)) The maximum allowable fees for medical and mental health services will be those rates established by the department of social and health services less any available benefits of public or private insurance.~~

(2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

WSR 05-02-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed December 30, 2004, 3:58 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: To amend WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, to be consistent with a federal waiver amendment effective January 1, 2005, regarding the criteria under which a WASHCAP-eligible or WASHCAP participant may opt-in or -out of the demonstration project. The change will bring the department into compliance with the demonstration project cost-neutrality provisions stipulated in the federal waiver.

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

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: This emergency rule must be effective January 1, 2005, to comply with an amended Food and Nutrition Services waiver; federal regulations governing combined application projects (CAP) or other demonstration projects are found in 7 C.F.R. 282. The rule and its effective date are necessary to maintain federal funding of the WASH-CAP based on compliance with demonstration project cost-neutrality requirements. A CR-101, preproposal statement of inquiry, is being filed jointly with this emergency rule change.

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 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 29, 2004.

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

AMENDATORY SECTION (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

WAC 388-492-0040 ~~Can I choose whether I get WASHCAP food benefits or Basic Food benefits? You can choose to have Basic Food benefits instead of WASHCAP food benefits when:~~

~~(1) ((You would get more benefits from the Basic Food program.~~

~~(2) You may get more benefits in the Basic Food program when:~~

~~(a)) Your shelter costs as defined in WAC 388-450-0190 are more than five hundred twenty-seven dollars a month ((We count the following items as a shelter cost:~~

~~(i) Rent or mortgage;~~

~~(ii) Property taxes;~~

~~(iii) Homeowner's insurance (for the building only); or~~

~~(iv) Mandatory homeowner's association or condo fees.~~

~~(b)):~~

~~(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month; or~~

~~(3) You chose to have Basic Food benefits instead of WASHCAP benefits prior to January 1, 2005.~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 05-02-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed December 30, 2004, 3:58 p.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: Amending rules to comply with the January 1, 2005, federal increase in the long-term care program standards for spousal allocations and maintenance, while the department completes the permanent rule-making process. A preproposal statement of inquiry notice (CR-101) was filed as WSR 04-16-027.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1350 and 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Other Authority: Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

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: January 1, 2005, implementation of the increase in federal standards is required by the state to continue receiving federal funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, 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 2, Repealed 0.

Date Adopted: December 21, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-04-072, filed 2/2/04, effective 3/4/04)

WAC 388-513-1350 Defining the maximum amount of resources allowed and determining resources availability for long-term care (LTC) services. This section describes how the department defines the resource standard and available resources when determining a client's eligibility for LTC services. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and still be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

(a) Two thousand dollars for:
 (i) A single client; or
 (ii) A legally married client with a community spouse, subject to the provisions described in subsections (5) through (8); or

(b) Three thousand dollars for a legally married couple, unless subsection (2) applies.

(2) If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.

(3) The department applies the following rules when determining available resources for LTC services:

(a) WAC 388-475-0300, Resource eligibility and limits;

(b) WAC 388-475-0250, How to determine who owns a resource;

(c) WAC 388-470-0060(6), Resources of an alien's sponsor; and

(d) WAC 388-506-0620, SSI-related medical clients.

(4) For LTC services the department determines a client's nonexcluded resources as follows:

(a) For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-475-0350 through 388-475-0550;

(b) For an SSI-related client who has a community spouse, the department:

(i) Excludes resources described in WAC 388-513-1360; and

(ii) Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;

(c) For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.

(5) The department determines available resources of a legally married client, when both spouses are institutionalized, by following WAC 388-506-0620 (5) and (6). For legally married clients when only one spouse meets institutional status, the following rules apply. If the client's current period of institutional status began:

(a) Before October 1, 1989, the department adds together one-half the total amount of nonexcluded resources held in the name of:

(i) The institutionalized spouse; or

(ii) Both spouses.

(b) On or after October 1, 1989, the department adds together the total amount of nonexcluded resources held in the name of:

(i) Either spouse; or

(ii) Both spouses.

(6) If subsection (5)(b) applies, the department determines the amount of resources that are allocated to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse, as follows:

(a) If the client's current period of institutional status began on or after October 1, 1989 and before August 1, 2003, the department allocates the maximum amount of resources ordinarily allowed by law. The maximum allocation amount is ~~((ninety-two))~~ ninety-five thousand ~~((seven))~~ one hundred ~~((sixty))~~ dollars effective January 1, ~~((2004))~~ 2005; or

(b) If the client's current period of institutional status began on or after August 1, 2003, the department allocates the greater of:

(i) A spousal share equal to one-half of the couple's combined nonexcluded resources as of the beginning of the current period of institutional status, up to the amount described in subsection (6)(a); or

(ii) The state spousal resource standard of forty thousand dollars.

(7) The amount of the spousal share described in (6)(b)(i) is determined sometime between the date that the current period of institutional status began and the date that eligibility for LTC services is determined. The following rules apply to the determination of the spousal share:

(a) Prior to an application for LTC services, the couple's combined countable resources are evaluated from the date of the current period of institutional status at the request of either member of the couple. The determination of the spousal share is completed when necessary documentation and/or verification is provided; or

(b) The determination of the spousal share is completed as part of the application for LTC services if the client was institutionalized prior to the month of application, and declares the spousal share exceeds the state spousal resource standard. The client will be required to provide verification of the couple's combined countable resources held at the beginning of the current period of institutional status.

(8) The amount of allocated resources described in subsection (6) can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter 388-02 WAC or by consent order, that the amount is inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

(9) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsection (10)(a), (b), or (c) applies.

(10) A redetermination of the couple's resources as described in subsections (4)(b) or (c) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection (5)(b) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections (6) or (8) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(i) The first regularly scheduled eligibility review; or

(ii) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

AMENDATORY SECTION (Amending WSR 04-04-072, filed 2/2/04, effective 3/4/04)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services. This rule describes how the department allocates income and excess resources when determining participation in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPES).

(4) Excess resources are reduced in an amount equal to incurred medical expenses (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(b) Federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (5) in the following order:

(a) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, ~~((2004)) 2005~~, two thousand three hundred ~~((nineteen)) sev-~~
~~enty-eight~~ dollars, unless a greater amount is allocated as described in subsection (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand ~~((six))~~ five hundred ~~((ninety-two))~~ sixty-two dollars; and

(B) Excess shelter expenses as specified under subsection (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand ~~((six))~~ five hundred ~~((ninety-two))~~ sixty-two dollars exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b) less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((fifty-five))~~ sixty-nine dollars, effective April 1, ~~((2003))~~ 2004; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(9) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

WSR 05-02-047

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-332—Filed January 3, 2005, 2:24 p.m., effective January 7, 2005, 12:01 p.m.]

Effective Date of Rule: January 7, 2005, 12:01 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000E; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 30, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-36000E Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. January 7 through 11:59 p.m. January 9, 2005, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

2. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 10, 2005:

WAC 220-56-36000E Razor clams—Areas and seasons.

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 30, 2004.

J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600W Coastal crab fishery—Areas and seasons. (04-331)

WSR 05-02-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-01—Filed January 3, 2005, 2:25 p.m., effective January 3, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04600W.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The winter 2005 Washington Coastal Dungeness crab fishery will not open until substantially later than the Dungeness crab fishery off the Oregon and California coast. This rule is needed to promote orderly fisheries in accordance with RCW 77.04.012. It is intended to be consistent with the fair start provisions as agreed to between the states of California, Oregon and Washington under the tri-state agreement. 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

WSR 05-01-044
RULES OF COURT
STATE SUPREME COURT
[December 6, 2004]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CR 1, CR 5,) NO. 25700-A-807
CR 11, CR 15, CR 27, CR 28, CR 30, CR)
50, CR 52, CR 59, CR 62, CRLJ 1, CRLJ 5,)
CRLJ 11, CRLJ 15, CRLJ 50, CRLJ 59, CrR)
4.7 AND CrRLJ 47)

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 1, CR 5, CR 11, CR 15, CR 27, CR 28, CR 30, CR 50, CR 52, CR 59, CR 62, CRLJ 1, CRLJ 5, CRLJ 11, CRLJ 15, CRLJ 50, CRLJ 59, CrR 4.7 and CrRLJ 47, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
Gerry L. Alexander
CHIEF JUSTICE

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 1
concerning Scope of Rules

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the words "and administered" to the last sentence of the rule, so that CR 1 will conform to Federal Rule of Civil Procedure (Fed. R. Civ. P.) 1. This language was added to the federal rule in 1993. The comment to the federal amendment explains the rationale as follows:

The purpose of this revision, adding the words "and administered" to the second sentence, is to recognize the affirmative duty of the court to exercise the authority conferred by these rules to ensure that civil litigation is resolved not only fairly, but also without undue cost or delay. As officers of the court, attorneys share this responsibility with the judge to whom the case is assigned.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 5
concerning Service and Filing of Pleadings and Other Papers

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to CR 5 (b)(7) provides for electronic service where the parties consent in writing. This change incorporates an analogous amendment to Fed. R. Civ. P. 5 (b)(2)(D) and 5 (b)(3) made in 2001. As a practical matter, many lawyers already communicate and transmit pleadings and papers electronically. The suggested amendment authorizes counsel to agree to such electronic service. Consent to such service must be in writing. The comments to the corresponding changes to the federal rule indicate that parties are encouraged to specify the scope and duration of the consent. The specification also should include at least the persons to whom service should be made, the appropriate address or location for such service, and the format for attachments.

In addition, the suggested amendment addresses the issue of time of service. Ordinarily, service is complete upon transmission pursuant to the terms of the written consent. Thus, the risk of non-receipt falls on the person being served. However, when the person serving pleadings or papers learns that attempted service failed, service is not effected. Facsimile and email transmissions customarily show if transmission has failed.

Adoption of the suggested amendment to CR 5 (b)(7) eliminates the need for archaic subsection (h), which is rescinded. To the extent that service by telegraph remains viable, it can occur under the suggested amendment.

The suggested amended rule does not address electronic filing, which is governed by GR 17.

CIVIL RULE 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

- (a) Unchanged.
(b) Service - How Made.
(1) - (6) Unchanged.

(7) Service by Other Means. Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

- (c) - (g) Unchanged.
(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if

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~~any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose.~~
[Rescinded.]

(i) - (j) Unchanged.

CIVIL RULE 11

SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable inquiry under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 15 concerning Amended and Supplemental Pleadings

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to CR 15(a) clarifies the procedure for service and filing of amended pleadings. Currently, the rule does not provide for filing of an amended pleading once a motion to amend is granted.

The amendment requires that a motion to amend must attach the proposed amended pleading. If the motion to amend is granted, the moving party must file the amended pleading and serve it on all parties pursuant to rule 5. The suggested amendment codifies a procedure recently mandated by judicial decision. See Will v. Frontier Contractors, Inc., 121 Wn.App. 119, 89 P.3d 242 (2004).

The suggested amendment also makes the rule gender neutral.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 27 concerning Perpetuation of Testimony

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the following phrase to the end of the last sentence of CR 27 (a)(4): "...in accordance with the provisions of rule 32(a)." This revision clarifies that use of a perpetuation deposition offered in a subsequent action is governed by CR 32(a) (Use of Depositions in Court Proceedings). The suggested amendment conforms CR 27 (a)(4) to Fed. R. Civ. P. 27 (a)(4).

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 28 concerning Persons Before Whom Depositions May Be Taken

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the following sentence to CR 28(a): "The term officer as used in rules 30, 31 and 32 includes a person appointed by the court or designated by the parties under rule 29." This suggested amendment conforms CR 28(a) to Fed. R. Civ. P. 28(a).

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 30 concerning Depositions Upon Oral Examination

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to the last sentence in CR 30 (b)(5) clarifies that the time limits on CR 34 requests for production (ordinarily 30 days) also apply to

requests for production served with notices of deposition. This will preclude a party from attempting to circumvent the notice requirements of CR 34 by serving another party with a CR 30 (b)(5) notice of deposition accompanied by a CR 34 request for production (or a subpoena duces tecum) without providing the full notice period set forth in CR 34.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 50 concerning Motions for Judgment as a Matter of Law and Motions for New Trial

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: The suggested amendments to CR 50 seek to make Washington's practice with respect to motions for judgment as a matter of law more comparable to federal practice under Fed. R. Civ. P. 50. This is accomplished in a number of ways.

First, it is suggested that the caption of the rule be changed to be the same as Fed. R. Civ. P. 50. In addition, the caption of subsection (b) will be changed to conform to Fed. R. Civ. P. 50(b).

Second, the last sentence of existing Fed. R. Civ. P. 50 (a)(1) is deleted and replaced with the language from Fed. R. Civ. P. 50 (a)(2). This change makes CR 50(a) substantively the same as Fed. R. Civ. P. 50(a) with respect to motions for judgment as a matter of law before submission of a case to the jury.

Third, the suggested amendments to CR 50(b) replace the existing section with the language of Fed. R. Civ. P. 50(b) regarding motions for judgment as a matter of law after trial. This suggested amendment changes Washington practice and *requires* that a motion for judgment as a matter of law be made before submission of the case to the jury as a condition to renewing the motion post-verdict. The Committee concluded that requiring a motion for judgment as a matter of law before the case is submitted to the jury enhances the administration of justice because the parties and/or the court can correct possible errors before verdict. Absent such a motion before submission of the case to the jury, a party may not bring a motion for judgment as a matter of law thereafter. In addition, it is beneficial in this situation to have Washington and federal practice be the same.

Fourth, the suggested amendments add a new section (d), which is identical to Fed. R. Civ. P. 50(d). This section addresses the rights of party who prevailed on a motion for judgment as a matter of law with respect to preserving issues on appeal.

CIVIL RULE 50

~~MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY JUDGMENT AS A MATTER OF LAW IN JURY TRIALS; ALTERNATIVE MOTION FOR NEW TRIAL; CONDI- TIONAL RULINGS~~

~~of judgment as a matter of law. If no verdict was returned,
the court may, in disposing of the motion, direct the entry of
judgment as a matter of law or may order a new trial. If, for
any reason, the court does not grant a motion for judgment as~~

a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:

(1) if a verdict was returned:

(A) allow the judgment to stand,

(B) order a new trial, or

(C) direct entry of judgment as a matter of law; or

(2) if no verdict was returned:

(A) order a new trial, or

(B) direct entry of judgment as a matter of law,

(c) Unchanged.

(d) Same: Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the appellate court concludes that the trial court erred in denying the motion for judgment. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

CIVIL RULE 52

DECISIONS, FINDINGS AND CONCLUSIONS

(a) Unchanged.

(b) **Amendment of Findings.** Upon motion of a party ~~made~~ filed not later than 5 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the court an objection to such findings or has made a motion to amend them or a motion for judgment.

(c) - (e) Unchanged.

The suggested amendments to CR 59(j) allow the court to consider more than one motion for reconsideration, motion for new trial, or motion for judgment as a matter of law in some circumstances.

Finally, the other suggested amendments to CR 59 delete references to superseded provisions relating to judgments notwithstanding the verdict, substitute gender neutral terminology, and improve the grammar of the rule.

CIVIL RULE 59

NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

application; or

(9) That substantial justice has not been done.

(b) **Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be ~~served and~~ filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is

filed, to be heard or otherwise considered within 30 days after the entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) **Time for Serving Affidavits.** When a motion for new trial is based ~~upon~~ on affidavits, they shall be served filed with the motion. The opposing party has 10 days after ~~such service within which to serve to file~~ opposing affidavits, which but that period may be extended for ~~an additional period not exceeding up to~~ 20 days, either by the court for good cause ~~shown~~ or by the parties' ~~by~~ written stipulation. The court may permit reply affidavits.

(d) **On Initiative of Court.** Not later than 10 days after entry of judgment, the court ~~of~~ on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, ~~and in the order shall specify the grounds thereof.~~ After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order.

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is ~~served and~~ filed, the judge by whom it is to be heard may on ~~his~~ the judge's own motion or on application determine:

judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, (2) nor pursuant to sections (g), (h), and (i) of this rule, nor or (3) under rule 52(b), without leave of court first obtained for good cause shown.

CIVIL RULE 62

STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

(a) **Automatic Stays.** Except as to a judgment of a district court filed with the superior court pursuant to RCW 4.56.200, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of ~~5~~ 10 days after its entry. Upon the filing of a notice of appeal, enforcement of judgment is stayed until the expiration of 14 days after entry of judgment. Unless otherwise ordered by the trial court or appellate court, an interlocutory or final judgment in an action for an injunction or in a receivership action, shall not be stayed during the period after its entry and until appellate review is accepted or during the pendency of appellate review.

(b) - (h) Unchanged.

COURT OF LIMITED JURISDICTION CIVIL RULE 1 SCOPE OF RULES

These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a civil nature, with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

COURT OF LIMITED JURISDICTION CIVIL RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Unchanged.

(b) **Service - How Made.**

(1) - (6) Unchanged.

(7) **Service by Other Means.** Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

(c) - (g) Unchanged.

(h) **Service of Papers by Telegraph.** Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]

(i) Unchanged.

COURT OF LIMITED JURISDICTION CIVIL RULE 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable inquiry under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a plead-

ing, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

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Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 15 concerning Amended and Supplemental Pleadings

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 15.

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Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 50 concerning Motions for Judgment as a Matter of Law and Motions for New Trial

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 50. Note, however, that in new section CRLJ 50(d), the term "superior court" is used in lieu of "appellate court." This is because, as noted in the last sentence of CRLJ 50(c), the superior court hears appeals in cases tried under CRLJ.

**COURT OF LIMITED JURISDICTION CIVIL RULE 50
MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY; JUDGMENT AS A MATTER OF LAW IN JURY TRIALS; ALTERNATIVE MOTION FOR NEW TRIAL; CONDITIONAL RULINGS**

is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:

- (1) if a verdict was returned:
 - (A) allow the judgment to stand,
 - (B) order a new trial, or
 - (C) direct entry of judgment as a matter of law; or
- (2) if no verdict was returned:
 - (A) order a new trial, or
 - (B) direct entry of judgment as a matter of law,
 - (c) Unchanged

(d) Same: Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the superior court concludes that the trial court erred in denying the motion for judgment. If the superior court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

**COURT OF LIMITED JURISDICTION CIVIL RULE 50
MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY; JUDGMENT AS A MATTER OF LAW IN JURY TRIALS; ALTERNATIVE MOTION FOR NEW TRIAL; CONDITIONAL RULINGS**

is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:

- (1) if a verdict was returned:
 - (A) allow the judgment to stand,
 - (B) order a new trial, or
 - (C) direct entry of judgment as a matter of law; or
- (2) if no verdict was returned:
 - (A) order a new trial, or
 - (B) direct entry of judgment as a matter of law,
 - (c) Unchanged

(d) Same: Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the superior court concludes that the trial court erred in denying the motion for judgment. If the superior court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

**COURT OF LIMITED JURISDICTION CIVIL RULE 59
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS**

(a) Grounds for New Trial or Reconsideration. On the motion of the party aggrieved, The a verdict or other decision may be vacated and a new trial granted to all or any of the parties, and on all or part of the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

- (1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

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Suggested Amendment to Superior Court Criminal Rule
(CrR) 4.7
concerning Custody of Discovery Materials

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: The suggested amendment to section (h)(3) would permit a prosecuting attorney and a lawyer for a criminal defendant to agree upon, or the court to order, an exception to the current requirement that discovery materials remain in the "exclusive custody" of the defense lawyer. The amended rules would expressly permit a defense lawyer to provide a copy of discovery materials to the defendant, but only after making appropriate redactions of sensitive information as approved by the prosecuting attorney or the court.

A prosecuting attorney may determine in some instances that there is no harm in letting a defendant have copies of discovery materials, while in other circumstances a prosecuting attorney may be willing to agree to only very limited dissemination, or none at all. This amendment would thus allow flexibility, depending on the nature of the case, that the current rule does not permit.

The suggested amendment is intended to help relieve a burden on defense counsel, while recognizing the need to protect victims and witnesses from possible harassment or embarrassment. Under the existing rule, as usually interpreted, a defense lawyer may not provide copies of discovery documents to his or her client for review. Rather, the lawyer must remain with the client in a conference room (or in a custodial facility with an incarcerated client). Yet there appears to be no restriction on the client reading the material, taking notes, or even making a verbatim copy of the information contained in the documents.

Proponents have argued that changing the rule would enhance the preparation of an effective defense. Not only could the lawyer's time be used more effectively, but the client would have the opportunity to review and reflect upon the documents. Increasing familiarity with the information in the documents may result in new insights or improved recollections. Defense lawyers also report that trial courts routinely grant motions that allow redacted copies to be given to clients. Allowing the parties to agree to the same thing would, it is hoped, eliminate motions to the court in a number of cases.

An increased opportunity to review all the evidence may result in additional guilty pleas, reducing the trial burden on the courts. Defendants who feel that evidence is not being hidden from them, or who see the full panoply of evidence against them and have it sink in, may be less likely to insist on a trial. When trials do occur, they may well be more expeditious, with all parties fully prepared from a pretrial review of documents.

Moreover, a pro se defendant is entitled to the actual documents under the current discovery rules. Some defense counsel have expressed concern that certain defendants may currently be motivated to become "co-counsel" in their own cases in order to gain access to discovery materials, an

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is ~~served and~~ filed, the judge by whom it is to be heard may on ~~his~~ the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record ~~which that~~ cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law, and direct the entry of a new judgment.

(h) **Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be ~~served~~ filed not later than 10 days after entry of the judgment.

(i) **Alternative Motions, etc.** Alternative motions for judgment ~~notwithstanding the verdict~~ as a matter of law and for a new trial may be made in accordance with rule 50(c).

approach not favored by the courts. Changing the current rule would hopefully discourage this practice, by

CrR 4.7 DISCOVERY

- (a) – (g) Unchanged.
- (h) Regulation of Discovery.
- (1) - (2) Unchanged.

(3) *Custody of Materials.* Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

- (4) - (7) Unchanged.

CrRLJ 4.7 DISCOVERY

- (a) – (f) Unchanged.
- (g) Regulation of Discovery.
- (1) - (2) Unchanged.

(3) *Custody of Materials.* Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

- (4) - (7) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 1 concerning Scope of Rules

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the words "and administered" to the last sentence of the rule, so that CR 1 will conform to Federal Rule of Civil Procedure (Fed. R. Civ. P.) 1. This language was added to the federal rule in 1993. The comment to the federal amendment explains the rationale as follows:

The purpose of this revision, adding the words "and administered" to the second sentence, is to recognize the affirmative duty of the court to exercise the authority conferred by these rules to ensure that civil litigation is resolved not only fairly, but also without undue cost or delay. As officers of the court, attorneys share this responsibility with the judge to whom the case is assigned.

CIVIL RULE 1 SCOPE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature whether cognizable as cases at law or

in equity with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 5 concerning Service and Filing of Pleadings and Other Papers

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to CR 5 (b)(7) provides for electronic service where the parties consent in writing. This change incorporates an analogous amendment to Fed. R. Civ. P. 5 (b)(2)(D) and 5 (b)(3) made in 2001. As a practical matter, many lawyers already communicate and transmit pleadings and papers electronically. The suggested amendment authorizes counsel to agree to such electronic service. Consent to such service must be in writing. The comments to the corresponding changes to the federal rule indicate that parties are encouraged to specify the scope and duration of the consent. The specification also should include at least the persons to whom service should be made, the appropriate address or location for such service, and the format for attachments.

In addition, the suggested amendment addresses the issue of time of service. Ordinarily, service is complete upon transmission pursuant to the terms of the written consent. Thus, the risk of non-receipt falls on the person being served. However, when the person serving pleadings or papers learns that attempted service failed, service is not effected. Facsimile and email transmissions customarily show if transmission has failed.

Adoption of the suggested amendment to CR 5 (b)(7) eliminates the need for archaic subsection (h), which is rescinded. To the extent that service by telegraph remains viable, it can occur under the suggested amendment.

The suggested amended rule does not address electronic filing, which is governed by GR 17.

CIVIL RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

- (a) Unchanged.
- (b) Service - How Made.
- (1) - (6) Unchanged.

(7) Service by Other Means. Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

- (c) - (g) Unchanged.
- (h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any

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place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]

(i) - (j) Unchanged.

CIVIL RULE 5

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Unchanged.

(b) Service - How Made.

(1) - (6) Unchanged.

(7) Service by Other Means. Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

(c) - (g) Unchanged.

(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]

(i) - (j) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 11 concerning Signing of Pleadings; Sanctions

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: The suggested amendments to CR 11 (a) and (b) are intended to make the criteria for the certification of counsel or a pro se litigant more closely parallel those in Fed. R. Civ. P. 11. Thus, the phrase "reasonable inquiry" is changed to "inquiry that is reasonable under the circumstances." According to the comments to the 1993 amendments to Fed. R. Civ. P. 11, this change clarifies that the standard for evaluating the certification is objective and not subjective.

The addition of the phrase "or the establishment of new law" conforms the state rule to the amendment of Fed. R. Civ. P. 11 in 1993. Similarly, the addition of a new fourth criterion ("the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief") also conforms the state rule to the corresponding criterion in Fed. R. Civ. P. 11. The fourth criterion is intended to clarify that a defendant, who may have had less opportunity to investigate a claim than a plaintiff, may deny allegations based upon lack of information or belief without violation of rule 11.

CIVIL RULE 11

SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable inquiry under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal

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memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or paper legal memorandum, and that to the best of the attorney's knowledge, information, and belief, formed after an reasonable inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) and it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 15 concerning Amended and Supplemental Pleadings

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to CR 15(a) clarifies the procedure for service and filing of amended pleadings. Currently, the rule does not provide for filing of an amended pleading once a motion to amend is granted.

The amendment requires that a motion to amend must attach the proposed amended pleading. If the motion to amend is granted, the moving party must file the amended pleading and serve it on all parties pursuant to rule 5. The suggested amendment codifies a procedure recently mandated by judicial decision. See *Will v. Frontier Contractors, Inc.*, 121 Wn.App. 119, 89 P.3d 242 (2004).

The suggested amendment also makes the rule gender neutral.

CIVIL RULE 15

AMENDED AND SUPPLEMENTAL PLEADINGS

(a) **Amendments.** A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served, or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. If a party moves to amend a

pleading, a copy of the proposed amended pleading, denominated "proposed" and unsigned, shall be attached to the motion. If a motion to amend is granted, the moving party shall thereafter file the amended pleading and, pursuant to rule 5, serve a copy thereof on all other parties. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

(b) - (e) Unchanged.

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Suggested Amendment to Civil Rule (CR) 27 concerning Perpetuation of Testimony

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the following phrase to the end of the last sentence of CR 27 (a)(4): "...in accordance with the provisions of rule 32(a)." This revision clarifies that use of a perpetuation deposition offered in a subsequent action is governed by CR 32(a) (Use of Depositions in Court Proceedings). The suggested amendment conforms CR 27 (a)(4) to Fed. R. Civ. P. 27 (a)(4).

CIVIL RULE 27

PERPETUATION OF TESTIMONY

(a) **Perpetuation Before Action.**

(1) - (3) Unchanged.

(4) *Use of Deposition.* If a deposition to perpetuate testimony is taken under these rules or if, although not so taken, it would be admissible in evidence in the courts of the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a superior court of this state, in accordance with the provisions of rule 32(a).

(b) - (c) Unchanged.

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Suggested Amendment to Civil Rule (CR) 28 concerning Persons Before Whom Depositions May Be Taken

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment adds the following sentence to CR 28(a): "The term officer as used in rules 30, 31 and 32 includes a person appointed by the court or designated by the parties under rule 29." This suggested amendment conforms CR 28(a) to Fed. R. Civ. P. 28(a).

CIVIL RULE 28

PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(-) **Within the State.** Unchanged.

(a) **Within the United States.** Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is

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held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony. The term "officer" as used in rules 30, 31, and 32 includes a person appointed by the court or designated by the parties under rule 29.

(b) - (d) Unchanged.

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Suggested Amendment to Civil Rule (CR) 30 concerning Depositions Upon Oral Examination Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to the last sentence in CR 30 (b)(5) clarifies that the time limits on CR 34 requests for production (ordinarily 30 days) also apply to requests for production served with notices of deposition. This will preclude a party from attempting to circumvent the notice requirements of CR 34 by serving another party with a CR 30 (b)(5) notice of deposition accompanied by a CR 34 request for production (or a subpoena duces tecum) without providing the full notice period set forth in CR 34.

CIVIL RULE 30 DEPOSITIONS UPON ORAL EXAMINATION

(a) Unchanged.

(b) **Notice of Examination: General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Video Tape Recording.**

(1) - (4) Unchanged.

(5) The notice to a party deponent may be accompanied by a request made in compliance with rule 34 for the production of documents and tangible things at the taking of the deposition. The procedure of rule 34 shall apply to the request, including the time established by rule 34(b) for the party to respond to the request.

(c) - (h) Unchanged.

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Suggested Amendment to Civil Rule (CR) 50 concerning Motions for Judgment as a Matter of Law and Motions for New Trial

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendments to CR 50 seek to make Washington's practice with respect to motions for judgment as a matter of law more comparable to federal practice under Fed. R. Civ. P. 50. This is accomplished in a number of ways.

First, it is suggested that the caption of the rule be changed to be the same as Fed. R. Civ. P. 50. In addition, the caption of subsection (b) will be changed to conform to Fed. R. Civ. P. 50(b).

Second, the last sentence of existing Fed. R. Civ. P. 50 (a)(1) is deleted and replaced with the language from Fed. R. Civ. P. 50 (a)(2). This change makes CR 50(a) substantively the same as Fed. R. Civ. P. 50(a) with respect to motions for

judgment as a matter of law before submission of a case to the jury.

Third, the suggested amendments to CR 50(b) replace the existing section with the language of Fed. R. Civ. P. 50(b) regarding motions for judgment as a matter of law after trial. This suggested amendment changes Washington practice and *requires* that a motion for judgment as a matter of law be made before submission of the case to the jury as a condition to renewing the motion post-verdict. The Committee concluded that requiring a motion for judgment as a matter of law before the case is submitted to the jury enhances the administration of justice because the parties and/or the court can correct possible errors before verdict. Absent such a motion before submission of the case to the jury, a party may not bring a motion for judgment as a matter of law thereafter. In addition, it is beneficial in this situation to have Washington and federal practice be the same.

Fourth, the suggested amendments add a new section (d), which is identical to Fed. R. Civ. P. 50(d). This section addresses the rights of party who prevailed on a motion for judgment as a matter of law with respect to preserving issues on appeal.

CIVIL RULE 50 MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY JUDGMENT AS A MATTER OF LAW IN JURY TRIALS: ALTERNATIVE MOTION FOR NEW TRIAL: CONDITIONAL RULINGS

(a) **Judgment as a Matter of Law.**

(1) *Nature and Effect of Motion.* If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against the party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to the judgment. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. ~~A motion for judgment as a matter of law shall state the specific ground therefor.~~

(2) *When Made.* A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, ~~or in accordance with section (b) of this rule.~~

(b) **Renewing Motion for Judgment After Trial; Alternative Motion for New Trial.** ~~Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not the party has moved previously for judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment as a matter of law. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no~~

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~~verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:~~

~~(1) if a verdict was returned:~~

~~(A) allow the judgment to stand,~~

~~(B) order a new trial, or~~

~~(C) direct entry of judgment as a matter of law; or~~

~~(2) if no verdict was returned:~~

~~(A) order a new trial, or~~

~~(B) direct entry of judgment as a matter of law,~~

~~(c) Unchanged~~

~~**(d) Same: Denial of Motion for Judgment as a Matter of Law.** If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the appellate court concludes that the trial court erred in denying the motion for judgment. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.~~

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 52 concerning Findings by the Court

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: The suggested amendment conforms Washington's time requirement for a motion to amend or make additional findings to the time requirement of Fed. R. Civ. P. 52. Under the current provision, CR 52(b) requires that such a motion be "made" not later than 5 days after entry of the judgment. To conform this rule to other provisions relating to post-trial motions (such as CR 50 and CR 59) and to Fed. R. Civ. P. 52(b), the suggested amendment requires that a motion to amend or make additional findings must be "filed no later than 10 days after entry of judgment...."

CIVIL RULE 52

DECISIONS, FINDINGS AND CONCLUSIONS

(a) Unchanged.

(b) **Amendment of Findings.** Upon motion of a party ~~made~~ filed not later than 5 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the court an objection

to such findings or has made a motion to amend them or a motion for judgment.

(c) - (e) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 59 concerning New Trial, Reconsideration, and Amendment of Judgments

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: The suggested amendments to CR 59 are intended to more clearly distinguish motions for new trial and motions for reconsideration and to conform Washington practice regarding requirements for bringing the motion with federal practice under Fed. R. Civ. P. 59.

The suggested amendments to CR 59(a) are intended to distinguish motions for a new trial from motions for reconsideration. The title to the existing rule refers to "reconsideration," but the text of existing CR 59(a) authorizes relief only as a new trial. The proposed amendments separate motions for new trial, which result in orders granting a new trial, from motions for reconsideration, which result in the vacation of previous orders.

The most important substantive changes in the suggested amendments to CR 59 relate to the manner in which a party initiates motions for new trial (and, by reference, post-trial motions for judgment as a matter of law). Currently, Washington law under CR 59 differs from federal practice; in Washington, CR 59 provides that a motion for new trial must be *served and filed* not later than 10 days after entry of judgment. Fed. R. Civ. P. 59 provides that such motions must be *filed* no later than 10 days after entry of judgment. The federal rule was changed in 1995 to require only filing in order to eliminate inconsistencies with other rules related to post-judgment time periods and to establish an easily ascertainable deadline.

The present requirement for service and filing of a motion for new trial under CR 59(b) can create significant problems and inconsistencies. CR 6(b) provides that the 10 day deadline in CR 59(b) cannot be extended by the court. Thus, failure to properly serve within 10 days of judgment will preclude consideration of the motion, even though a companion motion under CR 50 may be considered. This issue was addressed in Kaech v. Lewis Country PUD No. 1, 106 Wn. App. 260 (2001), review denied, 145 Wn.2d 1020 (2002); Division II of the Court of Appeals held that failure to serve a CR 59 motion within 10 days was fatal to the motion for new trial although a motion under CR 50 was timely.

The Committee concluded that the requirement for both service and filing creates an unnecessary risk for practitioners. Moreover, the current Washington practice is an anachronistic carryover from the original adoption of the Civil Rules. In light of past amendments to the federal rule and the problems raised by Kaech, the Committee recommends deletion of the service requirement in CR 59. This requires amendments to sections (b), (c), (e), and (h).

In addition to the suggested amendments relating to filing of the motion, the proposal also adds two new sentences

at the end of CR 59(d) requiring notice and an opportunity to be heard if a court determines on its own initiative that a motion for new trial is necessary. The suggested language is identical to the last two sentences of Fed. R. Civ. P. 59(d).

The suggested amendments to CR 59(j) allow the court to consider more than one motion for reconsideration, motion for new trial, or motion for judgment as a matter of law in some circumstances.

Finally, the other suggested amendments to CR 59 delete references to superseded provisions relating to judgments notwithstanding the verdict, substitute gender neutral terminology, and improve the grammar of the rule.

CIVIL RULE 59

NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) **Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, the a verdict or other decision may be vacated and a new trial granted to all or any of the parties, and on all or part of the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has not been done.

(b) **Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be ~~served and~~ filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after

the entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) **Time for Serving Affidavits.** When a motion for new trial is based ~~upon~~ on affidavits, they shall be served filed with the motion. The opposing party has 10 days after ~~such service within which to serve to file~~ opposing affidavits, which but that period may be extended for an additional period not exceeding up to 20 days, either by the court for good cause shown or by the parties' by written stipulation. The court may permit reply affidavits.

(d) **On Initiative of Court.** Not later than 10 days after entry of judgment, the court ~~of~~ on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, ~~and in the order shall specify the grounds thereof. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order.~~

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is ~~served and~~ filed, the judge by whom it is to be heard may on ~~his~~ the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and/or

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record ~~which that~~ cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(h) **Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be ~~served~~ filed not later than 10 days after entry of the judgment.

(i) **Alternative Motions, etc.** Alternative motions for judgment ~~notwithstanding the verdict as a matter of law and for a new trial may be made in accordance with rule 50(c).~~

(j) **Limit on Motions.** If a motion for reconsideration, or for a new trial, or for judgment ~~notwithstanding the verdict~~

as a matter of law, is made and heard before the entry of the judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, (2) nor pursuant to sections (g), (h), and (i) of this rule, nor or (3) under rule 52(b), without leave of court first obtained for good cause shown.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule (CR) 62 concerning Stay of Proceedings to Enforce a Judgment

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to CR 62(a) increases the time of an automatic stay from execution on a judgment from 5 days to 10 days. This suggested amendment conforms the time of the automatic stay under state law to that in federal court under Fed. R. Civ. P. 62(a). The suggested amendment also makes the automatic stay consistent with the 10-day time requirements for post-trial motions under CR 50 and CR 59, as well as the suggested amendment to CR 52(a).

CIVIL RULE 62

STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

(a) Automatic Stays. Except as to a judgment of a district court filed with the superior court pursuant to RCW 4.56.200, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 5 10 days after its entry. Upon the filing of a notice of appeal, enforcement of judgment is stayed until the expiration of 14 days after entry of judgment. Unless otherwise ordered by the trial court or appellate court, an interlocutory or final judgment in an action for an injunction or in a receivership action, shall not be stayed during the period after its entry and until appellate review is accepted or during the pendency of appellate review.

(b) - (h) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 1 concerning Scope of Rules

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 1.

COURT OF LIMITED JURISDICTION CIVIL RULE 1 SCOPE OF RULES

These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a civil nature, with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

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Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 5 concerning Service and Filing of Pleadings and Other Papers

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 5.

COURT OF LIMITED JURISDICTION CIVIL RULE 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Unchanged.

(b) Service - How Made.

(1) - (6) Unchanged.

(7) Service by Other Means. Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

(c) - (g) Unchanged.

(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]

(i) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 11 concerning Signing of Pleadings; Sanctions

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 11.

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**COURT OF LIMITED JURISDICTION CIVIL RULE 11
SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND
LEGAL
MEMORANDA; SANCTIONS**

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable inquiry under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or ~~paper~~ legal memorandum, and that to the best of the attorney's knowledge, information, and belief, formed after an reasonable inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) and it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

GR 9 Cover Sheet

**Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 15
concerning Amended and Supplemental Pleadings**

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 15.

**COURT OF LIMITED JURISDICTION CIVIL RULE 15
AMENDED AND SUPPLEMENTAL PLEADINGS**

(a) **Amendments.** A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served, or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. If a party moves to amend a pleading, a copy of the proposed amended pleading, denominated "proposed" and unsigned, shall be attached to the motion. If a motion to amend is granted, the moving party shall thereafter file the amended pleading and, pursuant to rule 5, serve a copy thereof on all other parties. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service or notice of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

(b) - (e) Unchanged.

GR 9 Cover Sheet

**Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 50
concerning Motions for Judgment as a Matter of Law and
Motions for New Trial**

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 50. Note, however, that in new section CRLJ 50(d), the term "superior court" is used in lieu of "appellate court." This is because, as noted in the last sentence of CRLJ 50(c), the superior court hears appeals in cases tried under CRLJ.

**COURT OF LIMITED JURISDICTION CIVIL RULE 50
~~MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS
TRIED BY JURY. JUDGMENT AS A MATTER OF LAW IN JURY
TRIALS; ALTERNATIVE MOTION FOR NEW TRIAL; CONDI-
TIONAL RULINGS~~**

(a) **Judgment as a Matter of Law.**

(1) *Nature and Effect of Motion.* If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury

to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against that party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to judgment. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. ~~A motion for judgment as a matter of law shall state the specific ground therefor.~~

(2) *When Made.* A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, ~~or in accordance with section (b) of this rule.~~

(b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial. ~~Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not the party has moved previously for judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment as a matter of law. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:~~

~~(1) if a verdict was returned:~~

~~(A) allow the judgment to stand,~~

~~(B) order a new trial, or~~

~~(C) direct entry of judgment as a matter of law; or~~

~~(2) if no verdict was returned:~~

~~(A) order a new trial, or~~

~~(B) direct entry of judgment as a matter of law.~~

~~(c) Unchanged~~

(d) Same: Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the superior court concludes that the trial court erred in denying the motion for judgment. If the superior court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

(a) Judgment as a Matter of Law.

(1) *Nature and Effect of Motion.* If, during a trial by jury, a party has been fully heard with respect to an issue and there

is no legally sufficient evidentiary basis for a reasonable jury to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against that party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to judgment. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. ~~A motion for judgment as a matter of law shall state the specific ground therefor.~~

(2) *When Made.* A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, ~~or in accordance with section (b) of this rule.~~

(b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial. ~~Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not the party has moved previously for judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment as a matter of law. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:~~

~~(1) if a verdict was returned:~~

~~(A) allow the judgment to stand,~~

~~(B) order a new trial, or~~

~~(C) direct entry of judgment as a matter of law; or~~

~~(2) if no verdict was returned:~~

~~(A) order a new trial, or~~

~~(B) direct entry of judgment as a matter of law.~~

~~(c) Unchanged~~

(d) Same: Denial of Motion for Judgment as a Matter of Law. If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the superior court concludes that the trial court erred in denying the motion for judgment. If the superior court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

GR 9 Cover Sheet

**Suggested Amendment to Civil Rule for Courts of Limited Jurisdiction (CRLJ) 59
concerning New Trial, Reconsideration, and Amendment
of Judgments**

Submitted by the Board of Governors of the Washington
State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CR 59. Note, however, that it is suggested that the following additional sentence be added to CRLJ 59(b): "The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after the entry of the judgment, order, or other decision unless the court directs otherwise." This sentence (as modified by a current suggested amendment to CR 59) was added to CR 59(b) in 1989, but no conforming amendment to CRLJ 59(b) was proposed at that time. In addition, the reference to CR 52(b) in section (j), which was a scrivener's error at the time of the adoption of CRLJ 59, is deleted.

**COURT OF LIMITED JURISDICTION CIVIL RULE 59
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF
JUDGMENTS**

(a) **Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, the a verdict or other decision may be vacated and a new trial granted to all or any of the parties, and on all or part of the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has not been done.

(b) **Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be ~~serve~~ and filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) **Time for Serving Affidavits.** When a motion for new trial is based ~~upon~~ on affidavits, they shall be serve ~~filed~~ with the motion. The opposing party has 10 days after ~~such service within which to serve to file~~ opposing affidavits, which but that period may be extended for an additional period not exceeding up to 20 days, either by the court for good cause shown or by the parties' by written stipulation. The court may permit reply affidavits.

(d) **On Initiative of Court.** Not later than 10 days after entry of judgment, the court ~~of~~ on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, ~~and in the order shall specify the grounds thereof. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in the motion, the court shall specify the grounds in its order.~~

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is ~~serve~~ and filed, the judge by whom it is to be heard may on ~~his~~ the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record ~~which that~~ cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony,

amend findings of fact and conclusions of law, and direct the entry of a new judgment.

(h) **Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be served filed not later than 10 days after entry of the judgment.

(i) **Alternative Motions, etc.** Alternative motions for judgment ~~notwithstanding the verdict as a matter of law~~ and for a new trial may be made in accordance with rule 50(c).

(j) **Limit on Motions.** If a motion for reconsideration, or for a new trial, or for judgment ~~notwithstanding the verdict as a matter of law~~, is made and heard before the entry of the judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, or (2) nor pursuant to sections (g), (h), and (i) of this rule, nor under CR 52(b), without leave of court first obtained for good cause shown.

GR 9 Cover Sheet

Suggested Amendment to Superior Court Criminal Rule (CrR) 4.7 concerning Custody of Discovery Materials

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: The suggested amendment to section (h)(3) would permit a prosecuting attorney and a lawyer for a criminal defendant to agree upon, or the court to order, an exception to the current requirement that discovery materials remain in the "exclusive custody" of the defense lawyer. The amended rules would expressly permit a defense lawyer to provide a copy of discovery materials to the defendant, but only after making appropriate redactions of sensitive information as approved by the prosecuting attorney or the court.

A prosecuting attorney may determine in some instances that there is no harm in letting a defendant have copies of discovery materials, while in other circumstances a prosecuting attorney may be willing to agree to only very limited dissemination, or none at all. This amendment would thus allow flexibility, depending on the nature of the case, that the current rule does not permit.

The suggested amendment is intended to help relieve a burden on defense counsel, while recognizing the need to protect victims and witnesses from possible harassment or embarrassment. Under the existing rule, as usually interpreted, a defense lawyer may not provide copies of discovery documents to his or her client for review. Rather, the lawyer must remain with the client in a conference room (or in a custodial facility with an incarcerated client). Yet there appears to be no restriction on the client reading the material, taking notes, or even making a verbatim copy of the information contained in the documents.

Proponents have argued that changing the rule would enhance the preparation of an effective defense. Not only could the lawyer's time be used more effectively, but the client would have the opportunity to review and reflect upon the documents. Increasing familiarity with the information in the documents may result in new insights or improved recollections. Defense lawyers also report that trial courts routinely grant motions that allow redacted copies to be given to cli-

ents. Allowing the parties to agree to the same thing would, it is hoped, eliminate motions to the court in a number of cases.

An increased opportunity to review all the evidence may result in additional guilty pleas, reducing the trial burden on the courts. Defendants who feel that evidence is not being hidden from them, or who see the full panoply of evidence against them and have it sink in, may be less likely to insist on a trial. When trials do occur, they may well be more expeditious, with all parties fully prepared from a pretrial review of documents.

Moreover, a pro se defendant is entitled to the actual documents under the current discovery rules. Some defense counsel have expressed concern that certain defendants may currently be motivated to become "co-counsel" in their own cases in order to gain access to discovery materials, an approach not favored by the courts. Changing the current rule would hopefully discourage this practice, by increasing trust between clients and their lawyers, and indeed reducing clients' distrust of the legal system in general.

Finally, it should be noted that the sections of the rule providing for protective orders and sanctions would still be available in cases where further restrictions or limitations are deemed necessary.

CrR 4.7 DISCOVERY

- (a) - (g) Unchanged.
- (h) **Regulation of Discovery.**
- (1) - (2) Unchanged.
- (3) **Custody of Materials.** Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.
- (4) - (7) Unchanged.

GR 9 Cover Sheet

Suggested Amendment to Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 4.7 concerning Custody of Discovery Materials

Submitted by the Board of Governors of the Washington State Bar Association

Purpose: Please see the statement of purpose for the suggested amendment to CrR 4.7.

CrRLJ 4.7 DISCOVERY

- (a) - (f) Unchanged.
- (g) **Regulation of Discovery.**
- (1) - (2) Unchanged.
- (3) **Custody of Materials.** Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of

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conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

(4) - (7) Unchanged.

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.

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.

WSR 05-01-045
RULES OF COURT
STATE SUPREME COURT

[December 6, 2004]

IN THE MATTER OF THE ETHICS 2003) ORDER
COMMITTEE CHANGES TO THE) NO. 25700-A-808
RULES OF PROFESSIONAL CONDUCT)
(RPC), APR 8 (3 ALTERNATIVES) AND)
RELATED AMENDMENTS TO GR 25,)
APR 8, APR 15 PROCEDURAL RULE 5)
AND ELC 1.5, 15.1, 15.4 AND 15.5)

The Washington State Bar Association having recommended the adoption of the proposed amendments to the Ethics 2003 Committee changes to the Rules of Professional Conduct (RPC), APR 8 (3 Alternatives) and Related Amendments to GR 25, APR 8, APR 15 Procedural Rule 5 and ELC 1.5, 15.1, 15.4 and 15.5, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rules and amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 29, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 2nd day of December 2004.

For the Court
Gerry L. Alexander
CHIEF JUSTICE

SUGGESTED AMENDMENTS TO
RULES OF PROFESSIONAL CONDUCT (RPC)

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Appendix: Guidelines for Applying Rule 3.6

PREAMBLE FUNDAMENTAL PRINCIPLES OF PROFESSIONAL CONDUCT*

* These Fundamental Principles of the Rules of Professional Conduct are taken from the former Preamble to the Rules of Professional Conduct as approved and adopted by the Supreme Court in 1985. Washington lawyers and judges have looked to the 1985 Preamble as a statement of our overarching aspiration to faithfully serve the best interests of the public, the legal system, and the efficient administration of justice. The former Preamble is preserved here to inspire lawyers to strive for the highest possible degree of ethical

conduct, and these Fundamental Principles should inform many of our decisions as lawyers. The Fundamental Principles do not, however, alter any of the obligations expressly set forth in the Rules of Professional Conduct, nor are they intended to affect in any way the manner in which the Rules are to be interpreted or applied.

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

In fulfilling professional responsibilities, a lawyer necessarily assumes various roles that require the performance of many difficult tasks. Not every situation which a lawyer may encounter can be foreseen, but fundamental ethical principles are always present as guidelines. Within the framework of these principles, a lawyer must with courage and foresight be able and ready to shape the body of the law to the ever-changing relationships of society.

The Rules of Professional Conduct point the way to the aspiring and provide standards by which to judge the transgressor. Each lawyer must find within his or her own conscience the touchstone against which to test the extent to which his or her actions should rise above minimum standards. But in the last analysis it is the desire for the respect and confidence of the members of the legal profession and the society which the lawyer serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.

PREAMBLE AND SCOPE

PREAMBLE: A LAWYER'S RESPONSIBILITIES

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] [Washington revision] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer conscientiously and ardently asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts

by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are Rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] [Washington revision] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct.

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] [Washington revision] A lawyer's responsibilities as a representative of clients, an officer of the legal system and

a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a conscientious and ardent advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] [Washington revision] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation conscientiously and ardently to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

PRELIMINARY STATEMENT SCOPE

~~The Rules of Professional Conduct are mandatory in character. The rules state the minimum level of conduct below which no lawyer can fall without being subject to dis-~~

disciplinary action. Within the framework of fair trial, the rules should be uniformly applied to all lawyers, regardless of the nature of their professional activities. The rules make no attempt to prescribe either disciplinary procedures or penalties for violation of a rule, nor do they undertake to define standards for civil liability of lawyers for professional conduct. The severity of judgment against one found guilty of violating a rule should be determined by the character of the offense and the attendant circumstances.

[14] The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the Rules in which the lawyer has discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

[15] The Rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers and substantive and procedural law in general. The Comments are sometimes used to alert lawyers to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

[17] [Washington revision] For purposes of determining the lawyer's authority and responsibility, principles of substantive law external to these Rules determine whether a client-lawyer relationship exists. Most of the duties flowing from the client-lawyer relationship attach only after the client-lawyer relationship is formed. But there are some duties, such as that of confidentiality under Rule 1.6, that may attach when the lawyer agrees to consider whether a client-lawyer relationship shall be established. See Rule 1.18 and Washington Comment [11] thereto. Whether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and is a question of fact.

[18] Under various legal provisions, including constitutional, statutory and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships. For example, a lawyer for a government agency may have authority on behalf of the government to decide upon settlement or whether to appeal from an adverse

judgment. Such authority in various respects is generally vested in the attorney general and the state's attorney in state government, and their federal counterparts, and the same may be true of other government law officers. Also, lawyers under the supervision of these officers may be authorized to represent several government agencies in intragovernmental legal controversies in circumstances where a private lawyer could not represent multiple private clients. These Rules do not abrogate any such authority.

[19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process. The Rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that a lawyer often has to act upon uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

[20] Violation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached. In addition, violation of a Rule does not necessarily warrant any other nondisciplinary remedy, such as disqualification of a lawyer in pending litigation. The Rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a Rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule. Nevertheless, since the Rules do establish standards of conduct by lawyers, a lawyer's violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Preamble and this note on Scope provide general orientation. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

Additional Washington Comments (22 - 23)

[22] Nothing in these Rules is intended to change existing Washington law on the use of the Rules of Professional Conduct in a civil action. See *Hizey v. Carpenter*, 119 Wn.2d 251, 830 P.2d 646 (1992).

[23] The structure of these Rules generally parallels the structure of the American Bar Association's Model Rules of Professional Conduct. The exceptions to this approach are Rule 1.15A, which varies substantially from Model Rule 1.15, and Rules 1.15B and 5.8, neither of which is found in the Model Rules. In other cases, when a provision has been wholly deleted from the counterpart Model Rule, the deletion is signaled by the phrase "Reserved." When a provision has been added, it is generally appended at the end of the Rule or

the paragraph in which the variation appears. Whenever the text of a Comment varies materially from the text of its counterpart Comment in the Model Rules, the alteration is signaled by the phrase "Washington revision." Comments that have no counterpart in the Model Rules are compiled at the end of each Comment section under the heading "Additional Washington Comment(s)" and are consecutively numbered. As used herein, the term "former Washington RPC" refers to Washington's Rules of Professional Conduct (adopted effective September 1, 1985, with amendments through September 1, 2003). The term "Model Rule(s)" refers to the 2004 Edition of the American Bar Association's Model Rules of Professional Conduct.

RULE 1.0: TERMINOLOGY

(a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

~~"Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.~~

~~"Consents in writing" or "written consent" means either (a) a written consent executed by a client, or (b) oral consent given by a client which the lawyer confirms in writing in a manner which can be easily understood by the client and which is promptly transmitted to the client.~~

~~"Consult" or "consultation" denotes communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question.~~

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer or lawyers in a private law firm partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization and lawyers employed in a legal services organization.

(d) "Fraud" or "fraudulent" denotes conduct having that has a purpose to deceive and is fraudulent under the substantive or procedural law of the applicable jurisdiction, except that it is not merely negligent necessary that anyone has suffered damages or relied on the misrepresentation or failure to apprise another of relevant information inform.

(e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

(f) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(g) "Partner" denotes a member of a partnership, and a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.

(h) "Reasonable" or "reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

(i) "Reasonable belief" or "reasonably believes" when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) "Reasonably should know" when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.

~~"Secret" see "Confidence"~~

(k) "Screened" denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.

(l) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and e-mail. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Comment

Confirmed in Writing

[1] If it is not feasible to obtain or transmit a written confirmation at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. If a lawyer has obtained a client's informed consent, the lawyer may act in reliance on that consent so long as it is confirmed in writing within a reasonable time thereafter.

Firm

[2] Whether two or more lawyers constitute a firm within paragraph (c) can depend on the specific facts. For example, two practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a firm. However, if they present themselves to the public in a way that suggests that they are a firm or conduct themselves as a firm, they should be regarded as a firm

for purposes of the Rules. The terms of any formal agreement between associated lawyers are relevant in determining whether they are a firm, as is the fact that they have mutual access to information concerning the clients they serve. Furthermore, it is relevant in doubtful cases to consider the underlying purpose of the Rule that is involved. A group of lawyers could be regarded as a firm for purposes of the Rule that the same lawyer should not represent opposing parties in litigation, while it might not be so regarded for purposes of the Rule that information acquired by one lawyer is attributed to another.

[3] [Washington revision] With respect to the law department of an organization, there is ordinarily no question that the members of the department constitute a firm within the meaning of the Rules of Professional Conduct. There can be uncertainty, however, as to the identity of the client. For example, it may not be clear whether the law department of a corporation represents a subsidiary or an affiliated corporation, as well as the corporation by which the members of the department are directly employed. A similar question can arise concerning an unincorporated association and its local affiliates.

[4] Similar questions can also arise with respect to lawyers in legal aid and legal services organizations. Depending upon the structure of the organization, the entire organization or different components of it may constitute a firm or firms for purposes of these Rules.

Fraud

[5] When used in these Rules, the terms "fraud" or "fraudulent" refer to conduct that is characterized as such under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive. This does not include merely negligent misrepresentation or negligent failure to apprise another of relevant information. For purposes of these Rules, it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.

Informed Consent

[6] Many of the Rules of Professional Conduct require the lawyer to obtain the informed consent of a client or other person (e.g., a former client or, under certain circumstances, a prospective client) before accepting or continuing representation or pursuing a course of conduct. See, e.g., Rules 1.2(c), 1.6(a) and 1.7(b). The communication necessary to obtain such consent will vary according to the Rule involved and the circumstances giving rise to the need to obtain informed consent. The lawyer must make reasonable efforts to ensure that the client or other person possesses information reasonably adequate to make an informed decision. Ordinarily, this will require communication that includes a disclosure of the facts and circumstances giving rise to the situation, any explanation reasonably necessary to inform the client or other person of the material advantages and disadvantages of the proposed course of conduct and a discussion of the client's or other person's options and alternatives. In some circumstances it may be appropriate for a lawyer to advise a client or other person to seek the advice of other counsel. A lawyer need not inform a client or other per-

son of facts or implications already known to the client or other person; nevertheless, a lawyer who does not personally inform the client or other person assumes the risk that the client or other person is inadequately informed and the consent is invalid. In determining whether the information and explanation provided are reasonably adequate, relevant factors include whether the client or other person is experienced in legal matters generally and in making decisions of the type involved, and whether the client or other person is independently represented by other counsel in giving the consent. Normally, such persons need less information and explanation than others, and generally a client or other person who is independently represented by other counsel in giving the consent should be assumed to have given informed consent.

[7] [Washington revision] Obtaining informed consent will usually require an affirmative response by the client or other person. In general, a lawyer may not assume consent from a client's or other person's silence. Consent may be inferred, however, from the conduct of a client or other person who has reasonably adequate information about the matter. A number of Rules require that a person's consent be confirmed in writing. See Rules 1.7(b) and 1.9(a). For a definition of "writing" and "confirmed in writing," see paragraphs (n) and (b). Rule 1.8(a) requires that a client's consent be obtained in a writing signed by the client. See also Rule 1.5(c)(1) (requiring that a contingent fee agreement be "in a writing signed by the client"). For a definition of "signed," see paragraph (n).

Screened

[8] [Washington revision] This definition applies to situations where screening of a personally disqualified lawyer is permitted to remove imputation of a conflict of interest under Rules 1.10, 1.11, 1.12, 1.18, or 6.5.

[9] The purpose of screening is to assure the affected parties that confidential information known by the personally disqualified lawyer remains protected. The personally disqualified lawyer should acknowledge the obligation not to communicate with any of the other lawyers in the firm with respect to the matter. Similarly, other lawyers in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other materials relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer relating to the matter, denial of access by the screened lawyer to firm files or other materials relating to the matter and periodic reminders of the screen to the screened lawyer and all other firm personnel.

[10] In order to be effective, screening measures must be implemented as soon as practical after a lawyer or law firm knows or reasonably should know that there is a need for screening.

Additional Washington Comments (11 – 16)**Confirmed in Writing**

[11] Informed consent requires that the writing be articulated in a manner that can be easily understood by the client.

Firm

[12] Although the definition of "firm" or "law firm" in Rule 1.0(c) differs from the definition set forth in the Terminology section of Washington's former Rules of Professional Conduct, there is no intent to change the scope of the definition or to alter existing Washington law on the application of the Rules of Professional Conduct to lawyers in a government office.

Fraud

[13] Model Rule 1.0(d) was modified to clarify that the terms "fraud" and "fraudulent" in the Rules of Professional Conduct do not include an element of damage or reliance.

Informed Consent

[14] In order for the communication to the client to be adequate it must be accomplished in a manner that can be easily understood by the client.

Screened

[15] See Rules 1.10 and 6.5 for specific screening requirements under the circumstances covered by those Rules.

Other

[16] For the scope of the phrase "information relating to the representation of a client," which is not defined in Rule 1.0, see Comment [19] to Rule 1.6.

Title 4 CLIENT-LAWYER RELATIONSHIP**RULE 1.1; COMPETENCE**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment**Legal Knowledge and Skill**

[1] In determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question, the preparation and study the lawyer is able to give the matter and whether it is feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question. In many instances, the required proficiency is that of a general practitioner. Expertise in a particular field of law may be required in some circumstances.

[2] A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can

be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.

[3] In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to or consultation or association with another lawyer would be impractical. Even in an emergency, however, assistance should be limited to that reasonably necessary in the circumstances, for ill-considered action under emergency conditions can jeopardize the client's interest.

[4] A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation. This applies as well to a lawyer who is appointed as counsel for an unrepresented person. See also Rule 6.2.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c).

Maintaining Competence

[6] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

RULE 1.2; SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) A Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, subject to sections (c), (d) and (e), and as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to accept an offer of settlement of settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client ~~consents after consultation~~ gives informed consent. An agreement limiting the scope of a representation shall consider the applicability of rule 4.2 to the representation.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

~~(e) When a lawyer knows that a client expects assistance not permitted by the Rules of Professional Conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer's conduct.~~

~~(f) A lawyer shall not willfully purport to act as a lawyer for any person without the authority of that person.~~

Comment

Allocation of Authority between Client and Lawyer

[1] Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See Rule 1.4 (a)(1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by Rule 1.4 (a)(2) and may take such action as is impliedly authorized to carry out the representation.

[2] On occasion, however, a lawyer and a client may disagree about the means to be used to accomplish the client's objectives. Clients normally defer to the special knowledge and skill of their lawyer with respect to the means to be used to accomplish their objectives, particularly with respect to technical, legal and tactical matters. Conversely, lawyers usually defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected. Because of the varied nature of the matters about which a lawyer and client might disagree and because the actions in question may implicate the interests of a tribunal or other persons, this Rule does not prescribe how such disagreements are to be resolved. Other law, however, may be applicable and should be consulted by the lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation. See Rule 1.16 (b)(4). Conversely, the client may resolve the disagreement by discharging the lawyer. See Rule 1.16 (a)(3).

[3] At the outset of a representation, the client may authorize the lawyer to take specific action on the client's behalf without further consultation. Absent a material change in circumstances and subject to Rule 1.4, a lawyer

may rely on such an advance authorization. The client may, however, revoke such authority at any time.

[4] In a case in which the client appears to be suffering diminished capacity, the lawyer's duty to abide by the client's decisions is to be guided by reference to Rule 1.14.

Independence from Client's Views or Activities

[5] Legal representation should not be denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval. By the same token, representing a client does not constitute approval of the client's views or activities.

Agreements Limiting Scope of Representation

[6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer's services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client's objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.

[7] Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. See Rule 1.1.

[8] All agreements concerning a lawyer's representation of a client must accord with the Rules of Professional Conduct and other law. See, e.g., Rules 1.1, 1.8 and 5.6.

Criminal, Fraudulent and Prohibited Transactions

[9] Paragraph (d) prohibits a lawyer from knowingly counseling or assisting a client to commit a crime or fraud. This prohibition, however, does not preclude the lawyer from giving an honest opinion about the actual consequences that appear likely to result from a client's conduct. Nor does the fact that a client uses advice in a course of action that is criminal or fraudulent of itself make a lawyer a party to the course of action. There is a critical distinction between presenting an analysis of legal aspects of questionable conduct and recommending the means by which a crime or fraud might be committed with impunity.

[10] When the client's course of action has already begun and is continuing, the lawyer's responsibility is especially

delicate. The lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by suggesting how the wrongdoing might be concealed. A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is criminal or fraudulent. The lawyer must, therefore, withdraw from the representation of the client in the matter. See Rule 1.16(a). In some cases, withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, document, affirmation or the like. See Rule 4.1.

[11] Where the client is a fiduciary, the lawyer may be charged with special obligations in dealings with a beneficiary.

[12] Paragraph (d) applies whether or not the defrauded party is a party to the transaction. Hence, a lawyer must not participate in a transaction to effectuate criminal or fraudulent avoidance of tax liability. Paragraph (d) does not preclude undertaking a criminal defense incident to a general retainer for legal services to a lawful enterprise. The last clause of paragraph (d) recognizes that determining the validity or interpretation of a statute or regulation may require a course of action involving disobedience of the statute or regulation or of the interpretation placed upon it by governmental authorities.

[13] If a lawyer comes to know or reasonably should know that a client expects assistance not permitted by the Rules of Professional Conduct or other law or if the lawyer intends to act contrary to the client's instructions, the lawyer must consult with the client regarding the limitations on the lawyer's conduct. See Rule 1.4 (a)(5).

Additional Washington Comment (14)

Agreements Limiting Scope of Representation

[14] An agreement limiting the scope of a representation shall consider the applicability of Rule 4.2 to the representation. (The provisions of this Comment were taken from former Washington RPC 1.2(c).) See also Comment [11] to Rule 4.2 for specific considerations pertaining to contact with an otherwise represented person to whom limited representation is being or has been provided.

RULE 1.3: DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

Comment

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act

with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

[2] A lawyer's work load must be controlled so that each matter can be handled competently.

[3] Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness. A lawyer's duty to act with reasonable promptness, however, does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the lawyer's client.

[4] Unless the relationship is terminated as provided in Rule 1.16, a lawyer should carry through to conclusion all matters undertaken for a client. If a lawyer's employment is limited to a specific matter, the relationship terminates when the matter has been resolved. If a lawyer has served a client over a substantial period in a variety of matters, the client sometimes may assume that the lawyer will continue to serve on a continuing basis unless the lawyer gives notice of withdrawal. Doubt about whether a client-lawyer relationship still exists should be clarified by the lawyer, preferably in writing, so that the client will not mistakenly suppose the lawyer is looking after the client's affairs when the lawyer has ceased to do so. For example, if a lawyer has handled a judicial or administrative proceeding that produced a result adverse to the client and the lawyer and the client have not agreed that the lawyer will handle the matter on appeal, the lawyer must consult with the client about the possibility of appeal before relinquishing responsibility for the matter. See Rule 1.4 (a)(2). Whether the lawyer is obligated to prosecute the appeal for the client depends on the scope of the representation the lawyer has agreed to provide to the client. See Rule 1.2.

[5] [Washington revision] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. Cf. Rule for Enforcement of Lawyer Conduct 7.7 (authorizing appointment of a custodian to protect clients' interests in the event of a lawyer's death, disability, or disappearance).

RULE 1.4: COMMUNICATION

(a) A lawyer shall;

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;

(3) keep a the client reasonably informed about the status of a the matter; and

(4) promptly comply with reasonable requests for information; and

(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Comment

[1] Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation.

Communicating with Client

[2] If these Rules require that a particular decision about the representation be made by the client, paragraph (a)(1) requires that the lawyer promptly consult with and secure the client's consent prior to taking action unless prior discussions with the client have resolved what action the client wants the lawyer to take. For example, a lawyer who receives from opposing counsel an offer of settlement in a civil controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance unless the client has previously indicated that the proposal will be acceptable or unacceptable or has authorized the lawyer to accept or to reject the offer. See Rule 1.2(a).

[3] Paragraph (a)(2) requires the lawyer to reasonably consult with the client about the means to be used to accomplish the client's objectives. In some situations - depending on both the importance of the action under consideration and the feasibility of consulting with the client - this duty will require consultation prior to taking action. In other circumstances, such as during a trial when an immediate decision must be made, the exigency of the situation may require the lawyer to act without prior consultation. In such cases the lawyer must nonetheless act reasonably to inform the client of actions the lawyer has taken on the client's behalf. Additionally, paragraph (a)(3) requires that the lawyer keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation.

[4] A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the request and advise the client when a response may be expected. Client telephone calls should be promptly returned or acknowledged.

Explaining Matters

[5] The client should have sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued, to the extent the client is willing and able to do so. Adequacy of communication depends in part on the kind of

advice or assistance that is involved. For example, when there is time to explain a proposal made in a negotiation, the lawyer should review all important provisions with the client before proceeding to an agreement. In litigation a lawyer should explain the general strategy and prospects of success and ordinarily should consult the client on tactics that are likely to result in significant expense or to injure or coerce others. On the other hand, a lawyer ordinarily will not be expected to describe trial or negotiation strategy in detail. The guiding principle is that the lawyer should fulfill reasonable client expectations for information consistent with the duty to act in the client's best interests, and the client's overall requirements as to the character of representation. In certain circumstances, such as when a lawyer asks a client to consent to a representation affected by a conflict of interest, the client must give informed consent, as defined in Rule 1.0(e).

[6] Ordinarily, the information to be provided is that appropriate for a client who is a comprehending and responsible adult. However, fully informing the client according to this standard may be impracticable, for example, where the client is a child or suffers from diminished capacity. See Rule 1.14. When the client is an organization or group, it is often impossible or inappropriate to inform every one of its members about its legal affairs; ordinarily, the lawyer should address communications to the appropriate officials of the organization. See Rule 1.13. Where many routine matters are involved, a system of limited or occasional reporting may be arranged with the client.

Withholding Information

[7] In some circumstances, a lawyer may be justified in delaying transmission of information when the client would be likely to react imprudently to an immediate communication. Thus, a lawyer might withhold a psychiatric diagnosis of a client when the examining psychiatrist indicates that disclosure would harm the client. A lawyer may not withhold information to serve the lawyer's own interest or convenience or the interests or convenience of another person. Rules or court orders governing litigation may provide that information supplied to a lawyer may not be disclosed to the client. Rule 3.4(c) directs compliance with such rules or orders.

RULE 1.5; FEES

(a) A lawyer's fee shall be reasonable not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly and the terms of the fee agreement between the lawyer and client;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved in the matter on which legal services are rendered and the results obtained;

(5) ~~The~~ time limitations imposed by the client or by the circumstances;

(6) ~~The~~ nature and length of the professional relationship with the client;

(7) ~~The~~ experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent; and

(9) the terms of the fee agreement between the lawyer and the client, including whether the fee agreement or confirming writing demonstrates that the client had received a reasonable and fair disclosure of material elements of the fee agreement and of the lawyer's billing practices.

(b) ~~When the lawyer has not regularly represented the client, or if the fee agreement is substantially different than that previously used by the parties, The scope of the representation and the basis or rate of the fee or factors involved in determining the charges and expenses for legal services and the lawyer's billing practices which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.~~ Upon the request of the client in any matter, the lawyer shall communicate to the client in writing the basis or rate of the fee.

(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by ~~section~~ paragraph (d) or other law. If a fee is contingent on the outcome of a matter, a lawyer shall comply with the following:

(1) A contingent fee agreement shall be in a writing ~~and signed by the client;~~

(2) A contingent fee agreement shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable, whether or not the client is the prevailing party.

(3) Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination; ~~and~~

(24) A contingent fee consisting of a percentage of the monetary amount recovered for a claimant, in which all or part of the recovery is to be paid in the future, shall be paid only

(i) by applying the percentage to the amounts recovered as they are received by the client; or

(ii) by applying the percentage to the actual cost of the settlement or award to the defendant.

(d) A lawyer shall not enter into an arrangement for, charge, or collect:

(1) ~~Any~~ fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a dissolution or annulment of marriage or upon the amount of

maintenance or support, or property settlement in lieu thereof ~~(except in post-dissolution proceedings); or~~

(2) ~~A~~ contingent fee for representing a defendant in a criminal case.

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1)(i) the division is in proportion to the services provided by each lawyer or each lawyer assumes joint responsibility for the representation;

(ii) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and

(iii) the total fee is reasonable; or

(2) ~~The~~ division is between the lawyer and a duly authorized lawyer referral service of either the Washington State Bar Association or of one of the county bar associations of this state; ~~or,~~

(2) ~~The division is in proportion to the services provided by each lawyer or, by written agreement with the client, each lawyer assumes joint responsibility for the representation; the client is advised of and does not object to the participation of all the lawyers involved; and the total fee is reasonable.~~

Comment

Reasonableness of Fee and Expenses

[1] Paragraph (a) requires that lawyers charge fees that are reasonable under the circumstances. The factors specified in (1) through (9) are not exclusive. Nor will each factor be relevant in each instance. Paragraph (a) also requires that expenses for which the client will be charged must be reasonable. A lawyer may seek reimbursement for the cost of services performed in-house, such as copying, or for other expenses incurred in-house, such as telephone charges, either by charging a reasonable amount to which the client has agreed in advance or by charging an amount that reasonably reflects the cost incurred by the lawyer.

Basis or Rate of Fee

[2] When the lawyer has regularly represented a client, they ordinarily will have evolved an understanding concerning the basis or rate of the fee and the expenses for which the client will be responsible. In a new client-lawyer relationship, however, an understanding as to fees and expenses must be promptly established. Generally, it is desirable to furnish the client with at least a simple memorandum or copy of the lawyer's customary fee arrangements that states the general nature of the legal services to be provided, the basis, rate or total amount of the fee and whether and to what extent the client will be responsible for any costs, expenses or disbursements in the course of the representation. A written statement concerning the terms of the engagement reduces the possibility of misunderstanding.

[3] [Washington revision] Contingent fees, like any other fees, are subject to the reasonableness standard of paragraph (a) of this Rule. In determining whether a particular contingent fee is reasonable, or whether it is reasonable to charge any form of contingent fee, a lawyer must consider the factors that are relevant under the circumstances. Applicable law may impose limitations on contingent fees, such as a ceil-

ing on the percentage allowable, or may require a lawyer to offer clients an alternative basis for the fee. Applicable law also may apply to situations other than a contingent fee, for example, government regulations regarding fees in certain tax matters. See, e.g., RCW 4.24.005.

Terms of Payment

[4] A lawyer may require advance payment of a fee, but is obliged to return any unearned portion. See Rule 1.16(d). A lawyer may accept property in payment for services, such as an ownership interest in an enterprise, providing this does not involve acquisition of a proprietary interest in the cause of action or subject matter of the litigation contrary to Rule 1.8 (i). However, a fee paid in property instead of money may be subject to the requirements of Rule 1.8(a) because such fees often have the essential qualities of a business transaction with the client.

[5] An agreement may not be made whose terms might induce the lawyer improperly to curtail services for the client or perform them in a way contrary to the client's interest. For example, a lawyer should not enter into an agreement whereby services are to be provided only up to a stated amount when it is foreseeable that more extensive services probably will be required, unless the situation is adequately explained to the client. Otherwise, the client might have to bargain for further assistance in the midst of a proceeding or transaction. However, it is proper to define the extent of services in light of the client's ability to pay. A lawyer should not exploit a fee arrangement based primarily on hourly charges by using wasteful procedures.

Prohibited Contingent Fees

[6] [Washington revision] Paragraph (d) prohibits a lawyer from charging a contingent fee in a domestic relations matter when payment is contingent upon the securing of a dissolution or annulment of marriage or upon the amount of maintenance or support or property settlement to be obtained. This provision does not preclude a contract for a contingent fee for legal representation in connection with the recovery of post-judgment balances due under support, maintenance or other financial orders because such contracts do not implicate the same policy concerns.

Division of Fee

[7] A division of fee is a single billing to a client covering the fee of two or more lawyers who are not in the same firm. A division of fee facilitates association of more than one lawyer in a matter in which neither alone could serve the client as well, and most often is used when the fee is contingent and the division is between a referring lawyer and a trial specialist. Paragraph (e) permits the lawyers to divide a fee either on the basis of the proportion of services they render or if each lawyer assumes responsibility for the representation as a whole. In addition, the client must agree to the arrangement, including the share that each lawyer is to receive, and the agreement must be confirmed in writing. Contingent fee agreements must be in a writing signed by the client and must otherwise comply with paragraph (c) of this Rule. Joint responsibility for the representation entails financial and ethical responsibility for the representation as if the lawyers

were associated in a partnership. A lawyer should only refer a matter to a lawyer whom the referring lawyer reasonably believes is competent to handle the matter. See Rule 1.1.

[8] Paragraph (e) does not prohibit or regulate division of fees to be received in the future for work done when lawyers were previously associated in a law firm.

Disputes over Fees

[9] If a procedure has been established for resolution of fee disputes, such as an arbitration or mediation procedure established by the bar, the lawyer must comply with the procedure when it is mandatory, and, even when it is voluntary, the lawyer should conscientiously consider submitting to it. Law may prescribe a procedure for determining a lawyer's fee, for example, in representation of an executor or administrator, a class or a person entitled to a reasonable fee as part of the measure of damages. The lawyer entitled to such a fee and a lawyer representing another party concerned with the fee should comply with the prescribed procedure.

Additional Washington Comments (10 - 11)

Reasonableness of Fee and Expenses

[10] Every fee agreed to, charged, or collected, including a fee denominated as "nonrefundable" or "earned upon receipt," is subject to Rule 1.5(a) and may not be unreasonable.

[11] Under paragraph (a)(9), one factor in determining whether a fee is reasonable is whether the fee agreement or confirming writing demonstrates that the client received a reasonable and fair disclosure of material elements of the fee agreement. Lawyers are encouraged to use written fee agreements that fully and fairly disclose all material terms in a manner easily understood by the client.

RULE 1.6: CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal ~~confidences or secrets~~ information relating to the representation of a client unless the client ~~consents after consultation~~ gives informed consent, ~~except for disclosures that are~~ the disclosure is impliedly authorized in order to carry out the representation, ~~and except as stated in sections~~ or the disclosure is permitted by paragraph (b) and (e).

(b) A lawyer may reveal ~~such confidences or secrets~~ information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) To prevent the client from committing a crime; or

(3) to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;

(4) to secure legal advice about the lawyer's compliance with these Rules;

(25) To establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding con-

cerning the lawyer's representation of the client; or pursuant to

(6) to comply with a court order; or

(e7) A lawyer may reveal to the inform a tribunal confidences or secrets which disclose about any client's breach of fiduciary responsibility by when a the client who is serving as a court-appointed fiduciary such as a guardian, personal representative, or receiver, or other court appointed fiduciary.

Comment

[1] This Rule governs the disclosure by a lawyer of information relating to the representation of a client during the lawyer's representation of the client. See Rule 1.18 for the lawyer's duties with respect to information provided to the lawyer by a prospective client, Rule 1.9 (c)(2) for the lawyer's duty not to reveal information relating to the lawyer's prior representation of a former client and Rules 1.8(b) and 1.9 (c)(1) for the lawyer's duties with respect to the use of such information to the disadvantage of clients and former clients.

[2] A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation. See Rule 1.0(e) for the definition of informed consent. This contributes to the trust that is the hallmark of the client-lawyer relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct. Almost without exception, clients come to lawyers in order to determine their rights and what is, in the complex of laws and regulations, deemed to be legal and correct. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.

[3] The principle of client-lawyer confidentiality is given effect by related bodies of law: the attorney-client privilege, the work product doctrine and the rule of confidentiality established in professional ethics. The attorney-client privilege and work-product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule, for example, applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or other law. See also Scope.

[4] Paragraph (a) prohibits a lawyer from revealing information relating to the representation of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no

reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

Authorized Disclosure

[5] Except to the extent that the client's instructions or special circumstances limit that authority, a lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation. In some situations, for example, a lawyer may be impliedly authorized to admit a fact that cannot properly be disputed or to make a disclosure that facilitates a satisfactory conclusion to a matter. Lawyers in a firm may, in the course of the firm's practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.

Disclosure Adverse to Client

[6] Although the public interest is usually best served by a strict rule requiring lawyers to preserve the confidentiality of information relating to the representation of their clients, the confidentiality rule is subject to limited exceptions. Paragraph (b)(1) recognizes the overriding value of life and physical integrity and permits disclosure reasonably necessary to prevent reasonably certain death or substantial bodily harm. Such harm is reasonably certain to occur if it will be suffered imminently or if there is a present and substantial threat that a person will suffer such harm at a later date if the lawyer fails to take action necessary to eliminate the threat. Thus, a lawyer who knows that a client has accidentally discharged toxic waste into a town's water supply may reveal this information to the authorities if there is a present and substantial risk that a person who drinks the water will contract a life-threatening or debilitating disease and the lawyer's disclosure is necessary to eliminate the threat or reduce the number of victims.

[7] [Reserved. See Washington Comments [20] & [21].]

[8] [Reserved. See Washington Comments [20] & [21].]

[9] A lawyer's confidentiality obligations do not preclude a lawyer from securing confidential legal advice about the lawyer's personal responsibility to comply with these Rules. In most situations, disclosing information to secure such advice will be impliedly authorized for the lawyer to carry out the representation. Even when the disclosure is not impliedly authorized, paragraph (b)(4) permits such disclosure because of the importance of a lawyer's compliance with the Rules of Professional Conduct.

[10] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Such a charge can arise in a civil, criminal, disciplinary or other proceeding and can be based on a wrong allegedly committed by the lawyer against the client or on a wrong alleged by a third person, for example, a person claiming to have been defrauded by the lawyer and client acting together. The lawyer's right to respond arises

when an assertion of such complicity has been made. Paragraph (b)(5) does not require the lawyer to await the commencement of an action or proceeding that charges such complicity, so that the defense may be established by responding directly to a third party who has made such an assertion. The right to defend also applies, of course, where a proceeding has been commenced.

[11] A lawyer entitled to a fee is permitted by paragraph (b)(5) to prove the services rendered in an action to collect it. This aspect of the Rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary.

[12] [Reserved.]

[13] [Washington revision] A lawyer may be ordered to reveal information relating to the representation of a client by a court. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all non-frivolous claims that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. Unless review is sought, however, paragraph (b)(6) permits the lawyer to comply with the court's order.

[14] Paragraph (b) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified. Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

[15] [Washington revision] Paragraph (b) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (b)(1) through (b)(7). In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (b) does not violate this Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (b). See Rules 1.2(d), 4.1(b), and 8.1. Rule 3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c). See also Rule 1.13(c), which permits disclosure in some circumstances whether or not Rule 1.6 permits the disclosure.

Acting Competently to Preserve Confidentiality

[16] A lawyer must act competently to safeguard information relating to the representation of a client against inadvertent or unauthorized disclosure by the lawyer or other per-

sons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3.

[17] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule.

Former Client

[18] The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9 (c)(2). See Rule 1.9 (c)(1) for the prohibition against using such information to the disadvantage of the former client.

Additional Washington Comments (19 - 25)

[19] The phrase "information relating to the representation" should be interpreted broadly. The "information" protected by this Rule includes, but is not necessarily limited to, confidences and secrets. "Confidence" refers to information protected by the attorney client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

Disclosure Adverse to Client

[20] Washington's Rule 1.6 (b)(2), which authorizes disclosure to prevent a client from committing a crime, is significantly broader than the corresponding exception in the Model Rule. While the Model Rule permits a lawyer to reveal information relating to the representation to prevent the client from "committing a crime... that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used the lawyer's services," Washington's Rule permits the lawyer to reveal such information to prevent the commission of any crime.

[21] Washington's Rule 1.6 (b)(3) is identical to Model Rule 1.6 (b)(2) with respect to disclosure of fraud. This is a limited exception that permits the lawyer to reveal information to the extent necessary to enable affected persons or appropriate authorities to prevent the client from committing a fraud, as defined in Rule 1.0(d), that is reasonably certain to result in substantial injury to the financial or property interests of another and in furtherance of which the client has used or is using the lawyer's services. Similarly, paragraph (b)(2) is a limited exception that permits the lawyer to reveal information to the extent necessary to enable affected persons or

appropriate authorities to prevent the client from committing a crime. In both instances, such a serious abuse of the client-lawyer relationship by the client forfeits the protection of this Rule. The client can, of course, prevent such disclosure by refraining from the wrongful conduct. Although paragraphs (b)(2) and (b)(3) do not require the lawyer to reveal the client's misconduct, the lawyer may not counsel or assist the client in conduct the lawyer knows is criminal or fraudulent. See Rule 1.2(d). See also Rule 1.16 with respect to the lawyer's obligation or right to withdraw from the representation of the client in such circumstances, and Rule 1.13(c), which permits the lawyer to reveal information relating to the representation of an organizational client in limited circumstances.

[22] Washington has not adopted Model Rule 1.6 (b)(3), which permits a lawyer to reveal information relating to the representation not only to prevent but also to "mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services." If a crime or fraud is still ongoing, a lawyer is permitted to disclose under Rule 1.6 (b)(2) or (b)(3). Once the crime or fraud has been completed, there is less of an urgent need for disclosure. If the crime or fraud has been completed, the crime-fraud exception to the attorney-client privilege may permit the lawyer to reveal the information, but only pursuant to a court order. This approach strikes an appropriate balance between the public interest in acquiring significant information and the need for judicial supervision over lawyer decisions about whether such information should be revealed.

[23] The exceptions to the general rule prohibiting unauthorized disclosure of information relating to the representation "should not be carelessly invoked." *In re Boelter*, 139 Wn.2d 81, 91, 985 P.2d 328 (1999). A lawyer must make every effort practicable to avoid unnecessary disclosure of information relating to a representation, to limit disclosure to those having the need to know it, and to obtain protective orders or make other arrangements minimizing the risk of avoidable disclosure.

[24] Washington has not adopted that portion of Model Rule 1.6 (b)(6) permitting a lawyer to reveal information related to the representation to comply with "other law." Washington's omission of this phrase arises from a concern that it would authorize the lawyer to decide whether a disclosure is required by "other law," even though the right to confidentiality and the right to waive confidentiality belong to the client. The decision to waive confidentiality should only be made by a fully informed client after consultation with the client's lawyer or by a court of competent jurisdiction. Limiting the exception to compliance with a court order protects the client's interest in maintaining confidentiality while insuring that any determination about the legal necessity of revealing confidential information will be made by a court. It is the need for a judicial resolution of such issues that necessitates the omission of "other law" from this Rule.

Withdrawal

[25] After withdrawal the lawyer is required to refrain from disclosing the client's confidences, except as otherwise permitted by Rules 1.6 or 1.9. A lawyer is not prohibited

from giving notice of the fact of withdrawal by this Rule, Rule 1.8(b), or Rule 1.9(c). If the lawyer's services will be used by the client in furthering a course of criminal or fraudulent conduct, the lawyer must withdraw. See Rule 1.16 (a)(1). Upon withdrawal from the representation in such circumstances, the lawyer may also disaffirm or withdraw any opinion, document, affirmation, or the like. If the client is an organization, the lawyer may be in doubt about whether contemplated conduct will actually be carried out by the organization. When a lawyer requires guidance about compliance with this Rule in connection with an organizational client, the lawyer may proceed under the provisions of Rule 1.13(b).

Other

[26] This Rule does not relieve a lawyer of his or her obligations under Rule 5.4(b) of the Rules for Enforcement of Lawyer Conduct.

RULE 1.7: CONFLICT OF INTEREST; GENERAL RULE; CURRENT CLIENTS

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation of that involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client, unless: or

(1) The lawyer reasonably believes the representation will not adversely affect the relationship with the other client; and

(2) Each client consents in writing after consultation and a full disclosure of the material facts (following authorization from the other client to make such a disclosure).

(b2) A lawyer shall not represent a client if the representation of that client there is a significant risk that the representation of one or more clients may will be materially limited by the lawyer's responsibilities to another client, a former client or to a third person; or by a personal interest of the lawyer's own interests, unless:

(1) The lawyer reasonably believes the representation will not be adversely affected; and

(2) The client consents in writing after consultation and a full disclosure of the material facts (following authorization from the other client to make such a disclosure). When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

(e) For purposes of this rule, when a lawyer who is not a public officer or employee represents a discrete governmental agency or unit that is part of a broader governmental entity, the lawyer's client is the particular governmental agency or unit represented, and not the broader governmental entity of which the agency or unit is a part, unless:

(1) Otherwise provided in a written agreement between the lawyer and the governmental agency or unit; or

(2) The broader governmental entity gives the lawyer timely written notice to the contrary, in which case the client shall be designated by such entity. Notice under this subsection shall be given by the person designated by law as the chief legal officer of the broader governmental entity, or in

absence of such designation, by the chief executive officer of the entity.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing (following authorization from the other client to make any required disclosures).

Comment

General Principles

[1] Loyalty and independent judgment are essential elements in the lawyer's relationship to a client. Concurrent conflicts of interest can arise from the lawyer's responsibilities to another client, a former client or a third person or from the lawyer's own interests. For specific Rules regarding certain concurrent conflicts of interest, see Rule 1.8. For former client conflicts of interest, see Rule 1.9. For conflicts of interest involving prospective clients, see Rule 1.18. For definitions of "informed consent" and "confirmed in writing," see Rule 1.0 (e) and (b).

[2] Resolution of a conflict of interest problem under this Rule requires the lawyer to: 1) clearly identify the client or clients; 2) determine whether a conflict of interest exists; 3) decide whether the representation may be undertaken despite the existence of a conflict, i.e., whether the conflict is consentable; and 4) if so, consult with the clients affected under paragraph (a) and obtain their informed consent, confirmed in writing. The clients affected under paragraph (a) include both of the clients referred to in paragraph (a)(1) and the one or more clients whose representation might be materially limited under paragraph (a)(2).

[3] A conflict of interest may exist before representation is undertaken, in which event the representation must be declined, unless the lawyer obtains the informed consent of each client under the conditions of paragraph (b). To determine whether a conflict of interest exists, a lawyer should adopt reasonable procedures, appropriate for the size and type of firm and practice, to determine in both litigation and non-litigation matters the persons and issues involved. See also Comment to Rule 5.1. Ignorance caused by a failure to institute such procedures will not excuse a lawyer's violation of this Rule. As to whether a client-lawyer relationship exists or, having once been established, is continuing, see Comment to Rule 1.3 and Scope.

[4] If a conflict arises after representation has been undertaken, the lawyer ordinarily must withdraw from the representation, unless the lawyer has obtained the informed consent of the client under the conditions of paragraph (b). See Rule 1.16. Where more than one client is involved, whether the lawyer may continue to represent any of the clients is determined both by the lawyer's ability to comply with

duties owed to the former client and by the lawyer's ability to represent adequately the remaining client or clients, given the lawyer's duties to the former client. See Rule 1.9. See also Comments [5] and [29].

[5] Unforeseeable developments, such as changes in corporate and other organizational affiliations or the addition or realignment of parties in litigation, might create conflicts in the midst of a representation, as when a company sued by the lawyer on behalf of one client is bought by another client represented by the lawyer in an unrelated matter. Depending on the circumstances, the lawyer may have the option to withdraw from one of the representations in order to avoid the conflict. The lawyer must seek court approval where necessary and take steps to minimize harm to the clients. See Rule 1.16. The lawyer must continue to protect the confidences of the client from whose representation the lawyer has withdrawn. See Rule 1.9(c).

Identifying Conflicts of Interest: Directly Adverse

[6] Loyalty to a current client prohibits undertaking representation directly adverse to that client without that client's informed consent. Thus, absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated. The client as to whom the representation is directly adverse is likely to feel betrayed, and the resulting damage to the client-lawyer relationship is likely to impair the lawyer's ability to represent the client effectively. In addition, the client on whose behalf the adverse representation is undertaken reasonably may fear that the lawyer will pursue that client's case less effectively out of deference to the other client, i.e., that the representation may be materially limited by the lawyer's interest in retaining the current client. Similarly, a directly adverse conflict may arise when a lawyer is required to cross-examine a client who appears as a witness in a lawsuit involving another client, as when the testimony will be damaging to the client who is represented in the lawsuit. On the other hand, simultaneous representation in unrelated matters of clients whose interests are only economically adverse, such as representation of competing economic enterprises in unrelated litigation, does not ordinarily constitute a conflict of interest and thus may not require consent of the respective clients.

[7] Directly adverse conflicts can also arise in transactional matters. For example, if a lawyer is asked to represent the seller of a business in negotiations with a buyer represented by the lawyer, not in the same transaction but in another, unrelated matter, the lawyer could not undertake the representation without the informed consent of each client.

Identifying Conflicts of Interest: Material Limitation

[8] Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer's other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's

duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

Lawyer's Responsibilities to Former Clients and Other Third Persons

[9] In addition to conflicts with other current clients, a lawyer's duties of loyalty and independence may be materially limited by responsibilities to former clients under Rule 1.9 or by the lawyer's responsibilities to other persons, such as fiduciary duties arising from a lawyer's service as a trustee, executor or corporate director.

Personal Interest Conflicts

[10] The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer's client, or with a law firm representing the opponent, such discussions could materially limit the lawyer's representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. See Rule 1.8 for specific Rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also Rule 1.10 (personal interest conflicts under Rule 1.7 ordinarily are not imputed to other lawyers in a law firm).

[11] [Washington revision] When lawyers representing different clients in the same matter or in substantially related matters are related as parent, child, sibling, or spouse, or if the lawyers have some other close familial relationship or if the lawyers are in a personal intimate relationship with one another, there may be a significant risk that client confidences will be revealed and that the lawyer's family or other familial or intimate relationship will interfere with both loyalty and independent professional judgment. See Rule 1.8(l). As a result, each client is entitled to know of the existence and implications of the relationship between the lawyers before the lawyer agrees to undertake the representation. Thus, a lawyer so related to another lawyer ordinarily may not represent a client in a matter where that lawyer is representing another party, unless each client gives informed consent. The disqualification arising from such relationships is personal and ordinarily is not imputed to members of firms with whom the lawyers are associated. See Rules 1.8(k) and 1.10.

[12] A lawyer is prohibited from engaging in sexual relationships with a client unless the sexual relationship predates the formation of the client-lawyer relationship. See Rule 1.8(j).

Interest of Person Paying for a Lawyer's Service

[13] A lawyer may be paid from a source other than the client, including a co-client, if the client is informed of that fact and consents and the arrangement does not compromise the lawyer's duty of loyalty or independent judgment to the client. See Rule 1.8(f). If acceptance of the payment from any other source presents a significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in accommodating the person paying the lawyer's fee or by the lawyer's responsibilities to a payer who is also a co-client, then the lawyer must comply with the requirements of paragraph (b) before accepting the representation, including determining whether the conflict is consentable and, if so, that the client has adequate information about the material risks of the representation.

Prohibited Representations

[14] Ordinarily, clients may consent to representation notwithstanding a conflict. However, as indicated in paragraph (b), some conflicts are nonconsentable, meaning that the lawyer involved cannot properly ask for such agreement or provide representation on the basis of the client's consent. When the lawyer is representing more than one client, the question of consentability must be resolved as to each client.

[15] Consentability is typically determined by considering whether the interests of the clients will be adequately protected if the clients are permitted to give their informed consent to representation burdened by a conflict of interest. Thus, under paragraph (b)(1), representation is prohibited if in the circumstances the lawyer cannot reasonably conclude that the lawyer will be able to provide competent and diligent representation. See Rule 1.1 (Competence) and Rule 1.3 (Diligence).

[16] [Washington revision] Paragraph (b)(2) describes conflicts that are nonconsentable because the representation is prohibited by applicable law. For example, in some states substantive law provides that the same lawyer may not represent more than one defendant in a capital case, even with the consent of the clients, and under federal criminal statutes certain representations by a former government lawyer are prohibited, despite the informed consent of the former client. In addition, decisional law in some states other than Washington limits the ability of a governmental client, such as a municipality, to consent to a conflict of interest. See Washington Comment [38].

[17] Paragraph (b)(3) describes conflicts that are nonconsentable because of the institutional interest in vigorous development of each client's position when the clients are aligned directly against each other in the same litigation or other proceeding before a tribunal. Whether clients are aligned directly against each other within the meaning of this paragraph requires examination of the context of the proceeding. Although this paragraph does not preclude a lawyer's multiple representation of adverse parties to a mediation (because mediation is not a proceeding before a "tribunal" under Rule 1.0(m)), such representation may be precluded by paragraph (b)(1).

Informed Consent

[18] Informed consent requires that each affected client be aware of the relevant circumstances and of the material and reasonably foreseeable ways that the conflict could have adverse effects on the interests of that client. See Rule 1.0(e) (informed consent). The information required depends on the nature of the conflict and the nature of the risks involved. When representation of multiple clients in a single matter is undertaken, the information must include the implications of the common representation, including possible effects on loyalty, confidentiality and the attorney-client privilege and the advantages and risks involved. See Comments [30] and [31] (effect of common representation on confidentiality).

[19] Under some circumstances it may be impossible to make the disclosure necessary to obtain consent. For example, when the lawyer represents different clients in related matters and one of the clients refuses to consent to the disclosure necessary to permit the other client to make an informed decision, the lawyer cannot properly ask the latter to consent. In some cases the alternative to common representation can be that each party may have to obtain separate representation with the possibility of incurring additional costs. These costs, along with the benefits of securing separate representation, are factors that may be considered by the affected client in determining whether common representation is in the client's interests.

Consent Confirmed in Writing

[20] Paragraph (b) requires the lawyer to obtain the informed consent of the client, confirmed in writing. Such a writing may consist of a document executed by the client or one that the lawyer promptly records and transmits to the client following an oral consent. See Rule 1.0(b). See also Rule 1.0(n) (writing includes electronic transmission). If it is not feasible to obtain or transmit the writing at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. See Rule 1.0(b). The requirement of a writing does not supplant the need in most cases for the lawyer to talk with the client, to explain the risks and advantages, if any, of representation burdened with a conflict of interest, as well as reasonably available alternatives, and to afford the client a reasonable opportunity to consider the risks and alternatives and to raise questions and concerns. Rather, the writing is required in order to impress upon clients the seriousness of the decision the client is being asked to make and to avoid disputes or ambiguities that might later occur in the absence of a writing.

Revoking Consent

[21] A client who has given consent to a conflict may revoke the consent and, like any other client, may terminate the lawyer's representation at any time. Whether revoking consent to the client's own representation precludes the lawyer from continuing to represent other clients depends on the circumstances, including the nature of the conflict, whether the client revoked consent because of a material change in circumstances, the reasonable expectations of the other client and whether material detriment to the other clients or the lawyer would result.

Consent to Future Conflict

[22] Whether a lawyer may properly request a client to waive conflicts that might arise in the future is subject to the test of paragraph (b). The effectiveness of such waivers is generally determined by the extent to which the client reasonably understands the material risks that the waiver entails. The more comprehensive the explanation of the types of future representations that might arise and the actual and reasonably foreseeable adverse consequences of those representations, the greater the likelihood that the client will have the requisite understanding. Thus, if the client agrees to consent to a particular type of conflict with which the client is already familiar, then the consent ordinarily will be effective with regard to that type of conflict. If the consent is general and open-ended, then the consent ordinarily will be ineffective, because it is not reasonably likely that the client will have understood the material risks involved. On the other hand, if the client is an experienced user of the legal services involved and is reasonably informed regarding the risk that a conflict may arise, such consent is more likely to be effective, particularly if, e.g., the client is independently represented by other counsel in giving consent and the consent is limited to future conflicts unrelated to the subject of the representation. In any case, advance consent cannot be effective if the circumstances that materialize in the future are such as would make the conflict nonconsentable under paragraph (b).

Conflicts in Litigation

[23] Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the clients' consent. On the other hand, simultaneous representation of parties whose interests in litigation may conflict, such as coplaintiffs or codefendants, is governed by paragraph (a)(2). A conflict may exist by reason of substantial discrepancy in the parties' testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

[24] Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. The mere fact that advocating a legal position on behalf of one client might create precedent adverse to the interests of a client represented by the lawyer in an unrelated matter does not create a conflict of interest. A conflict of interest exists, however, if there is a significant risk that a lawyer's action on behalf of one client will materially limit the lawyer's effectiveness in representing another client in a different case; for example, when a decision favoring one client will create a precedent likely to seriously weaken the position taken on behalf of the other client. Factors relevant in determining whether the clients need to be advised of the risk include: where the cases are pending, whether the issue is substantive or procedural, the temporal relationship between the matters, the significance of the issue to the

immediate and long-term interests of the clients involved and the clients' reasonable expectations in retaining the lawyer. If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters.

[25] When a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying paragraph (a)(1) of this Rule. Thus, the lawyer does not typically need to get the consent of such a person before representing a client suing the person in an unrelated matter. Similarly, a lawyer seeking to represent an opponent in a class action does not typically need the consent of an unnamed member of the class whom the lawyer represents in an unrelated matter.

Nonlitigation Conflicts

[26] Conflicts of interest under paragraphs (a)(1) and (a)(2) arise in contexts other than litigation. For a discussion of directly adverse conflicts in transactional matters, see Comment [7]. Relevant factors in determining whether there is significant potential for material limitation include the duration and intimacy of the lawyer's relationship with the client or clients involved, the functions being performed by the lawyer, the likelihood that disagreements will arise and the likely prejudice to the client from the conflict. The question is often one of proximity and degree. See Comment [8].

[27] For example, conflict questions may arise in estate planning and estate administration. A lawyer may be called upon to prepare wills for several family members, such as husband and wife, and, depending upon the circumstances, a conflict of interest may be present. In estate administration the identity of the client may be unclear under the law of a particular jurisdiction. Under one view, the client is the fiduciary; under another view the client is the estate or trust, including its beneficiaries. In order to comply with conflict of interest rules, the lawyer should make clear the lawyer's relationship to the parties involved.

[28] Whether a conflict is consentable depends on the circumstances. For example, a lawyer may not represent multiple parties to a negotiation whose interests are fundamentally antagonistic to each other, but common representation is permissible where the clients are generally aligned in interest even though there is some difference in interest among them. Thus, a lawyer may seek to establish or adjust a relationship between clients on an amicable and mutually advantageous basis: for example, in helping to organize a business in which two or more clients are entrepreneurs, working out the financial reorganization of an enterprise in which two or more clients have an interest or arranging a property distribution in settlement of an estate. The lawyer seeks to resolve potentially adverse interests by developing the parties' mutual interests. Otherwise, each party might have to obtain separate representation, with the possibility of incurring additional cost, complication or even litigation. Given these and other relevant factors, the clients may prefer that the lawyer act for all of them.

Special Considerations in Common Representation

[29] In considering whether to represent multiple clients in the same matter, a lawyer should be mindful that if the common representation fails because the potentially adverse interests cannot be reconciled, the result can be additional cost, embarrassment and recrimination. Ordinarily, the lawyer will be forced to withdraw from representing all of the clients if the common representation fails. In some situations, the risk of failure is so great that multiple representation is plainly impossible. For example, a lawyer cannot undertake common representation of clients where contentious litigation or negotiations between them are imminent or contemplated. Moreover, because the lawyer is required to be impartial between commonly represented clients, representation of multiple clients is improper when it is unlikely that impartiality can be maintained. Generally, if the relationship between the parties has already assumed antagonism, the possibility that the clients' interests can be adequately served by common representation is not very good. Other relevant factors are whether the lawyer subsequently will represent both parties on a continuing basis and whether the situation involves creating or terminating a relationship between the parties.

[30] A particularly important factor in determining the appropriateness of common representation is the effect on client-lawyer confidentiality and the attorney-client privilege. With regard to the attorney-client privilege, the prevailing rule is that, as between commonly represented clients, the privilege does not attach. Hence, it must be assumed that if litigation eventuates between the clients, the privilege will not protect any such communications, and the clients should be so advised.

[31] As to the duty of confidentiality, continued common representation will almost certainly be inadequate if one client asks the lawyer not to disclose to the other client information relevant to the common representation. This is so because the lawyer has an equal duty of loyalty to each client, and each client has the right to be informed of anything bearing on the representation that might affect that client's interests and the right to expect that the lawyer will use that information to that client's benefit. See Rule 1.4. The lawyer should, at the outset of the common representation and as part of the process of obtaining each client's informed consent, advise each client that information will be shared and that the lawyer will have to withdraw if one client decides that some matter material to the representation should be kept from the other. In limited circumstances, it may be appropriate for the lawyer to proceed with the representation when the clients have agreed, after being properly informed, that the lawyer will keep certain information confidential. For example, the lawyer may reasonably conclude that failure to disclose one client's trade secrets to another client will not adversely affect representation involving a joint venture between the clients and agree to keep that information confidential with the informed consent of both clients.

[32] When seeking to establish or adjust a relationship between clients, the lawyer should make clear that the lawyer's role is not that of partisanship normally expected in other circumstances and, thus, that the clients may be required to assume greater responsibility for decisions than

when each client is separately represented. Any limitations on the scope of the representation made necessary as a result of the common representation should be fully explained to the clients at the outset of the representation. See Rule 1.2(c).

[33] Subject to the above limitations, each client in the common representation has the right to loyal and diligent representation and the protection of Rule 1.9 concerning the obligations to a former client. The client also has the right to discharge the lawyer as stated in Rule 1.16.

Organizational Clients

[34] A lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary. See Rule 1.13(a). Thus, the lawyer for an organization is not barred from accepting representation adverse to an affiliate in an unrelated matter, unless the circumstances are such that the affiliate should also be considered a client of the lawyer, there is an understanding between the lawyer and the organizational client that the lawyer will avoid representation adverse to the client's affiliates, or the lawyer's obligations to either the organizational client or the new client are likely to limit materially the lawyer's representation of the other client.

[35] A lawyer for a corporation or other organization who is also a member of its board of directors should determine whether the responsibilities of the two roles may conflict. The lawyer may be called on to advise the corporation in matters involving actions of the directors. Consideration should be given to the frequency with which such situations may arise, the potential intensity of the conflict, the effect of the lawyer's resignation from the board and the possibility of the corporation's obtaining legal advice from another lawyer in such situations. If there is material risk that the dual role will compromise the lawyer's independence of professional judgment, the lawyer should not serve as a director or should cease to act as the corporation's lawyer when conflicts of interest arise. The lawyer should advise the other members of the board that in some circumstances matters discussed at board meetings while the lawyer is present in the capacity of director might not be protected by the attorney-client privilege and that conflict of interest considerations might require the lawyer's recusal as a director or might require the lawyer and the lawyer's firm to decline representation of the corporation in a matter.

Additional Washington Comments (36 - 41)

General Principles

[36] Notwithstanding Comment [3], lawyers providing short-term limited legal services to a client under the auspices of a program sponsored by a nonprofit organization or court are not normally required to systematically screen for conflicts of interest before undertaking a representation. See Comment [1] to Rule 6.5. See Rule 1.2(c) for requirements applicable to the provision of limited legal services.

Identifying Conflicts of Interest: Material Limitation

[37] Use of the term "significant risk" in paragraph (a)(2) is not intended to be a substantive change or diminishment in

the standard required under former Washington RPC 1.7(b), i.e., that "the representation of the client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests."

Prohibited Representations

[38] In Washington, a governmental client is not prohibited from properly consenting to a representational conflict of interest.

Informed Consent

[39] Paragraph (b)(4) of the Rule differs slightly from the Model Rule in that it expressly requires authorization from the other client before any required disclosure of information relating to that client can be made. Authorization to make a disclosure of information relating to the representation requires the client's informed consent. See Rule 1.6(a).

Nonlitigation Conflicts

[40] Under Washington case law, in estate administration matters the client is the personal representative of the estate.

Special Considerations in Common Representation

[41] Various legal provisions, including constitutional, statutory and common law, may define the duties of government lawyers in representing public officers, employees, and agencies and should be considered in evaluating the nature and propriety of common representation.

RULE 1.8: CONFLICT OF INTEREST; PROHIBITED TRANSACTIONS; CURRENT CLIENTS; SPECIFIC RULES

A lawyer who is representing a client in a matter:

(a) **A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:**

(1) **The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which that can be reasonably understood by the client;**

(2) **The client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in on the transaction; and**

(3) **The client consents thereto gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.**

(b) **A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client consents in writing after consultation gives informed consent, except as permitted or required by these Rules.**

(c) **A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client unless the lawyer or other recipient of the gift is**

related to the ~~donee~~ client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.

(d) ~~Shall not~~, Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not, ~~while representing a client~~ in connection with contemplated or pending litigation, advance or guarantee financial assistance to his or her client, except that:

(1) ~~A~~ lawyer may advance or guarantee the expenses of litigation, including court costs, expenses of investigation, expenses of medical examination, and costs of obtaining and presenting evidence, provided that, except as provided in paragraphs (e)(2) and (e)(3), the client shall remain ultimately liable for such expenses; and

(2) a lawyer, law firm or provider of legal services for the economically disadvantaged or indigent, may pay court costs and expenses of litigation on behalf of such economically disadvantaged or indigent clients, where such services are provided without expectation of a fee from the client;

(3) ~~In~~ matters maintained as class actions only, repayment of expenses of litigation may be contingent on the outcome of the matter.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) ~~The client consents after consultation~~ gives informed consent;

(2) ~~There is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and~~

(3) ~~Information relating to representation of a client is protected as required by Rule 1.6.~~

(g) ~~Shall not, while representing~~ A lawyer who represents two or more clients; shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client ~~consents after consultation~~ gives informed consent, including confirmed in writing. The lawyer's disclosure of shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

(1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless ~~permitted by law and~~ the client is independently represented in making the agreement; or

(2) settle a claim or potential claim for such liability with an unrepresented client or former client ~~without first advising~~ unless that person is advised in writing that of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent representation is appropriate legal counsel in connection therewith.

(i) ~~Shall not, if related to another lawyer as parent, child, sibling or spouse, represent a client in a representation directly adverse to a person who the lawyer knows is repre-~~

~~ented by the other lawyer except upon consent by the client after consultation regarding the relationship.~~

(j) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

(1) ~~Acquire~~ a lien ~~granted~~ authorized by law to secure the lawyer's fee or expenses; and

(2) ~~Contract~~ with a client for a reasonable contingent fee in a civil case.

(kj) A lawyer shall not:

(1) have sexual relations with a current client of the lawyer unless a consensual sexual relationship existed between them at the time the ~~lawyer/client-lawyer~~ relationship commenced; or

(2) have sexual relations with a representative of a current client if the sexual relations would, or would likely, damage or prejudice the client in the representation.

(3) For purposes of ~~Rule~~ 1.8(kj), "lawyer" means any lawyer who assists in the representation of the client, but does not include other firm members who provide no such assistance.

(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.

(l) A lawyer who is related to another lawyer as parent, child, sibling, or spouse, or who has any other close familial or intimate relationship with another lawyer, shall not represent a client in a matter directly adverse to a person who the lawyer knows is represented by the related lawyer unless:

(1) the client gives informed consent to the representation; and

(2) the representation is not otherwise prohibited by Rule 1.7.

Comment

Business Transactions Between Client and Lawyer

[1] A lawyer's legal skill and training, together with the relationship of trust and confidence between lawyer and client, create the possibility of overreaching when the lawyer participates in a business, property or financial transaction with a client, for example, a loan or sales transaction or a lawyer investment on behalf of a client. The requirements of paragraph (a) must be met even when the transaction is not closely related to the subject matter of the representation, as when a lawyer drafting a will for a client learns that the client needs money for unrelated expenses and offers to make a loan to the client. The Rule applies to lawyers engaged in the sale of goods or services related to the practice of law, for example, the sale of title insurance or investment services to existing clients of the lawyer's legal practice. See Rule 5.7. It also applies to lawyers purchasing property from estates they represent. It does not apply to ordinary fee arrangements between client and lawyer, which are governed by Rule 1.5, although its requirements must be met when the lawyer accepts an interest in the client's business or other nonmonetary property as payment of all or part of a fee. In addition, the Rule does not apply to standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others, for example, banking or brokerage services, medical services, products manufac-

ured or distributed by the client, and utilities' services. In such transactions, the lawyer has no advantage in dealing with the client, and the restrictions in paragraph (a) are unnecessary and impracticable.

[2] Paragraph (a)(1) requires that the transaction itself be fair to the client and that its essential terms be communicated to the client, in writing, in a manner that can be reasonably understood. Paragraph (a)(2) requires that the client also be advised, in writing, of the desirability of seeking the advice of independent legal counsel. It also requires that the client be given a reasonable opportunity to obtain such advice. Paragraph (a)(3) requires that the lawyer obtain the client's informed consent, in a writing signed by the client, both to the essential terms of the transaction and to the lawyer's role. When necessary, the lawyer should discuss both the material risks of the proposed transaction, including any risk presented by the lawyer's involvement, and the existence of reasonably available alternatives and should explain why the advice of independent legal counsel is desirable. See Rule 1.0(e) (definition of informed consent).

[3] The risk to a client is greatest when the client expects the lawyer to represent the client in the transaction itself or when the lawyer's financial interest otherwise poses a significant risk that the lawyer's representation of the client will be materially limited by the lawyer's financial interest in the transaction. Here the lawyer's role requires that the lawyer must comply, not only with the requirements of paragraph (a), but also with the requirements of Rule 1.7. Under that Rule, the lawyer must disclose the risks associated with the lawyer's dual role as both legal adviser and participant in the transaction, such as the risk that the lawyer will structure the transaction or give legal advice in a way that favors the lawyer's interests at the expense of the client. Moreover, the lawyer must obtain the client's informed consent. In some cases, the lawyer's interest may be such that Rule 1.7 will preclude the lawyer from seeking the client's consent to the transaction.

[4] If the client is independently represented in the transaction, paragraph (a)(2) of this Rule is inapplicable, and the paragraph (a)(1) requirement for full disclosure is satisfied either by a written disclosure by the lawyer involved in the transaction or by the client's independent counsel. The fact that the client was independently represented in the transaction is relevant in determining whether the agreement was fair and reasonable to the client as paragraph (a)(1) further requires.

Use of Information Related to Representation

[5] [Washington revision] Use of information relating to the representation to the disadvantage of the client violates the lawyer's duty of loyalty. Paragraph (b) applies when the information is used to benefit either the lawyer or a third person, such as another client or business associate of the lawyer. For example, if a lawyer learns that a client intends to purchase and develop several parcels of land, the lawyer may not use that information to purchase one of the parcels in competition with the client or to recommend that another client make such a purchase. The Rule does not prohibit uses that do not disadvantage the client. For example, a lawyer who learns a government agency's interpretation of trade leg-

islation during the representation of one client may properly use that information to benefit other clients. Paragraph (b) prohibits disadvantageous use of client information unless the client gives informed consent, except as permitted or required by these Rules. See Rules 1.2(d), 1.6, 1.9(c), 3.3, 4.1(b), and 8.1.

Gifts to Lawyers

[6] A lawyer may accept a gift from a client, if the transaction meets general standards of fairness. For example, a simple gift such as a present given at a holiday or as a token of appreciation is permitted. If a client offers the lawyer a more substantial gift, paragraph (c) does not prohibit the lawyer from accepting it, although such a gift may be voidable by the client under the doctrine of undue influence, which treats client gifts as presumptively fraudulent. In any event, due to concerns about overreaching and imposition on clients, a lawyer may not suggest that a substantial gift be made to the lawyer or for the lawyer's benefit, except where the lawyer is related to the client as set forth in paragraph (c).

[7] If effectuation of a substantial gift requires preparing a legal instrument such as a will or conveyance the client should have the detached advice that another lawyer can provide. The sole exception to this Rule is where the client is a relative of the donee.

[8] This Rule does not prohibit a lawyer from seeking to have the lawyer or a partner or associate of the lawyer named as executor of the client's estate or to another potentially lucrative fiduciary position. Nevertheless, such appointments will be subject to the general conflict of interest provision in Rule 1.7 when there is a significant risk that the lawyer's interest in obtaining the appointment will materially limit the lawyer's independent professional judgment in advising the client concerning the choice of an executor or other fiduciary. In obtaining the client's informed consent to the conflict, the lawyer should advise the client concerning the nature and extent of the lawyer's financial interest in the appointment, as well as the availability of alternative candidates for the position.

Literary Rights

[9] An agreement by which a lawyer acquires literary or media rights concerning the conduct of the representation creates a conflict between the interests of the client and the personal interests of the lawyer. Measures suitable in the representation of the client may detract from the publication value of an account of the representation. Paragraph (d) does not prohibit a lawyer representing a client in a transaction concerning literary property from agreeing that the lawyer's fee shall consist of a share in ownership in the property, if the arrangement conforms to Rule 1.5 and paragraphs (a) and (i).

Financial Assistance

[10] [Washington revision] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a finan-

cial stake in the litigation. See Washington Comments [21] & [22].

Person Paying for a Lawyer's Services

[11] Lawyers are frequently asked to represent a client under circumstances in which a third person will compensate the lawyer, in whole or in part. The third person might be a relative or friend, an indemnitor (such as a liability insurance company) or a co-client (such as a corporation sued along with one or more of its employees). Because third-party payers frequently have interests that differ from those of the client, including interests in minimizing the amount spent on the representation and in learning how the representation is progressing, lawyers are prohibited from accepting or continuing such representations unless the lawyer determines that there will be no interference with the lawyer's independent professional judgment and there is informed consent from the client. See also Rule 5.4(c) (prohibiting interference with a lawyer's professional judgment by one who recommends, employs or pays the lawyer to render legal services for another).

[12] Sometimes, it will be sufficient for the lawyer to obtain the client's informed consent regarding the fact of the payment and the identity of the third-party payer. If, however, the fee arrangement creates a conflict of interest for the lawyer, then the lawyer must comply with Rule 1.7. The lawyer must also conform to the requirements of Rule 1.6 concerning confidentiality. Under Rule 1.7(a), a conflict of interest exists if there is significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in the fee arrangement or by the lawyer's responsibilities to the third-party payer (for example, when the third-party payer is a co-client). Under Rule 1.7(b), the lawyer may accept or continue the representation with the informed consent of each affected client, unless the conflict is nonconsentable under that paragraph. Under Rule 1.7(b), the informed consent must be confirmed in writing.

Aggregate Settlements

[13] Differences in willingness to make or accept an offer of settlement are among the risks of common representation of multiple clients by a single lawyer. Under Rule 1.7, this is one of the risks that should be discussed before undertaking the representation, as part of the process of obtaining the clients' informed consent. In addition, Rule 1.2(a) protects each client's right to have the final say in deciding whether to accept or reject an offer of settlement and in deciding whether to enter a guilty or nolo contendere plea in a criminal case. The rule stated in this paragraph is a corollary of both these Rules and provides that, before any settlement offer or plea bargain is made or accepted on behalf of multiple clients, the lawyer must inform each of them about all the material terms of the settlement, including what the other clients will receive or pay if the settlement or plea offer is accepted. See also Rule 1.0(e) (definition of informed consent). Lawyers representing a class of plaintiffs or defendants, or those proceeding derivatively, may not have a full client-lawyer relationship with each member of the class; nevertheless, such lawyers must comply with applicable rules regulating notification of class members and other procedural

requirements designed to ensure adequate protection of the entire class.

Limiting Liability and Settling Malpractice Claims

[14] Agreements prospectively limiting a lawyer's liability for malpractice are prohibited unless the client is independently represented in making the agreement because they are likely to undermine competent and diligent representation. Also, many clients are unable to evaluate the desirability of making such an agreement before a dispute has arisen, particularly if they are then represented by the lawyer seeking the agreement. This paragraph does not, however, prohibit a lawyer from entering into an agreement with the client to arbitrate legal malpractice claims, provided such agreements are enforceable and the client is fully informed of the scope and effect of the agreement. Nor does this paragraph limit the ability of lawyers to practice in the form of a limited-liability entity, where permitted by law, provided that each lawyer remains personally liable to the client for his or her own conduct and the firm complies with any conditions required by law, such as provisions requiring client notification or maintenance of adequate liability insurance. Nor does it prohibit an agreement in accordance with Rule 1.2 that defines the scope of the representation, although a definition of scope that makes the obligations of representation illusory will amount to an attempt to limit liability.

[15] Agreements settling a claim or a potential claim for malpractice are not prohibited by this Rule. Nevertheless, in view of the danger that a lawyer will take unfair advantage of an unrepresented client or former client, the lawyer must first advise such a person in writing of the appropriateness of independent representation in connection with such a settlement. In addition, the lawyer must give the client or former client a reasonable opportunity to find and consult independent counsel.

Acquiring Proprietary Interest in Litigation

[16] Paragraph (i) states the traditional general rule that lawyers are prohibited from acquiring a proprietary interest in litigation. Like paragraph (e), the general rule has its basis in common law champerty and maintenance and is designed to avoid giving the lawyer too great an interest in the representation. In addition, when the lawyer acquires an ownership interest in the subject of the representation, it will be more difficult for a client to discharge the lawyer if the client so desires. The Rule is subject to specific exceptions developed in decisional law and continued in these Rules. The exception for certain advances of the costs of litigation is set forth in paragraph (e). In addition, paragraph (i) sets forth exceptions for liens authorized by law to secure the lawyer's fees or expenses and contracts for reasonable contingent fees. The law of each jurisdiction determines which liens are authorized by law. These may include liens granted by statute, liens originating in common law and liens acquired by contract with the client. When a lawyer acquires by contract a security interest in property other than that recovered through the lawyer's efforts in the litigation, such an acquisition is a business or financial transaction with a client and is governed by the requirements of paragraph (a). Contracts for contingent fees in civil cases are governed by Rule 1.5.

Client-Lawyer Sexual Relationships

[17] The relationship between lawyer and client is a fiduciary one in which the lawyer occupies the highest position of trust and confidence. The relationship is almost always unequal; thus, a sexual relationship between lawyer and client can involve unfair exploitation of the lawyer's fiduciary role, in violation of the lawyer's basic ethical obligation not to use the trust of the client to the client's disadvantage. In addition, such a relationship presents a significant danger that, because of the lawyer's emotional involvement, the lawyer will be unable to represent the client without impairment of the exercise of independent professional judgment. Moreover, a blurred line between the professional and personal relationships may make it difficult to predict to what extent client confidences will be protected by the attorney-client evidentiary privilege, since client confidences are protected by privilege only when they are imparted in the context of the client-lawyer relationship. Because of the significant danger of harm to client interests and because the client's own emotional involvement renders it unlikely that the client could give adequate informed consent, this Rule prohibits the lawyer from having sexual relations with a client regardless of whether the relationship is consensual and regardless of the absence of prejudice to the client.

[18] Sexual relationships that predate the client-lawyer relationship are not prohibited. Issues relating to the exploitation of the fiduciary relationship and client dependency are diminished when the sexual relationship existed prior to the commencement of the client-lawyer relationship. However, before proceeding with the representation in these circumstances, the lawyer should consider whether the lawyer's ability to represent the client will be materially limited by the relationship. See Rule 1.7(a)(2).

[19] [Washington revision] When the client is an organization, paragraph (j) of this Rule applies to a lawyer for the organization (whether inside or outside counsel). For purposes of this Rule, "representative of a current client" will generally be a constituent of the organization who supervises, directs or regularly consults with that lawyer on the organization's legal matters. See Comment [1] to Rule 1.13 (identifying the constituents of an organizational client).

Imputation of Prohibitions

[20] Under paragraph (k), a prohibition on conduct by an individual lawyer in paragraphs (a) through (i) also applies to all lawyers associated in a firm with the personally prohibited lawyer. For example, one lawyer in a firm may not enter into a business transaction with a client of another member of the firm without complying with paragraph (a), even if the first lawyer is not personally involved in the representation of the client. The prohibition set forth in paragraph (j) is personal and is not applied to associated lawyers.

Additional Washington Comments (21-25)Financial Assistance

[21] Paragraph (e) of Washington's Rule differs from the Model Rule. Paragraph (e) is a revised version of former Washington RPC 1.8(e). The Rule retains the general prohibition on advancing or guaranteeing financial assistance to a

client, a practice that has historically been prohibited in Washington in order to preclude a detrimental shift in the allocation of authority between client and lawyer that may ensue when a client becomes indebted to the lawyer for financial support. See Rule 1.2(a) (describing allocation of authority between client and lawyer). Paragraph (e)(1) preserves the ability of a lawyer to advance or guarantee the expenses of litigation, provided that the client remains ultimately liable for such expenses. This approach, which ensures a proper degree of client accountability in the management of his or her case, strikes an appropriate balance between enhancing access to the courts and discouraging excessive economic entanglement between lawyer and client. Because the client must at all times remain "ultimately liable" for such expenses, no communication about the lawyer's services shall state or imply that the client has no obligation to pay expenses; such a communication would be misleading and therefore is not permitted under Rule 7.1. Nevertheless, under Washington law the lawyer has no affirmative duty to collect such expenses; at the conclusion of a matter, a lawyer may exercise his or her discretion to refrain from initiating collection proceedings against the client for unpaid advances. Former Washington RPC 1.8(e)(2), the exception for contingent repayment of costs in class actions, is retained in paragraph (e)(3).

[22] Paragraph (e)(2), which is partly based on Model Rule 1.8(e)(2), permits a lawyer to pay court costs and expenses of litigation on behalf of economically disadvantaged or indigent clients. Paragraph (e)(2) specifically limits application of the exception to situations in which the lawyer's services are provided "without expectation of a fee" from the client. This language is intended to minimize ambiguities inherent in the terms "indigent" and "economically disadvantaged" in order to confine the exception to its limited purpose of promoting access to justice through pro bono publico representation and nonprofit legal services programs by easing the financial burden of litigation borne by truly indigent and economically disadvantaged clients.

Client-Lawyer Sexual Relationships

[23] Paragraph (j)(2) of Washington's Rule, which prohibits sexual relationships with a representative of an organizational client, differs from the Model Rule. Comment [19] to Model Rule 1.8 was revised to be consistent with the Washington Rule.

[24] Paragraph (j)(3) of the Rule specifies that the prohibition applies with equal force to any lawyer who assists in the representation of the client, but the prohibition expressly does not apply to other members of a firm who have not assisted in the representation.

Personal Relationships

[25] Model Rule 1.8 does not contain a provision equivalent to paragraph (l) of Washington's Rule. Paragraph (l) prohibits representations based on a lawyer's personal conflict arising from his or her relationship with another lawyer. Paragraph (l) is a revised version of former Washington RPC 1.8(i). See also Comment [11] to Rule 1.7.

RULE 1.9: CONFLICT OF INTEREST; DUTIES TO FORMER CLIENTS

(a) A lawyer who has formerly represented a client in a matter shall not thereafter: ~~(a) Represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents gives informed consent, confirmed in writing, after consultation and a full disclosure of the material facts; or~~

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(b1) Use confidential or secret information relating to the representation to the disadvantage of the former client; except as rule 1.6 these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Comment

[1] After termination of a client-lawyer relationship, a lawyer has certain continuing duties with respect to confidentiality and conflicts of interest and thus may not represent another client except in conformity with this Rule. Under this Rule, for example, a lawyer could not properly seek to rescind on behalf of a new client a contract drafted on behalf of the former client. So also a lawyer who has prosecuted an accused person could not properly represent the accused in a subsequent civil action against the government concerning the same transaction. Nor could a lawyer who has represented multiple clients in a matter represent one of the clients against the others in the same or a substantially related matter after a dispute arose among the clients in that matter, unless all affected clients give informed consent. See Comment [9]. Current and former government lawyers must comply with this Rule to the extent required by Rule 1.11.

[2] The scope of a "matter" for purposes of this Rule depends on the facts of a particular situation or transaction. The lawyer's involvement in a matter can also be a question of degree. When a lawyer has been directly involved in a specific transaction, subsequent representation of other clients with materially adverse interests in that transaction clearly is prohibited. On the other hand, a lawyer who recurrently handled a type of problem for a former client is not precluded from later representing another client in a factually distinct problem of that type even though the subsequent representation involves a position adverse to the prior client.

Similar considerations can apply to the reassignment of military lawyers between defense and prosecution functions within the same military jurisdictions. The underlying question is whether the lawyer was so involved in the matter that the subsequent representation can be justly regarded as a changing of sides in the matter in question.

[3] Matters are "substantially related" for purposes of this Rule if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter. For example, a lawyer who has represented a businessperson and learned extensive private financial information about that person may not then represent that person's spouse in seeking a divorce. Similarly, a lawyer who has previously represented a client in securing environmental permits to build a shopping center would be precluded from representing neighbors seeking to oppose rezoning of the property on the basis of environmental considerations; however, the lawyer would not be precluded, on the grounds of substantial relationship, from defending a tenant of the completed shopping center in resisting eviction for nonpayment of rent. Information that has been disclosed to the public or to other parties adverse to the former client ordinarily will not be disqualifying. Information acquired in a prior representation may have been rendered obsolete by the passage of time, a circumstance that may be relevant in determining whether two representations are substantially related. In the case of an organizational client, general knowledge of the client's policies and practices ordinarily will not preclude a subsequent representation; on the other hand, knowledge of specific facts gained in a prior representation that are relevant to the matter in question ordinarily will preclude such a representation. A former client is not required to reveal the confidential information learned by the lawyer in order to establish a substantial risk that the lawyer has confidential information to use in the subsequent matter. A conclusion about the possession of such information may be based on the nature of the services the lawyer provided the former client and information that would in ordinary practice be learned by a lawyer providing such services.

Lawyers Moving Between Firms

[4] When lawyers have been associated within a firm but then end their association, the question of whether a lawyer should undertake representation is more complicated. There are several competing considerations. First, the client previously represented by the former firm must be reasonably assured that the principle of loyalty to the client is not compromised. Second, the rule should not be so broadly cast as to preclude other persons from having reasonable choice of legal counsel. Third, the rule should not unreasonably hamper lawyers from forming new associations and taking on new clients after having left a previous association. In this connection, it should be recognized that today many lawyers practice in firms, that many lawyers to some degree limit their practice to one field or another, and that many move from one association to another several times in their careers. If the concept of imputation were applied with unqualified rigor, the result would be radical curtailment of the opportu-

nity of lawyers to move from one practice setting to another and of the opportunity of clients to change counsel.

[5] [Washington revision] Paragraph (b) operates to disqualify the lawyer only when the lawyer involved has actual knowledge of information protected by Rules 1.6 and 1.9(c). Thus, if a lawyer while with one firm acquired no knowledge or information relating to a particular client of the firm, and that lawyer later joined another firm, neither the lawyer individually nor the second firm is disqualified from representing another client in the same or a related matter even though the interests of the two clients conflict. See Rule 1.10 (e) and (b) for the restrictions on a firm when a lawyer initiates an association with the firm or has terminated an association with the firm.

[6] Application of paragraph (b) depends on a situation's particular facts, aided by inferences, deductions or working presumptions that reasonably may be made about the way in which lawyers work together. A lawyer may have general access to files of all clients of a law firm and may regularly participate in discussions of their affairs; it should be inferred that such a lawyer in fact is privy to all information about all the firm's clients. In contrast, another lawyer may have access to the files of only a limited number of clients and participate in discussions of the affairs of no other clients; in the absence of information to the contrary, it should be inferred that such a lawyer in fact is privy to information about the clients actually served but not those of other clients. In such an inquiry, the burden of proof should rest upon the firm whose disqualification is sought.

[7] Independent of the question of disqualification of a firm, a lawyer changing professional association has a continuing duty to preserve confidentiality of information about a client formerly represented. See Rules 1.6 and 1.9(c).

[8] Paragraph (c) provides that information acquired by the lawyer in the course of representing a client may not subsequently be used or revealed by the lawyer to the disadvantage of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about that client when later representing another client.

[9] The provisions of this Rule are for the protection of former clients and can be waived if the client gives informed consent, which consent must be confirmed in writing under paragraphs (a) and (b). See Rule 1.0(e). With regard to the effectiveness of an advance waiver, see Comment [22] to Rule 1.7. With regard to disqualification of a firm with which a lawyer is or was formerly associated, see Rule 1.10.

RULE 1.10; IMPUTED DISQUALIFICATION; IMPUTATION OF CONFLICTS OF INTEREST: GENERAL RULE

(a) Except as provided in section paragraph (b), while lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8 (e), or 1.9, or 2.2 unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a

substantially related matter in which that lawyer ("the personally disqualified lawyer"), or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired confidences or secrets protected by rules 1.6 and 1.9 (b) that are material to the matter; provided that the prohibition on the firm shall not apply if:

(1) The personally disqualified lawyer is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;

(2) The former client of the personally disqualified lawyer receives notice of the conflict and the screening mechanism used to prohibit dissemination of confidential or secret information;

(3) The firm is able to demonstrate by convincing evidence that no confidences or secrets that are material were transmitted by the personally disqualified lawyer before implementation of the screening mechanism and notice to the former client.

Any presumption that confidences or secrets of the former client have been or will be transmitted may be rebutted if the personally disqualified lawyer serves on his or her former law firm and former client an affidavit attesting that the personally disqualified lawyer will not participate in the matter and will not discuss the matter or the representation with any other lawyer or employee of his or her current law firm, and attesting that during the period of the lawyer's personal disqualification those lawyers or employees who do participate in the matter will be apprised that the personally disqualified lawyer is screened from participating in or discussing the matter. Such affidavit shall describe the procedures being used effectively to screen the personally disqualified lawyer. Upon request of the former client, such affidavit shall be updated periodically to show actual compliance with the screening procedures. The law firm, the personally disqualified lawyer, or the former client may seek judicial review in a court of general jurisdiction of the screening mechanism used, or may seek court supervision to ensure that implementation of the screening procedures has occurred and that effective actual compliance has been achieved.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) The matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) Any lawyer remaining in the firm has acquired confidences or secrets information protected by Rules 1.6 and 1.9(b) that are is material to the matter.

(c) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

(d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

(e) When a lawyer becomes associated with a firm, no other lawyer in the firm shall knowingly represent a person in

a matter in which that lawyer is disqualified under Rule 1.9 unless:

(1) the personally disqualified lawyer is screened by effective means from participation in the matter and is apportioned no part of the fee therefrom;

(2) the former client of the personally disqualified lawyer receives notice of the conflict and the screening mechanism used to prohibit dissemination of information relating to the former representation;

(3) the firm is able to demonstrate by convincing evidence that no material information relating to the former representation was transmitted by the personally disqualified lawyer before implementation of the screening mechanism and notice to the former client.

Any presumption that information protected by Rules 1.6 and 1.9(c) has been or will be transmitted may be rebutted if the personally disqualified lawyer serves on his or her former law firm and former client an affidavit attesting that the personally disqualified lawyer will not participate in the matter and will not discuss the matter or the representation with any other lawyer or employee of his or her current law firm, and attesting that during the period of the lawyer's personal disqualification those lawyers or employees who do participate in the matter will be apprised that the personally disqualified lawyer is screened from participating in or discussing the matter. Such affidavit shall describe the procedures being used effectively to screen the personally disqualified lawyer. Upon request of the former client, such affidavit shall be updated periodically to show actual compliance with the screening procedures. The law firm, the personally disqualified lawyer, or the former client may seek judicial review in a court of general jurisdiction of the screening mechanism used, or may seek court supervision to ensure that implementation of the screening procedures has occurred and that effective actual compliance has been achieved.

Comment

Definition of "Firm"

[1] For purposes of the Rules of Professional Conduct, the term "firm" denotes lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization. See Rule 1.0(c). Whether two or more lawyers constitute a firm within this definition can depend on the specific facts. See Rule 1.0, Comments [2] - [4].

Principles of Imputed Disqualification

[2] [Washington revision] The rule of imputed disqualification stated in paragraph (a) gives effect to the principle of loyalty to the client as it applies to lawyers who practice in a law firm. Such situations can be considered from the premise that a firm of lawyers is essentially one lawyer for purposes of the rules governing loyalty to the client, or from the premise that each lawyer is vicariously bound by the obligation of loyalty owed by each lawyer with whom the lawyer is associated. Paragraph (a) operates only among the lawyers currently associated in a firm. When a lawyer moves from

one firm to another, the situation is governed by Rules 1.9(b) and 1.10(b) and (e).

[3] The rule in paragraph (a) does not prohibit representation where neither questions of client loyalty nor protection of confidential information are presented. Where one lawyer in a firm could not effectively represent a given client because of strong political beliefs, for example, but that lawyer will do no work on the case and the personal beliefs of the lawyer will not materially limit the representation by others in the firm, the firm should not be disqualified. On the other hand, if an opposing party in a case were owned by a lawyer in the law firm, and others in the firm would be materially limited in pursuing the matter because of loyalty to that lawyer, the personal disqualification of the lawyer would be imputed to all others in the firm.

[4] [Reserved. See Washington Comment [11].]

[5] Rule 1.10(b) operates to permit a law firm, under certain circumstances, to represent a person with interests directly adverse to those of a client represented by a lawyer who formerly was associated with the firm. The Rule applies regardless of when the formerly associated lawyer represented the client. However, the law firm may not represent a person with interests adverse to those of a present client of the firm, which would violate Rule 1.7. Moreover, the firm may not represent the person where the matter is the same or substantially related to that in which the formerly associated lawyer represented the client and any other lawyer currently in the firm has material information protected by Rules 1.6 and 1.9(c).

[6] Rule 1.10(c) removes imputation with the informed consent of the affected client or former client under the conditions stated in Rule 1.7. The conditions stated in Rule 1.7 require the lawyer to determine that the representation is not prohibited by Rule 1.7(b) and that each affected client or former client has given informed consent to the representation, confirmed in writing. In some cases, the risk may be so severe that the conflict may not be cured by client consent. For a discussion of the effectiveness of client waivers of conflicts that might arise in the future, see Rule 1.7, Comment [22]. For a definition of informed consent, see Rule 1.0(e).

[7] Where a lawyer has joined a private firm after having represented the government, imputation is governed by Rule 1.11(b) and (c), not this Rule. Under Rule 1.11(d), where a lawyer represents the government after having served clients in private practice, nongovernmental employment or in another government agency, former-client conflicts are not imputed to government lawyers associated with the individually disqualified lawyer.

[8] Where a lawyer is prohibited from engaging in certain transactions under Rule 1.8, paragraph (k) of that Rule, and not this Rule, determines whether that prohibition also applies to other lawyers associated in a firm with the personally prohibited lawyer.

Additional Washington Comments (9 - 13)

Principles of Imputed Disqualification

[9] Former Washington RPC 1.10 differed significantly from the Model Rule. This difference was attributable in part to a 1989 amendment to Model Rule 1.10 that recodified conflicts based on a lawyer's former association with a firm into

Model Rule 1.9, and in part to Washington's adoption of a screening rule in 1993. Washington's Rule has been restructured to make it and Rule 1.9 more consistent with the Model Rules. The conflicts that arise based on a lawyer's former association with a firm are now addressed in Rules 1.9 (a) and (b), while Rule 1.10 addresses solely imputation of that conflict. Under Rule 1.9(a), such a lawyer need not have actually acquired information protected by Rules 1.6 and 1.9 to be disqualified personally, but because acquisition of confidential information is presumed in Washington, see, e.g., *Teja v. Saran*, 68 Wn. App. 793, 846 P.2d 1375 (1993), review denied, 122 Wn.2d 1008, 859 P.2d 604 (1993); *Kurbitz v. Kurbitz*, 77 Wn.2d 943, 468 P.2d 673 (1970), the recodification does not represent a change in Washington law. The Rule preserves prior Washington practice with respect to screening by allowing a personally disqualified lawyer to be screened from a representation to be undertaken by other members of the firm under the circumstances set forth in paragraph (e). See Washington Comment [10].

[10] Washington's RPC 1.10 was amended in 1993 to permit representation with screening under certain circumstances. Model Rule 1.10 does not contain a screening mechanism. Rule 1.10(e) retains the screening mechanism adopted as Washington RPC 1.10(b) in 1993, thus allowing a firm to represent a client with whom a lawyer in the firm has a conflict based on his or her association with a prior firm if the lawyer is effectively screened from participation in the representation, is apportioned no part of the fee earned from the representation and the client of the former firm receives notice of the conflict and the screening mechanism. However, prior to undertaking the representation, non-disqualified firm members must evaluate the firm's ability to provide competent representation even if the disqualified member can be screened in accordance with this Rule. While Rule 1.10 does not specify the screening mechanism to be used, the law firm must be able to demonstrate that it is adequate to prevent the personally disqualified lawyer from receiving or transmitting any confidential information or from participating in the representation in any way. The screening mechanism must be in place over the life of the representation at issue and is subject to judicial review at the request of any of the affected clients, law firms, or lawyers. However, a lawyer or law firm may rebut the presumption that information relating to the representation has been transmitted by serving an affidavit describing the screening mechanism and affirming that the requirements of the Rule have been met.

[11] Under Rule 5.3, this Rule also applies to nonlawyer assistants and lawyers who previously worked as nonlawyers at a law firm. See *Daines v. Alcatel*, 194 F.R.D. 678 (E.D. Wash. 2000); *Richard v. Jain*, 168 F. Supp. 2d 1195 (W.D. Wash. 2001).

[12] In serving an affidavit permitted by paragraph (e), a lawyer may serve the affidavit on the former law firm alone (without simultaneously serving the former client directly) if the former law firm continues to represent the former client and the lawyer contemporaneously requests in writing that the former law firm provide a copy of the affidavit to the former client. If the former client is no longer represented by the former law firm or if the lawyer has reason to believe the former law firm will not promptly provide the former client

with a copy of the affidavit, then the affidavit must be served directly on the former client also. Serving the affidavit on a represented former client does not violate Rule 4.2 because the communication with the former client is not about the "subject of the representation" and the notice is "authorized... by law," i.e., the Rules of Professional Conduct.

[13] Rule 1.8(l) conflicts are not imputed to other members of a firm under paragraph (a) of this Rule unless the relationship creates a conflict of interest for the individual lawyer under Rule 1.7 and also presents a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

**RULE 1.11: SUCCESSIVE GOVERNMENT AND PRIVATE EMPLOYMENT
SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES**

(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) The disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) Written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.

(bc) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(ed) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee;

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) Participate in a matter in which the lawyer participated personally and substantially while in private practice or

~~nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter the appropriate government agency gives its informed consent, confirmed writing; or~~

~~(2j) Negotiate for private employment with any person who is involved as a party or as attorney lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).~~

~~(de) As used in this Rule, the term "matter" includes:~~

~~(1) Any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and~~

~~(2) Any other matter covered by the conflict of interest rules of the appropriate government agency.~~

~~(e) As used in this rule, the term "confidential government information" means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.~~

Comment

[1] A lawyer who has served or is currently serving as a public officer or employee is personally subject to the Rules of Professional Conduct, including the prohibition against concurrent conflicts of interest stated in Rule 1.7. In addition, such a lawyer may be subject to statutes and government regulations regarding conflict of interest. Such statutes and regulations may circumscribe the extent to which the government agency may give consent under this Rule. See Rule 1.0(e) for the definition of informed consent.

[2] Paragraphs (a)(1), (a)(2) and (d)(1) restate the obligations of an individual lawyer who has served or is currently serving as an officer or employee of the government toward a former government or private client. Rule 1.10 is not applicable to the conflicts of interest addressed by this Rule. Rather, paragraph (b) sets forth a special imputation rule for former government lawyers that provides for screening and notice. Because of the special problems raised by imputation within a government agency, paragraph (d) does not impute the conflicts of a lawyer currently serving as an officer or employee of the government to other associated government officers or employees, although ordinarily it will be prudent to screen such lawyers.

[3] Paragraphs (a)(2) and (d)(2) apply regardless of whether a lawyer is adverse to a former client and are thus designed not only to protect the former client, but also to prevent a lawyer from exploiting public office for the advantage of another client. For example, a lawyer who has pursued a claim on behalf of the government may not pursue the same claim on behalf of a later private client after the lawyer has left government service, except when authorized to do so by the government agency under paragraph (a). Similarly, a lawyer who has pursued a claim on behalf of a private client may not pursue the claim on behalf of the government, except when authorized to do so by paragraph (d). As with para-

graphs (a)(1) and (d)(1), Rule 1.10 is not applicable to the conflicts of interest addressed by these paragraphs.

[4] This Rule represents a balancing of interests. On the one hand, where the successive clients are a government agency and another client, public or private, the risk exists that power or discretion vested in that agency might be used for the special benefit of the other client. A lawyer should not be in a position where benefit to the other client might affect performance of the lawyer's professional functions on behalf of the government. Also, unfair advantage could accrue to the other client by reason of access to confidential government information about the client's adversary obtainable only through the lawyer's government service. On the other hand, the rules governing lawyers presently or formerly employed by a government agency should not be so restrictive as to inhibit transfer of employment to and from the government. The government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. Thus a former government lawyer is disqualified only from particular matters in which the lawyer participated personally and substantially. The provisions for screening and waiver in paragraph (b) are necessary to prevent the disqualification rule from imposing too severe a deterrent against entering public service. The limitation of disqualification in paragraphs (a)(2) and (d)(2) to matters involving a specific party or parties, rather than extending disqualification to all substantive issues on which the lawyer worked, serves a similar function.

[5] When a lawyer has been employed by one government agency and then moves to a second government agency, it may be appropriate to treat that second agency as another client for purposes of this Rule, as when a lawyer is employed by a city and subsequently is employed by a federal agency. However, because the conflict of interest is governed by paragraph (d), the latter agency is not required to screen the lawyer as paragraph (b) requires a law firm to do. The question of whether two government agencies should be regarded as the same or different clients for conflict of interest purposes is beyond the scope of these Rules. See Rule 1.13, Comment [9].

[6] Paragraphs (b) and (c) contemplate a screening arrangement. See Rule 1.0(k) (requirements for screening procedures). These paragraphs do not prohibit a lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly relating the lawyer's compensation to the fee in the matter in which the lawyer is disqualified.

[7] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

[8] Paragraph (c) operates only when the lawyer in question has knowledge of the information, which means actual knowledge; it does not operate with respect to information that merely could be imputed to the lawyer.

[9] Paragraphs (a) and (d) do not prohibit a lawyer from jointly representing a private party and a government agency when doing so is permitted by Rule 1.7 and is not otherwise prohibited by law.

[10] For purposes of paragraph (e) of this Rule, a "matter" may continue in another form. In determining whether two particular matters are the same, the lawyer should consider the extent to which the matters involve the same basic facts, the same or related parties, and the time elapsed.

RULE 1.12: FORMER JUDGE, ARBITRATOR, OR MEDIATOR OR OTHER THIRD-PARTY NEUTRAL

(a) Except as stated in section paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer, ~~arbitrator, mediator~~ or law clerk to such a person ~~or as an arbitrator, mediator or other third-party neutral~~, unless all parties to the proceeding give informed consent after disclosure, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as ~~attorney lawyer~~ for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer, ~~or as an arbitrator, mediator or other third-party neutral~~. A lawyer serving as a law clerk to a judge, ~~or other adjudicative officer, arbitrator, or mediator~~ may negotiate for employment with a party or ~~attorney lawyer~~ involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, ~~or other adjudicative officer, arbitrator, or mediator~~.

(c) If a lawyer is disqualified by section paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) ~~T~~the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) ~~W~~written notice is promptly given to the parties and any appropriate tribunal to enable ~~it them~~ to ascertain compliance with the provisions of this ~~R~~Rule.

(d) An arbitrator selected as a partisan of a party in a ~~multi-member multimember~~ arbitration panel is not prohibited from subsequently representing that party.

Comment

[1] [Washington revision] This Rule generally parallels Rule 1.11. The term "personally and substantially" signifies that a judge who was a member of a multimember court, and thereafter left judicial office to practice law, is not prohibited from representing a client in a matter pending in the court, but in which the former judge did not participate. So also the fact that a former judge exercised administrative responsibility in a court does not prevent the former judge from acting as a lawyer in a matter where the judge had previously exercised remote or incidental administrative responsibility that did not affect the merits. Compare the Comment to Rule 1.11. The term "adjudicative officer" includes such officials as judges pro tempore, referees, special masters, hearing officers and other parajudicial officers, and also lawyers who serve as part-time judges. There are corresponding provisions in the Code of Judicial Conduct. See CJC paragraphs (A)(1)(b) and (2)(b) (application of the Code of Judicial Conduct to part-time and pro tempore judges).

[2] Like former judges, lawyers who have served as arbitrators, mediators or other third-party neutrals may be asked to represent a client in a matter in which the lawyer participated personally and substantially. This Rule forbids such representation unless all of the parties to the proceedings give their informed consent, confirmed in writing. See Rule 1.0 (e) and (b). Other law or codes of ethics governing third-party neutrals may impose more stringent standards of personal or imputed disqualification. See Rule 2.4.

[3] Although lawyers who serve as third-party neutrals do not have information concerning the parties that is protected under Rule 1.6, they typically owe the parties an obligation of confidentiality under law or codes of ethics governing third-party neutrals. Thus, paragraph (c) provides that conflicts of the personally disqualified lawyer will be imputed to other lawyers in a law firm unless the conditions of this paragraph are met.

[4] Requirements for screening procedures are stated in Rule 1.0(k). Paragraph (c)(1) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

[5] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

RULE 1.13: ORGANIZATION AS CLIENT

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.

(c) Except as provided in paragraph (d), if

(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and

(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) and (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

(h) For purposes of this Rule, when a lawyer who is not a public officer or employee represents a discrete governmental agency or unit that is part of a broader governmental entity, the lawyer's client is the particular governmental agency or unit represented, and not the broader governmental entity of which the agency or unit is a part, unless:

(1) otherwise provided in a written agreement between the lawyer and the governmental agency or unit; or

(2) the broader governmental entity gives the lawyer timely written notice to the contrary, in which case the client shall be designated by such entity. Notice under this subsection shall be given by the person designated by law as the chief legal officer of the broader governmental entity, or in the absence of such designation, by the chief executive officer of the entity.

Comment

The Entity as the Client

[1] An organizational client is a legal entity, but it cannot act except through its officers, directors, employees, shareholders and other constituents. Officers, directors, employees and shareholders are the constituents of the corporate organizational client. The duties defined in this Comment apply equally to unincorporated associations. "Other constituents" as used in this Comment means the positions equivalent to officers, directors, employees and shareholders held by persons acting for organizational clients that are not corporations.

[2] When one of the constituents of an organizational client communicates with the organization's lawyer in that person's organizational capacity, the communication is protected by Rule 1.6. Thus, by way of example, if an organizational client requests its lawyer to investigate allegations of wrong-

doing, interviews made in the course of that investigation between the lawyer and the client's employees or other constituents are covered by Rule 1.6. This does not mean, however, that constituents of an organizational client are the clients of the lawyer. The lawyer may not disclose to such constituents information relating to the representation except for disclosures explicitly or impliedly authorized by the organizational client in order to carry out the representation or as otherwise permitted by Rule 1.6.

[3] When constituents of the organization make decisions for it, the decisions ordinarily must be accepted by the lawyer even if their utility or prudence is doubtful. Decisions concerning policy and operations, including ones entailing serious risk, are not as such in the lawyer's province. Paragraph (b) makes clear, however, that when the lawyer knows that the organization is likely to be substantially injured by action of an officer or other constituent that violates a legal obligation to the organization or is in violation of law that might be imputed to the organization, the lawyer must proceed as is reasonably necessary in the best interest of the organization. As defined in Rule 1.0(f), knowledge can be inferred from circumstances, and a lawyer cannot ignore the obvious.

[4] In determining how to proceed under paragraph (b), the lawyer should give due consideration to the seriousness of the violation and its consequences, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters, and any other relevant considerations. Ordinarily, referral to a higher authority would be necessary. In some circumstances, however, it may be appropriate for the lawyer to ask the constituent to reconsider the matter; for example, if the circumstances involve a constituent's innocent misunderstanding of law and subsequent acceptance of the lawyer's advice, the lawyer may reasonably conclude that the best interest of the organization does not require that the matter be referred to a higher authority. If a constituent persists in conduct contrary to the lawyer's advice, it will be necessary for the lawyer to take steps to have the matter reviewed by a higher authority in the organization. If the matter is of sufficient seriousness and importance or urgency to the organization, referral to higher authority in the organization may be necessary even if the lawyer has not communicated with the constituent. Any measures taken should, to the extent practicable, minimize the risk of revealing information relating to the representation to persons outside the organization. Even in circumstances where a lawyer is not obligated by Rule 1.13 to proceed, a lawyer may bring to the attention of an organizational client, including its highest authority, matters that the lawyer reasonably believes to be of sufficient importance to warrant doing so in the best interest of the organization.

[5] Paragraph (b) also makes clear that when it is reasonably necessary to enable the organization to address the matter in a timely and appropriate manner, the lawyer must refer the matter to higher authority, including, if warranted by the circumstances, the highest authority that can act on behalf of the organization under applicable law. The organization's highest authority to whom a matter may be referred ordinarily will be the board of directors or similar governing

body. However, applicable law may prescribe that under certain conditions the highest authority reposes elsewhere, for example, in the independent directors of a corporation.

Relation to Other Rules

[6] The authority and responsibility provided in this Rule are concurrent with the authority and responsibility provided in other Rules. In particular, this Rule does not limit or expand the lawyer's responsibility under Rules 1.8, 1.16, 3.3 or 4.1. Paragraph (c) of this Rule supplements Rule 1.6(b) by providing an additional basis upon which the lawyer may reveal information relating to the representation, but does not modify, restrict, or limit the provisions of Rule 1.6(b)(1)-(7). Under paragraph (c) the lawyer may reveal such information only when the organization's highest authority insists upon or fails to address threatened or ongoing action that is clearly a violation of law, and then only to the extent the lawyer reasonably believes necessary to prevent reasonably certain substantial injury to the organization. It is not necessary that the lawyer's services be used in furtherance of the violation, but it is required that the matter be related to the lawyer's representation of the organization. If the lawyer's services are being used by an organization to further a crime or fraud by the organization, Rules 1.6(b)(2) and 1.6(b)(3) may permit the lawyer to disclose confidential information. In such circumstances Rule 1.2(d) may also be applicable, in which event, withdrawal from the representation under Rule 1.16(a)(1) may be required.

[7] Paragraph (d) makes clear that the authority of a lawyer to disclose information relating to a representation in circumstances described in paragraph (c) does not apply with respect to information relating to a lawyer's engagement by an organization to investigate an alleged violation of law or to defend the organization or an officer, employee or other person associated with the organization against a claim arising out of an alleged violation of law. This is necessary in order to enable organizational clients to enjoy the full benefits of legal counsel in conducting an investigation or defending against a claim.

[8] A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraph (b) or (c), or who withdraws in circumstances that require or permit the lawyer to take action under either of these paragraphs, must proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

Government Agency

[9] The duty defined in this Rule applies to governmental organizations. Defining precisely the identity of the client and prescribing the resulting obligations of such lawyers may be more difficult in the government context and is a matter beyond the scope of these Rules. See Scope [18]. Although in some circumstances the client may be a specific agency, it may also be a branch of government, such as the executive branch, or the government as a whole. For example, if the action or failure to act involves the head of a bureau, either the department of which the bureau is a part or the relevant branch of government may be the client for purposes of this

Rule. Moreover, in a matter involving the conduct of government officials, a government lawyer may have authority under applicable law to question such conduct more extensively than that of a lawyer for a private organization in similar circumstances. Thus, when the client is a governmental organization, a different balance may be appropriate between maintaining confidentiality and assuring that the wrongful act is prevented or rectified, for public business is involved. In addition, duties of lawyers employed by the government or lawyers in military service may be defined by statutes and regulation. This Rule does not limit that authority. See Scope.

Clarifying the Lawyer's Role

[10] There are times when the organization's interest may be or become adverse to those of one or more of its constituents. In such circumstances the lawyer should advise any constituent, whose interest the lawyer finds adverse to that of the organization of the conflict or potential conflict of interest, that the lawyer cannot represent such constituent, and that such person may wish to obtain independent representation. Care must be taken to assure that the individual understands that, when there is such adversity of interest, the lawyer for the organization cannot provide legal representation for that constituent individual, and that discussions between the lawyer for the organization and the individual may not be privileged.

[11] Whether such a warning should be given by the lawyer for the organization to any constituent individual may turn on the facts of each case.

Dual Representation

[12] Paragraph (g) recognizes that a lawyer for an organization may also represent a principal officer or major shareholder.

Derivative Actions

[13] Under generally prevailing law, the shareholders or members of a corporation may bring suit to compel the directors to perform their legal obligations in the supervision of the organization. Members of unincorporated associations have essentially the same right. Such an action may be brought nominally by the organization, but usually is, in fact, a legal controversy over management of the organization.

[14] The question can arise whether counsel for the organization may defend such an action. The proposition that the organization is the lawyer's client does not alone resolve the issue. Most derivative actions are a normal incident of an organization's affairs, to be defended by the organization's lawyer like any other suit. However, if the claim involves serious charges of wrongdoing by those in control of the organization, a conflict may arise between the lawyer's duty to the organization and the lawyer's relationship with the board. In those circumstances, Rule 1.7 governs who should represent the directors and the organization.

Additional Washington Comment (15)

[15] Paragraph (h) was taken from former Washington RPC 1.7(c); it addresses the obligations of a lawyer who is

not a public officer or employee but is representing a discrete governmental agency or unit.

RULE 1.1314: CLIENT UNDER A DISABILITY WITH DIMINISHED CAPACITY

(a) When a client's ~~ability~~ capacity to make adequately considered decisions in connection with the ~~a~~ representation is ~~impaired~~ diminished, whether because of minority, mental ~~disability~~ impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, a ~~the~~ lawyer may ~~seek take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or take other protective action with respect to a client guardian.~~

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Comment

[1] The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. When the client is a minor or suffers from a diminished mental capacity, however, maintaining the ordinary client-lawyer relationship may not be possible in all respects. In particular, a severely incapacitated person may have no power to make legally binding decisions. Nevertheless, a client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. For example, children as young as five or six years of age, and certainly those of ten or twelve, are regarded as having opinions that are entitled to weight in legal proceedings concerning their custody. So also, it is recognized that some persons of advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions.

[2] The fact that a client suffers a disability does not diminish the lawyer's obligation to treat the client with attention and respect. Even if the person has a legal representative, the lawyer should as far as possible accord the represented person the status of client, particularly in maintaining communication.

[3] The client may wish to have family members or other persons participate in discussions with the lawyer. When necessary to assist in the representation, the presence of such persons generally does not affect the applicability of the attorney-client evidentiary privilege. Nevertheless, the lawyer must keep the client's interests foremost and, except for protective action authorized under paragraph (b), must to

look to the client, and not family members, to make decisions on the client's behalf.

[4] [Washington revision] If a legal representative has already been appointed for the client, the lawyer should ordinarily look to the representative for decisions on behalf of the client. In matters involving a minor, whether the lawyer should look to the parents as natural guardians may depend on the type of proceeding or matter in which the lawyer is representing the minor. If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. See Rules 1.2(d) and 1.6 (b)(7).

Taking Protective Action

[5] If a lawyer reasonably believes that a client is at risk of substantial physical, financial or other harm unless action is taken, and that a normal client-lawyer relationship cannot be maintained as provided in paragraph (a) because the client lacks sufficient capacity to communicate or to make adequately considered decisions in connection with the representation, then paragraph (b) permits the lawyer to take protective measures deemed necessary. Such measures could include: consulting with family members, using a reconsideration period to permit clarification or improvement of circumstances, using voluntary surrogate decisionmaking tools such as durable powers of attorney or consulting with support groups, professional services, adult-protective agencies or other individuals or entities that have the ability to protect the client. In taking any protective action, the lawyer should be guided by such factors as the wishes and values of the client to the extent known, the client's best interests and the goals of intruding into the client's decisionmaking autonomy to the least extent feasible, maximizing client capacities and respecting the client's family and social connections.

[6] In determining the extent of the client's diminished capacity, the lawyer should consider and balance such factors as: the client's ability to articulate reasoning leading to a decision, variability of state of mind and ability to appreciate consequences of a decision; the substantive fairness of a decision; and the consistency of a decision with the known long-term commitments and values of the client. In appropriate circumstances, the lawyer may seek guidance from an appropriate diagnostician.

[7] If a legal representative has not been appointed, the lawyer should consider whether appointment of a guardian ad litem, conservator or guardian is necessary to protect the client's interests. Thus, if a client with diminished capacity has substantial property that should be sold for the client's benefit, effective completion of the transaction may require appointment of a legal representative. In addition, rules of procedure in litigation sometimes provide that minors or persons with diminished capacity must be represented by a guardian or next friend if they do not have a general guardian. In many circumstances, however, appointment of a legal representative may be more expensive or traumatic for the client than circumstances in fact require. Evaluation of such circumstances is a matter entrusted to the professional judgment of the lawyer. In considering alternatives, however, the law-

ver should be aware of any law that requires the lawyer to advocate the least restrictive action on behalf of the client.

Disclosure of the Client's Condition

[8] Disclosure of the client's diminished capacity could adversely affect the client's interests. For example, raising the question of diminished capacity could, in some circumstances, lead to proceedings for involuntary commitment. Information relating to the representation is protected by Rule 1.6. Therefore, unless authorized to do so, the lawyer may not disclose such information. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized to make the necessary disclosures, even when the client directs the lawyer to the contrary. Nevertheless, given the risks of disclosure, paragraph (c) limits what the lawyer may disclose in consulting with other individuals or entities or seeking the appointment of a legal representative. At the very least, the lawyer should determine whether it is likely that the person or entity consulted with will act adversely to the client's interests before discussing matters related to the client. The lawyer's position in such cases is an unavoidably difficult one.

Emergency Legal Assistance

[9] In an emergency where the health, safety or a financial interest of a person with seriously diminished capacity is threatened with imminent and irreparable harm, a lawyer may take legal action on behalf of such a person even though the person is unable to establish a client-lawyer relationship or to make or express considered judgments about the matter, when the person or another acting in good faith on that person's behalf has consulted with the lawyer. Even in such an emergency, however, the lawyer should not act unless the lawyer reasonably believes that the person has no other lawyer, agent or other representative available. The lawyer should take legal action on behalf of the person only to the extent reasonably necessary to maintain the status quo or otherwise avoid imminent and irreparable harm. A lawyer who undertakes to represent a person in such an exigent situation has the same duties under these Rules as the lawyer would with respect to a client.

[10] A lawyer who acts on behalf of a person with seriously diminished capacity in an emergency should keep the confidences of the person as if dealing with a client, disclosing them only to the extent necessary to accomplish the intended protective action. The lawyer should disclose to any tribunal involved and to any other counsel involved the nature of his or her relationship with the person. The lawyer should take steps to regularize the relationship or implement other protective solutions as soon as possible. Normally, a lawyer would not seek compensation for such emergency actions taken.

RULE 1.1415A: PRESERVING IDENTITY OF FUNDS AND SAFEGUARDING PROPERTY OF A CLIENT

(a) All funds of clients paid to a lawyer or law firm, including advances for costs and expenses, shall be deposited in one or more identifiable interest-bearing trust accounts maintained as set forth in section (c), and no funds belonging

to the lawyer or law firm shall be deposited therein except as follows:

(1) Funds reasonably sufficient to pay bank charges may be deposited therein;

(2) Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(b) A lawyer shall:

(1) Promptly notify a client of the receipt of his or her funds, securities, or other properties;

(2) Identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable;

(3) Maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his or her client regarding them;

(4) Promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

(a) This Rule applies to (1) property of clients or third persons in a lawyer's possession in connection with a representation and (2) escrow and other funds held by a lawyer incident to the closing of any real estate or personal property.

(b) A lawyer must not use, convert, borrow or pledge client or third person property for the lawyer's own use.

(c) A lawyer must hold property of clients and third persons separate from the lawyer's own property.

(1) A lawyer must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) A lawyer must identify, label and appropriately safeguard any property of clients or third persons other than funds. The lawyer must keep records of such property that identify the property, the client or third person, the date of receipt and the location of safekeeping. The lawyer must preserve the records for seven years after return of the property.

(d) A lawyer must promptly notify a client or third person of receipt of the client or third person's property.

(e) A lawyer must promptly provide a written accounting to a client or third person after distribution of property or upon request. A lawyer must provide at least annually a written accounting to a client or third person for whom the lawyer is holding property.

(f) Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If a lawyer possesses property in which two or more persons (one of which may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved. The lawyer must promptly distribute all undisputed portions of the property. The lawyer must take reasonable action to resolve the dispute, including, when appropriate, interpleading the disputed funds.

(e) Each trust account referred to in section (a) shall be an interest-bearing trust account in any bank, credit union or

savings and loan association, selected by a lawyer in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Washington Credit Union Share Guaranty Association, or the Federal Savings and Loan Insurance Corporation, or which is a qualified public depository as defined in RCW 39.58.010(2), which bank, credit union, savings and loan association or qualified public depository has filed an agreement with the Disciplinary Board pursuant to rule 15.4 of the Rules for Enforcement of Lawyer Conduct. Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to reserve by law or regulation.

(1) A lawyer who receives client funds shall maintain a pooled interest-bearing trust account for deposit of client funds that are nominal in amount or expected to be held for a short period of time. The interest accruing on this account, net of reasonable check and deposit processing charges which shall only include items deposited charge, monthly maintenance fee, per item check charge, and per deposit charge, shall be paid to The Legal Foundation of Washington, as established by the Supreme Court of Washington. All other fees and transaction costs shall be paid by the lawyer. A lawyer may, but shall not be required to, notify the client of the intended use of such funds.

(2) All client funds shall be deposited in the account specified in subsection (1) unless they are deposited in:

(i) a separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(ii) a pooled interest-bearing trust account with sub-accounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

(3) In determining whether to use the account specified in subsection (1) or an account specified in subsection (2), a lawyer shall consider only whether the funds to be invested could be utilized to provide a positive net return to the client, as determined by taking into consideration the following factors:

(i) the amount of interest that the funds would earn during the period they are expected to be deposited;

(ii) the cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client's benefit; and

(iii) the capability of financial institutions to calculate and pay interest to individual clients.

(4) As to accounts created under subsection (c)(1), lawyers or law firms shall direct the depository institution:

(i) to remit interest or dividends, net of reasonable check and deposit processing charges which shall only include items deposited charge, monthly maintenance fee, per item check charge, and per deposit charge, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the Legal Foundation of Washington.

Other fees and transaction costs will be directed to the lawyer;

(ii) to transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing lawyer or law firm.

(5) The Foundation shall prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by section (c) of this rule.

(6) The provisions of section (c) shall not relieve a lawyer or law firm from any obligation imposed by these rules with respect to safekeeping of clients' funds, including the requirements of section (b) that a lawyer shall promptly notify a client of the receipt of his or her funds and shall promptly pay or deliver to the client as requested all funds in the possession of the lawyer which the client is entitled to receive.

(h) A lawyer must comply with the following for all trust accounts:

(1) No funds belonging to the lawyer may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the lawyer must be deposited and retained in a trust account, but any portion belonging to the lawyer must be withdrawn at the earliest reasonable time; or

(iii) funds necessary to restore appropriate balances.

(2) A lawyer must keep complete records as required by Rule 1.15B.

(3) A lawyer may withdraw funds when necessary to pay client costs. The lawyer may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by bank transfer.

(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The lawyer must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B (a)(2).

(7) A lawyer must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the lawyer and the bank have a written agreement by which the lawyer personally guarantees all disbursements from the account without recourse to the trust account.

(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The

funds of a client or third person must not be used on behalf of anyone else.

(9) Only a lawyer admitted to practice law may be an authorized signatory on the account.

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation. In the exercise of ordinary prudence, a lawyer may select any bank, savings bank, or savings and loan association that is insured by the Federal Deposit Insurance Corporation, is authorized by law to do business in Washington and has filed the agreement required by ELC 15.4. Trust account funds must not be placed in mutual funds, stocks, bonds, or similar investments.

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Lawyer's Trust Account or IOLTA. The interest accruing on the IOLTA account, net of reasonable check and deposit processing charges which may only include items deposited charge, monthly maintenance fee, per item check charge, and per deposit charge, must be paid to the Legal Foundation of Washington. Any other fees and transaction costs must be paid by the lawyer.

(2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following unless the client or third person requests that the funds be deposited in an IOLTA account:

(i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or

(ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.

(3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2), a lawyer must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:

(i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;

(ii) the cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and

(iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.

(4) As to IOLTA accounts created under paragraph (i)(1), lawyers or law firms must direct the depository institution:

(i) to remit interest or dividends, net of charges authorized by paragraph (i)(1), on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, monthly, to the Legal Foundation of Washington;

(ii) to transmit with each remittance to the Foundation a statement, on a form authorized by the Washington State Bar

Association, showing details about the account, including but not limited to the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the balance used to compute the interest, with a copy of such statement to be transmitted to the depositing lawyer or law firm; and

(iii) to bill fees and transaction costs not authorized by paragraph (i)(1) to the lawyer or law firm.

(5) The provisions of paragraph (i) do not relieve a lawyer or law firm from any obligation imposed by these Rules.

(j) The Legal Foundation of Washington must prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by paragraph (i) of this Rule.

(d) Escrow and other funds held by a lawyer incident to the closing of any real estate or personal property transaction are client funds subject to this rule regardless of whether the lawyer, the law firm, or the parties view the funds as belonging to clients or non-clients.

COMMENT RPC 1.14

Escrow or other funds incident to the closing of real or personal property transactions are subject to this rule regardless of whether the lawyer views the funds as belonging to clients.

Washington Comments

[1] A lawyer must also comply with the recordkeeping rule for trust accounts, Rule 1.15B.

[2] Client funds include, but are not limited to, the following: legal fees and costs that have been paid in advance, funds received on behalf of a client, funds to be paid by a client to a third party through the lawyer, other funds subject to attorney and other liens, and payments received in excess of amounts billed for fees.

[3] This Rule applies to property held in any fiduciary capacity in connection with a representation, whether as trustee, agent, escrow agent, guardian, personal representative, executor, or otherwise.

[4] The inclusion of ethical obligations to third persons in the handling of trust funds and property is not intended to expand or otherwise affect existing law regarding a Washington lawyer's liability to third parties other than clients. See, e.g., *Trask v. Butler*, 123 Wn.2d 835, 872 P.2d 1080 (1994); *Hetzel v. Parks*, 93 Wn. App. 929, 971 P.2d 115 (1999).

[5] Property covered by this Rule includes original documents affecting legal rights such as wills or deeds.

[6] A lawyer has a duty to take reasonable steps to locate a client or third person for whom the lawyer is holding funds or property. If after taking reasonable steps, the lawyer is still unable to locate the client or third person, the lawyer should treat the funds as unclaimed property under the Uniform Unclaimed Property Act, RCW 63.29.

[7] A lawyer may not use as a trust account an account in which funds are periodically transferred by the bank between a trust account and an uninsured account or other account that would not qualify as a trust account under this Rule.

[8] If a lawyer accepts payment of an advanced fee deposit by credit card, the payment must be deposited directly into the trust account. It cannot be deposited into a general account and then transferred to the trust account. Similarly, credit card payments of earned fees cannot be deposited into the trust account and then transferred to another account.

[9] Under paragraph (g), the extent of the efforts that a lawyer is obligated to take to resolve a dispute depend on the amount in dispute, the availability of methods for alternative dispute resolution, and the likelihood of informal resolution.

[10] The requirement in paragraph (h)(4) that receipts must be deposited intact means that a lawyer cannot deposit one check or negotiable instrument into two or more accounts at the same time, commonly known as a split deposit.

[11] Paragraph (h)(7) permits Washington lawyers to enter into written agreements with the trust account financial institution to provide for disbursement of trust deposits prior to formal notice of dishonor or collection. In essence the trust account bank is agreeing to or has guaranteed a loan to the lawyer and the client for the amount of the trust deposit pending collection of that deposit from the institution upon which the instrument was written. A Washington lawyer may only enter into such an arrangement if 1) there is a formal written agreement between the attorney and the trust account institution, and 2) the trust account financial institution provides the lawyer with written assurance that in the event of dishonor of the deposited instrument or other difficulty in collecting the deposited funds, the financial institution will not have recourse to the trust account to obtain the funds to reimburse the financial institution. A lawyer must never use one client's money to pay for withdrawals from the trust account on behalf of another client who is paid subject to the lawyer's guarantee. The trust account financial institution must agree that the institution will not seek to fund the guaranteed withdrawal from the trust account, but will instead look to the lawyer for payment of uncollectible funds. Any such agreement must ensure that the trust account funds or deposits of any other client's or third person's money into the trust account would not be affected by the guarantee.

[12] The Legal Foundation of Washington was established by Order of the Supreme Court of Washington.

[13] A lawyer may, but is not required to, notify the client of the intended use of funds paid to the Foundation.

[14] If the client or third person requests that funds that would be deposited in a separate interest-bearing account instead be held in the IOLTA account, the lawyer should document this request in the lawyer's trust account records and preferably should confirm the request in writing to the client or third person.

[15] A lawyer may not receive from financial institutions earnings credits or any other benefit from the financial institution based on the balance maintained in a trust account.

RULE 1.15B: REQUIRED TRUST ACCOUNT RECORDS

(a) A lawyer must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include the following:

(1) Checkbook register or equivalent for each trust account, including entries for all receipts, disbursements, and transfers, and containing at least:

(i) identification of the client matter for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed, or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new trust account balance after each receipt, disbursement, or transfer;

(2) Individual client ledger records containing either a separate page for each client or an equivalent electronic record showing all individual receipts, disbursements, or transfers, and also containing:

(i) identification of the purpose for which trust funds were received, disbursed, or transferred;

(ii) the date on which trust funds were received, disbursed, or transferred;

(iii) the check number for each disbursement;

(iv) the payor or payee for or from which trust funds were received, disbursed, or transferred; and

(v) the new client fund balance after each receipt, disbursement, or transfer;

(3) Copies of any agreements pertaining to fees and costs;

(4) Copies of any statements or accountings to clients or third parties showing the disbursement of funds to them or on their behalf;

(5) Copies of bills for legal fees and expenses rendered to clients;

(6) Copies of invoices, bills or other documents supporting all disbursements or transfers from the trust account;

(7) Bank statements, copies of deposit slips, and cancelled checks or their equivalent;

(8) Copies of all trust account client ledger reconciliations; and

(9) Copies of those portions of clients' files that are reasonably necessary for a complete understanding of the financial transactions pertaining to them.

(b) Upon any change in the lawyer's practice affecting the trust account, including dissolution or sale of a law firm or suspension or other change in membership status, the lawyer must make appropriate arrangements for the maintenance of the records specified in this Rule.

Washington Comments

[1] Paragraph (a)(3) is not intended to require that fee agreements be in writing. That issue is governed by Rule 1.5.

[2] If trust records are computerized, a system of regular and frequent (preferably daily) back-up procedures is essential.

[3] Paragraph (a)(9) does not require a lawyer to retain the entire client file for a period of seven years, although many lawyers will choose to do so for other reasons. Rather, under this paragraph, the lawyer must retain only those portions of the file necessary for a complete understanding of the financial transactions. For example, if a lawyer received proceeds of a settlement on a client's behalf, the lawyer would

need to retain a copy of the settlement agreement. In many cases, there will be nothing in the client file that needs to be retained other than the specific documents listed in paragraphs (a)(2)-(8).

RULE 1.4516: DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in ~~section~~ paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall, notwithstanding RCW 2.44.040, withdraw from the representation of a client if:

(1) ~~The~~ representation will result in violation of the Rules of Professional Conduct or other law;

(2) ~~The~~ lawyer's physical or mental condition materially impairs ~~his~~ the lawyer's ability to represent the client; or

(3) ~~The~~ lawyer is discharged.

(b) Except as stated in ~~section~~ paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client; ~~or if;~~

(2) ~~The~~ client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(3) ~~The~~ client has used the lawyer's services to perpetrate a crime or fraud;

(4) ~~The~~ client insists upon ~~pursuing an objective taking action~~ that the lawyer considers repugnant or ~~imprudent with which the lawyer has a fundamental disagreement~~;

(5) ~~The~~ client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) ~~The~~ representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) ~~O~~ther good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, A lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Comment

[1] A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. See Rules 1.2(c) and 6.5. See also Rule 1.3, Comment [4].

Mandatory Withdrawal

[2] A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation.

[3] When a lawyer has been appointed to represent a client, withdrawal ordinarily requires approval of the appointing authority. See also Rule 6.2. Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending litigation. Difficulty may be encountered if withdrawal is based on the client's demand that the lawyer engage in unprofessional conduct. The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient. Lawyers should be mindful of their obligations to both clients and the court under Rules 1.6 and 3.3.

Discharge

[4] A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

[5] Whether a client can discharge appointed counsel may depend on applicable law. A client seeking to do so should be given a full explanation of the consequences. These consequences may include a decision by the appointing authority that appointment of successor counsel is unjustified, thus requiring self-representation by the client.

[6] If the client has severely diminished capacity, the client may lack the legal capacity to discharge the lawyer, and in any event the discharge may be seriously adverse to the client's interests. The lawyer should make special effort to help the client consider the consequences and may take reasonably necessary protective action as provided in Rule 1.14.

Optional Withdrawal

[7] A lawyer may withdraw from representation in some circumstances. The lawyer has the option to withdraw if it can be accomplished without material adverse effect on the client's interests. Withdrawal is also justified if the client persists in a course of action that the lawyer reasonably believes is criminal or fraudulent, for a lawyer is not required to be associated with such conduct even if the lawyer does not further it. Withdrawal is also permitted if the lawyer's services were misused in the past even if that would materially prejudice the client. The lawyer may also withdraw where the client insists on taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement.

[8] A lawyer may withdraw if the client refuses to abide by the terms of an agreement relating to the representation,

such as an agreement concerning fees or court costs or an agreement limiting the objectives of the representation.

Assisting the Client upon Withdrawal

[9] Even if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client. The lawyer may retain papers as security for a fee only to the extent permitted by law. See Rule 1.15A.

RULE 1.17: SALE OF LAW PRACTICE

A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

(a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in the geographic area in which the practice has been conducted;

(b) The entire practice, or the entire area of practice, is sold to one or more lawyers or law firms;

(c) The seller gives written notice to each of the seller's clients regarding:

(1) the proposed sale;

(2) the client's right to retain other counsel or to take possession of the file; and

(3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.

If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The fees charged clients shall not be increased by reason of the sale.

Comment

[1] The practice of law is a profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this Rule, when a lawyer or an entire firm ceases to practice, or ceases to practice in an area of law, and other lawyers or firms take over the representation, the selling lawyer or firm may obtain compensation for the reasonable value of the practice as may withdrawing partners of law firms. See Rules 5.4 and 5.6.

Termination of Practice by the Seller

[2] The requirement that all of the private practice, or all of an area of practice, be sold is satisfied if the seller in good faith makes the entire practice, or the area of practice, available for sale to the purchasers. The fact that a number of the seller's clients decide not to be represented by the purchasers but take their matters elsewhere, therefore, does not result in a violation. Return to private practice as a result of an unanticipated change in circumstances does not necessarily result in a violation. For example, a lawyer who has sold the practice to accept an appointment to judicial office does not violate the requirement that the sale be attendant to cessation of practice if the lawyer later resumes private practice upon

being defeated in a contested or a retention election for the office or resigns from a judiciary position.

[3] The requirement that the seller cease to engage in the private practice of law does not prohibit employment as a lawyer on the staff of a public agency or a legal services entity that provides legal services to the poor, or as in-house counsel to a business.

[4] [Washington revision] The Rule permits a sale of an entire practice attendant upon ceasing to engage in the private practice of law within a geographical area. This encompasses only a move from one locale in Washington to another that is tantamount to leaving the jurisdiction in which the lawyer has engaged in the practice of law.

[5] This Rule also permits a lawyer or law firm to sell an area of practice. If an area of practice is sold and the lawyer remains in the active practice of law, the lawyer must cease accepting any matters in the area of practice that has been sold, either as counsel or co-counsel or by assuming joint responsibility for a matter in connection with the division of a fee with another lawyer as would otherwise be permitted by Rule 1.5(e). For example, a lawyer with a substantial number of estate planning matters and a substantial number of probate administration cases may sell the estate planning portion of the practice but remain in the practice of law by concentrating on probate administration; however, that practitioner may not thereafter accept any estate planning matters. Although a lawyer who leaves a jurisdiction or geographical area typically would sell the entire practice, this Rule permits the lawyer to limit the sale to one or more areas of the practice, thereby preserving the lawyer's right to continue practice in the areas of the practice that were not sold.

Sale of Entire Practice or Entire Area of Practice

[6] The Rule requires that the seller's entire practice, or an entire area of practice, be sold. The prohibition against sale of less than an entire practice area protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee-generating matters. The purchasers are required to undertake all client matters in the practice or practice area, subject to client consent. This requirement is satisfied, however, even if a purchaser is unable to undertake a particular client matter because of a conflict of interest.

Client Confidences, Consent and Notice

[7] Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms, with respect to which client consent is not required. Providing the purchaser access to client-specific information relating to the representation and to the file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale, including the identity of the purchaser, and must be told that the decision to consent or make other arrangements must be made within 90 days. If nothing is

heard from the client within that time, consent to the sale is presumed.

[8] [Washington revision] A lawyer or law firm ceasing to practice cannot be required to remain in practice because some clients cannot be given actual notice of the proposed purchase. Since these clients cannot themselves consent to the purchase or direct any other disposition of their files, the Rule requires an order from a court having jurisdiction authorizing their transfer or other disposition. The Court can be expected to determine whether reasonable efforts to locate the client have been exhausted, and whether the absent client's legitimate interests will be served by authorizing the transfer of the file so that the purchaser may continue the representation. Preservation of client confidences requires that the petition for a court order be considered in camera.

[9] All elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice or area of practice.

Fee Arrangements Between Client and Purchaser

[10] The sale may not be financed by increases in fees charged the clients of the practice. Existing arrangements between the seller and the client as to fees and the scope of the work must be honored by the purchaser.

Other Applicable Ethical Standards

[11] Lawyers participating in the sale of a law practice or a practice area are subject to the ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the seller's obligation to exercise competence in identifying a purchaser qualified to assume the practice and the purchaser's obligation to undertake the representation competently (see Rule 1.1); the obligation to avoid disqualifying conflicts, and to secure the client's informed consent for those conflicts that can be agreed to (see Rule 1.7 regarding conflicts and Rule 1.0(e) for the definition of informed consent); and the obligation to protect information relating to the representation (see Rules 1.6 and 1.9).

[12] If approval of the substitution of the purchasing lawyer for the selling lawyer is required by the rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale (see Rule 1.16).

Applicability of the Rule

[13] This Rule applies to the sale of a law practice of a deceased, disabled or disappeared lawyer. Thus, the seller may be represented by a non-lawyer representative not subject to these Rules. Since, however, no lawyer may participate in a sale of a law practice which does not conform to the requirements of this Rule, the representatives of the seller as well as the purchasing lawyer can be expected to see to it that they are met.

[14] Admission to or retirement from a law partnership or professional association, retirement plans and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this Rule.

[15] This Rule does not apply to the transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice or an area of practice.

Additional Washington Comment (16)

[16] If, at the time the notice under paragraph (c) is given, the buyer or seller knows of a conflict that would preclude the buyer from representing a client of the seller, the notice to that client should inform the client of the conflict and the need for the client to obtain substitute counsel or retrieve the file. When such a conflict exists, the notice described in paragraph (c)(3) cannot be given because there can be no presumption that the client's file will be transferred to the buyer.

RULE 1.18: DUTIES TO PROSPECTIVE CLIENT

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client or except as provided in paragraph (e).

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraphs (d) or (e). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:

(2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and

(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(ii) written notice is promptly given to the prospective client.

(e) A lawyer may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. The prospective client may also expressly consent to the lawyer's subsequent use of information received from the prospective client.

Comment

[1] Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the

lawyer's custody, or rely on the lawyer's advice. A lawyer's discussions with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

[2] [Washington revision] Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information unilaterally to a lawyer, without any reasonable expectation that the lawyer is willing to discuss the possibility of forming a client-lawyer relationship, is not a "prospective client" within the meaning of paragraph (a). See also Washington Comment [10].

[3] It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such information to determine whether there is a conflict of interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing that information, except as permitted by Rule 1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.

[4] In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial interview to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

[5] [Reserved. Comment [5] to Model Rule 1.18 is codified, with minor modifications, as paragraph (e). See Rule 1.0(e) for the definition of informed consent.]

[6] Even in the absence of an agreement, under paragraph (c), the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

[7] Under paragraph (c), the prohibition in this Rule is imputed to other lawyers as provided in Rule 1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent, confirmed in writing, of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See Rule 1.0(k) (requirements for screening procedures). Paragraph (d)(2)(i) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

[8] Notice, including a general description of the subject matter about which the lawyer was consulted, and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

[9] For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see Rule 1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see Rule 1.15A.

Additional Washington Comments (10 - 13)

[10] Unilateral communications from individuals seeking legal services do not generally create a relationship covered by this Rule, unless the lawyer invites unilateral confidential communications. The public dissemination of general information concerning a lawyer's name or firm name, practice area and types of clients served, and contact information, is not in itself, an invitation to convey unilateral confidential communications nor does it create a reasonable expectation that the lawyer is willing to discuss the possibility of forming a client-lawyer relationship.

[11] This Rule is not intended to modify existing case law defining when a client-lawyer relationship is formed. See *Bohn v. Cody*, 119 Wn.2d 357, 363, 832 P.2d 71 (1992); *In re McGlothen*, 99 Wn.2d 515, 522, 663 P.2d 1330 (1983). See also Scope [17].

[12] For purposes of this Rule, "significantly harmful" means more than de minimis harm.

[13] Pursuant to statute or other law, government officers and employees may be entitled to defense and indemnification by the government. In these circumstances, a government lawyer may find it necessary to obtain information from a government officer or employee to determine if he or she meets the criteria for representation and indemnification. In this situation, the government lawyer is acting on behalf of the government entity as the client, and this Rule would not apply. The government lawyer shall comply with Rule 4.3 in obtaining such information.

Title 2 COUNSELOR

RULE 2.1: ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Comment

Scope of Advice

[1] A client is entitled to straightforward advice expressing the lawyer's honest assessment. Legal advice often involves unpleasant facts and alternatives that a client may be disinclined to confront. In presenting advice, a lawyer endeavors to sustain the client's morale and may put advice in as acceptable a form as honesty permits. However, a lawyer should not be deterred from giving candid advice by the prospect that the advice will be unpalatable to the client.

[2] Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied.

[3] A client may expressly or impliedly ask the lawyer for purely technical advice. When such a request is made by a client experienced in legal matters, the lawyer may accept it at face value. When such a request is made by a client inexperienced in legal matters, however, the lawyer's responsibility as advisor may include indicating that more may be involved than strictly legal considerations.

[4] Matters that go beyond strictly legal questions may also be in the domain of another profession. Family matters can involve problems within the professional competence of psychiatry, clinical psychology or social work; business matters can involve problems within the competence of the accounting profession or of financial specialists. Where consultation with a professional in another field is itself something a competent lawyer would recommend, the lawyer should make such a recommendation. At the same time, a lawyer's advice at its best often consists of recommending a course of action in the face of conflicting recommendations of experts.

Offering Advice

[5] In general, a lawyer is not expected to give advice until asked by the client. However, when a lawyer knows that a client proposes a course of action that is likely to result in substantial adverse legal consequences to the client, the lawyer's duty to the client under Rule 1.4 may require that the lawyer offer advice if the client's course of action is related to the representation. Similarly, when a matter is likely to involve litigation, it may be necessary under Rule 1.4 to inform the client of forms of dispute resolution that might constitute reasonable alternatives to litigation. A lawyer ordinarily has no duty to initiate investigation of a client's affairs or to give advice that the client has indicated is unwanted, but a lawyer may initiate advice to a client when doing so appears to be in the client's interest.

RULE 2.2 INTERMEDIARY (Deleted)

~~(a) A lawyer may act as intermediary between clients if:~~

~~(1) The lawyer consults with each client concerning the implications of the common representation, including the advantages and risks involved, and the effect on the attorney-client privileges, and obtains each client's written consent to the common representation;~~

~~(2) The lawyer reasonably believes that the matter can be resolved on terms compatible with the clients' best interests, that each client will be able to make adequately informed decisions in the matter and that there is little risk of material prejudice to the interests of any of the clients if the contemplated resolution is unsuccessful; and~~

~~(3) The lawyer reasonably believes that the common representation can be undertaken impartially and without~~

~~improper effect on other responsibilities the lawyer has to any of the clients.~~

~~(b) While acting as intermediary, the lawyer shall consult with each client concerning the decisions to be made and the considerations relevant in making them, so that each client can make adequately informed decisions.~~

~~(c) A lawyer shall withdraw as intermediary if any of the clients so requests, or if any of the conditions stated in section (a) is no longer satisfied. Upon withdrawal, the lawyer shall not continue to represent any of the clients in the matter that was the subject of the intermediation.~~

Washington Comment

[1] Former Washington RPC 2.2 governed lawyers acting as intermediaries between clients. When representing multiple clients in the same matter, a lawyer must comply with Rule 1.7. A number of special considerations apply when a lawyer acts as an intermediary and represents multiple clients in the same matter. See Comments [29] – [33] to Rule 1.7.

RULE 2.3; EVALUATION FOR USE BY THIRD PERSONS

(a) A lawyer may undertake provide an evaluation of a matter affecting a client for the use of someone other than the client if: (1) The lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client; and

(2) The client consents after consultation.

(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.

(bc) Except as disclosure is required authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

Comment

Definition

[1] An evaluation may be performed at the client's direction or when impliedly authorized in order to carry out the representation. See Rule 1.2. Such an evaluation may be for the primary purpose of establishing information for the benefit of third parties; for example, an opinion concerning the title of property rendered at the behest of a vendor for the information of a prospective purchaser, or at the behest of a borrower for the information of a prospective lender. In some situations, the evaluation may be required by a government agency; for example, an opinion concerning the legality of the securities registered for sale under the securities laws. In other instances, the evaluation may be required by a third person, such as a purchaser of a business.

[2] A legal evaluation should be distinguished from an investigation of a person with whom the lawyer does not have a client-lawyer relationship. For example, a lawyer retained by a purchaser to analyze a vendor's title to property does not have a client-lawyer relationship with the vendor. So also, an investigation into a person's affairs by a government lawyer, or by special counsel by a government lawyer, or by special counsel employed by the government, is not an evaluation as

that term is used in this Rule. The question is whether the lawyer is retained by the person whose affairs are being examined. When the lawyer is retained by that person, the general rules concerning loyalty to client and preservation of confidences apply, which is not the case if the lawyer is retained by someone else. For this reason, it is essential to identify the person by whom the lawyer is retained. This should be made clear not only to the person under examination, but also to others to whom the results are to be made available.

Duties Owed to Third Person and Client

[3] When the evaluation is intended for the information or use of a third person, a legal duty to that person may or may not arise. That legal question is beyond the scope of this Rule. However, since such an evaluation involves a departure from the normal client-lawyer relationship, careful analysis of the situation is required. The lawyer must be satisfied as a matter of professional judgment that making the evaluation is compatible with other functions undertaken in behalf of the client. For example, if the lawyer is acting as advocate in defending the client against charges of fraud, it would normally be incompatible with that responsibility for the lawyer to perform an evaluation for others concerning the same or a related transaction. Assuming no such impediment is apparent, however, the lawyer should advise the client of the implications of the evaluation, particularly the lawyer's responsibilities to third persons and the duty to disseminate the findings.

Access to and Disclosure of Information

[4] The quality of an evaluation depends on the freedom and extent of the investigation upon which it is based. Ordinarily a lawyer should have whatever latitude of investigation seems necessary as a matter of professional judgment. Under some circumstances, however, the terms of the evaluation may be limited. For example, certain issues or sources may be categorically excluded, or the scope of search may be limited by time constraints or the noncooperation of persons having relevant information. Any such limitations that are material to the evaluation should be described in the report. If after a lawyer has commenced an evaluation, the client refuses to comply with the terms upon which it was understood the evaluation was to have been made, the lawyer's obligations are determined by law, having reference to the terms of the client's agreement and the surrounding circumstances. In no circumstances is the lawyer permitted to knowingly make a false statement of material fact or law in providing an evaluation under this Rule. See Rule 4.1.

Obtaining Client's Informed Consent

[5] Information relating to an evaluation is protected by Rule 1.6. In many situations, providing an evaluation to a third party poses no significant risk to the client; thus, the lawyer may be impliedly authorized to disclose information to carry out the representation. See Rule 1.6(a). Where, however, it is reasonably likely that providing the evaluation will affect the client's interests materially and adversely, the lawyer must first obtain the client's consent after the client has been adequately informed concerning the important pos-

sible effects on the client's interests. See Rules 1.6(a) and 1.0(e).

Financial Auditors' Requests for Information

[6] When a question concerning the legal situation of a client arises at the instance of the client's financial auditor and the question is referred to the lawyer, the lawyer's response may be made in accordance with procedures recognized in the legal profession. Such a procedure is set forth in the American Bar Association Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information, adopted in 1975.

RULE 2.4: LAWYER SERVING AS THIRD-PARTY NEUTRAL

(a) A lawyer serves as a third-party neutral when the lawyer assists two or more persons who are not clients of the lawyer to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the lawyer to assist the parties to resolve the matter.

(b) A lawyer serving as a third-party neutral shall inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer's role in the matter, the lawyer shall explain the difference between the lawyer's role as a third-party neutral and a lawyer's role as one who represents a client.

Comment

[1] Alternative dispute resolution has become a substantial part of the civil justice system. Aside from representing clients in dispute-resolution processes, lawyers often serve as third-party neutrals. A third-party neutral is a person, such as a mediator, arbitrator, conciliator or evaluator, who assists the parties, represented or unrepresented, in the resolution of a dispute or in the arrangement of a transaction. Whether a third-party neutral serves primarily as a facilitator, evaluator or decisionmaker depends on the particular process that is either selected by the parties or mandated by a court.

[2] The role of a third-party neutral is not unique to lawyers, although, in some court-connected contexts, only lawyers are allowed to serve in this role or to handle certain types of cases. In performing this role, the lawyer may be subject to court rules or other law that apply either to third-party neutrals generally or to lawyers serving as third-party neutrals. Lawyer-neutrals may also be subject to various codes of ethics, such as the Code of Ethics for Arbitration in Commercial Disputes prepared by a joint committee of the American Bar Association and the American Arbitration Association or the Model Standards of Conduct for Mediators jointly prepared by the American Bar Association, the American Arbitration Association and the Society of Professionals in Dispute Resolution.

[3] Unlike nonlawyers who serve as third-party neutrals, lawyers serving in this role may experience unique problems as a result of differences between the role of a third-party neutral and a lawyer's service as a client representative. The potential for confusion is significant when the parties are unrepresented in the process. Thus, paragraph (b) requires a

lawyer-neutral to inform unrepresented parties that the lawyer is not representing them. For some parties, particularly parties who frequently use dispute-resolution processes, this information will be sufficient. For others, particularly those who are using the process for the first time, more information will be required. Where appropriate, the lawyer should inform unrepresented parties of the important differences between the lawyer's role as third-party neutral and a lawyer's role as a client representative, including the inapplicability of the attorney-client evidentiary privilege. The extent of disclosure required under this paragraph will depend on the particular parties involved and the subject matter of the proceeding, as well as the particular features of the dispute-resolution process selected.

[4] A lawyer who serves as a third-party neutral subsequently may be asked to serve as a lawyer representing a client in the same matter. The conflicts of interest that arise for both the individual lawyer and the lawyer's law firm are addressed in Rule 1.12.

[5] Lawyers who represent clients in alternative dispute-resolution processes are governed by the Rules of Professional Conduct. When the dispute-resolution process takes place before a tribunal, as in binding arbitration (see Rule 1.0(m)), the lawyer's duty of candor is governed by Rule 3.3. Otherwise, the lawyer's duty of candor toward both the third-party neutral and other parties is governed by Rule 4.1.

Title 3 ADVOCATE

RULE 3.1: MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Comment

[1] The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.

[2] The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the lawyer is unable either to make a good faith argument on

the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.

[3] The lawyer's obligations under this Rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this Rule.

RULE 3.2: EXPEDITING LITIGATION

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Comment

[1] Dilatory practices bring the administration of justice into disrepute. Although there will be occasions when a lawyer may properly seek a postponement for personal reasons, it is not proper for a lawyer to routinely fail to expedite litigation solely for the convenience of the advocates. Nor will a failure to expedite be reasonable if done for the purpose of frustrating an opposing party's attempt to obtain rightful redress or repose. It is not a justification that similar conduct is often tolerated by the bench and bar. The question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay. Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client.

RULE 3.3: CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

(1) ~~M~~make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) ~~Fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client unless such disclosure is prohibited by rule 1.6;~~

(3) ~~F~~fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(4) ~~O~~ffer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) ~~The duties stated in section (a) continue to the conclusion of the proceeding.~~

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, withdrawal or disclosure to the tribunal.

~~(e) If the lawyer has offered material evidence and comes to know of its falsity, the lawyer shall promptly disclose this fact to the tribunal unless such disclosure is prohibited by rule 1.6.~~

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

~~(d) If the lawyer has offered material evidence and comes to know of its falsity, and disclosure of this fact is prohibited by rule 1.6, the lawyer shall promptly make reasonable efforts to convince the client to consent to disclosure. If the client refuses to consent to disclosure, the lawyer may seek to withdraw from the representation in accordance with rule 1.15.(e).~~

~~(e) A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.~~

~~(f) In an ex parte proceeding, a lawyer shall inform the tribunal of all relevant material facts known to the lawyer that should be disclosed to permit will enable the tribunal to make an informed decision, whether or not the facts are adverse.~~

~~(g) Constitutional law defining the right to assistance of counsel in criminal cases may supersede the obligations stated in this rule.~~

Comment

[1] This Rule governs the conduct of a lawyer who is representing a client in the proceedings of a tribunal. See Rule 1.0(m) for the definition of "tribunal." It also applies when the lawyer is representing a client in an ancillary proceeding conducted pursuant to the tribunal's adjudicative authority, such as a deposition. Thus, for example, paragraph (a)(3) requires a lawyer to take reasonable remedial measures if the lawyer comes to know that a client who is testifying in a deposition has offered evidence that is false.

[2] This Rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal. Consequently, although a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.

Representations by a Lawyer

[3] [Washington revision] An advocate is responsible for pleadings and other documents prepared for litigation, but is usually not required to have personal knowledge of matters asserted therein, for litigation documents ordinarily present assertions by the client, or by someone on the client's behalf, and not assertions by the lawyer. Compare Rule 3.1. However, an assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true on the

basis of a reasonably diligent inquiry. There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation. The obligation prescribed in Rule 1.2(d) not to counsel a client to commit or assist the client in committing a fraud applies in litigation. Regarding compliance with Rule 1.2(d), see the Comment to that Rule. See also Comment [4] to Rule 8.4.

Legal Argument

[4] Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in paragraph (a)(2), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction that has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.

Offering Evidence

[5] Paragraph (a)(3) requires that the lawyer refuse to offer evidence that the lawyer knows to be false, regardless of the client's wishes. This duty is premised on the lawyer's obligation as an officer of the court to prevent the trier of fact from being misled by false evidence. A lawyer does not violate this Rule if the lawyer offers the evidence for the purpose of establishing its falsity.

[6] If a lawyer knows that the client intends to testify falsely or wants the lawyer to introduce false evidence, the lawyer should seek to persuade the client that the evidence should not be offered. If the persuasion is ineffective and the lawyer continues to represent the client, the lawyer must refuse to offer the false evidence. If only a portion of a witness's testimony will be false, the lawyer may call the witness to testify but may not elicit or otherwise permit the witness to present the testimony that the lawyer knows is false.

[7] [Washington revision] The duties stated in paragraphs (a) and (b) apply to all lawyers, including defense counsel in criminal cases. In some jurisdictions other than Washington, however, courts have required counsel to present the accused as a witness or to give a narrative statement if the accused so desires, even if counsel knows that the testimony or statement will be false. The obligation of the advocate under the Rules of Professional Conduct is subordinate to such requirements. See *State v. Berry Smith*, 87 Wn. App. 268, 944 P.2d 397 (1997), review denied, 134 Wn.2d 1008, 954 P.2d 277 (1998). See also Comment [9].

[8] The prohibition against offering false evidence only applies if the lawyer knows that the evidence is false. A lawyer's reasonable belief that evidence is false does not preclude its presentation to the trier of fact. A lawyer's knowledge that evidence is false, however, can be inferred from the circumstances. See Rule 1.0(f). Thus, although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood.

[9] Although paragraph (a)(3) only prohibits a lawyer from offering evidence the lawyer knows to be false, it permits the lawyer to refuse to offer testimony or other proof that

the lawyer reasonably believes is false. Offering such proof may reflect adversely on the lawyer's ability to discriminate in the quality of evidence and thus impair the lawyer's effectiveness as an advocate. Because of the special protections historically provided criminal defendants, however, this Rule does not permit a lawyer to refuse to offer the testimony of such a client where the lawyer reasonably believes but does not know that the testimony will be false. Unless the lawyer knows the testimony will be false, the lawyer must honor the client's decision to testify. See also Comment [7].

Remedial Measures

[10] Having offered material evidence in the belief that it was true, a lawyer may subsequently come to know that the evidence is false. Or, a lawyer may be surprised when the lawyer's client, or another witness called by the lawyer, offers testimony the lawyer knows to be false, either during the lawyer's direct examination or in response to cross-examination by the opposing lawyer. In such situations or if the lawyer knows of the falsity of testimony elicited from the client during a deposition, the lawyer must take reasonable remedial measures. In such situations, the advocate's proper course is to remonstrate with the client confidentially, advise the client of the lawyer's duty of candor to the tribunal and seek the client's cooperation with respect to the withdrawal or correction of the false statements or evidence. If that fails, the advocate must take further remedial action. If withdrawal from the representation is not permitted or will not undo the effect of the false evidence, the advocate must make such disclosure to the tribunal as is reasonably necessary to remedy the situation, even if doing so requires the lawyer to reveal information that otherwise would be protected by Rule 1.6. It is for the tribunal then to determine what should be done—making a statement about the matter to the trier of fact, ordering a mistrial or perhaps nothing.

[11] The disclosure of a client's false testimony can result in grave consequences to the client, including not only a sense of betrayal but also loss of the case and perhaps a prosecution for perjury. But the alternative is that the lawyer cooperate in deceiving the court, thereby subverting the truth-finding process which the adversary system is designed to implement. See Rule 1.2(d). Furthermore, unless it is clearly understood that the lawyer will act upon the duty to disclose the existence of false evidence, the client can simply reject the lawyer's advice to reveal the false evidence and insist that the lawyer keep silent. Thus the client could in effect coerce the lawyer into being a party to fraud on the court.

Preserving Integrity of Adjudicative Process

[12] Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudicative process, such as bribing, intimidating or otherwise unlawfully communicating with a witness, juror, court official or other participant in the proceeding, unlawfully destroying or concealing documents or other evidence or failing to disclose information to the tribunal when required by law to do so. Thus, paragraph (b) requires a lawyer to take reasonable remedial measures, including disclosure if necessary, whenever the lawyer knows that a person, including the lawyer's client, intends to

engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding.

Duration of Obligation

[13] A practical time limit on the obligation to rectify false evidence or false statements of law and fact has to be established. The conclusion of the proceeding is a reasonably definite point for the termination of the obligation. A proceeding has concluded within the meaning of this Rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed.

Ex Parte Proceedings

[14] Ordinarily, an advocate has the limited responsibility of presenting one side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party. However, in any ex parte proceeding, such as an application for a temporary restraining order, there is no balance of presentation by opposing advocates. The object of an ex parte proceeding is nevertheless to yield a substantially just result. The judge has an affirmative responsibility to accord the absent party just consideration. The lawyer for the represented party has the correlative duty to make disclosures of material facts known to the lawyer and that the lawyer reasonably believes are necessary to an informed decision.

Withdrawal

[15] Normally, a lawyer's compliance with the duty of candor imposed by this Rule does not require that the lawyer withdraw from the representation of a client whose interests will be or have been adversely affected by the lawyer's disclosure. The lawyer may, however, be required by Rule 1.16(a) to seek permission of the tribunal to withdraw if the lawyer's compliance with this Rule's duty of candor results in such an extreme deterioration of the client-lawyer relationship that the lawyer can no longer competently represent the client. See also Rule 1.16(b) for the circumstances in which a lawyer will be permitted to seek a tribunal's permission to withdraw. In connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating to the representation only to the extent reasonably necessary to comply with this Rule or as otherwise permitted by Rule 1.6.

RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

- (a) ~~U~~unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- (b) ~~F~~falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- (c) ~~K~~knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
- (d) ~~I~~n pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply

with a legally proper discovery request by an opposing party;
or

(e) ~~In trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused.~~

(f) ~~In trial, state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused, but the lawyer may argue, on his or her analysis of the evidence, for any position or conclusion with respect to the matters stated herein. [Reserved.]~~

Comment

[1] ~~The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedure, and the like.~~

[2] ~~Documents and other items of evidence are often essential to establish a claim or defense. Subject to evidentiary privileges, the right of an opposing party, including the government, to obtain evidence through discovery or subpoena is an important procedural right. The exercise of that right can be frustrated if relevant material is altered, concealed or destroyed. Applicable law in many jurisdictions makes it an offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen. Falsifying evidence is also generally a criminal offense. Paragraph (a) applies to evidentiary material generally, including computerized information. Applicable law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter or destroy material characteristics of the evidence. In such a case, applicable law may require the lawyer to turn the evidence over to the police or other prosecuting authority, depending on the circumstances.~~

[3] ~~With regard to paragraph (b), it is not improper to pay a witness's expenses or to compensate an expert witness on terms permitted by law. The common law rule in most jurisdictions is that it is improper to pay an occurrence witness any fee for testifying and that it is improper to pay an expert witness a contingent fee.~~

[4] ~~[Reserved.]~~

Additional Washington Comment (5)

[5] ~~Washington did not adopt Model Rule 3.4(f), which delineates circumstances in which a lawyer may request that a person other than a client refrain from voluntarily giving information to another party, because the Model Rule is inconsistent with Washington law. See *Wright v. Group Health Hospital*, 103 Wn.2d 192, 691 P.2d 564 (1994). Advising or requesting that a person other than a client refrain from voluntarily giving information to another party may violate other Rules. See, e.g., Rule 8.4(d).~~

RULE 3.5: IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

(a) ~~Seek to influence a judge, juror, prospective juror or other official by means prohibited by law;~~

(b) ~~Communicate ex parte with such a person except as permitted during the proceeding unless authorized to do so by law or court order; or~~

(c) ~~communicate with a juror or prospective juror after discharge of the jury if:~~

(1) ~~the communication is prohibited by law or court order;~~

(2) ~~the juror has made known to the lawyer a desire not to communicate; or~~

(3) ~~the communication involves misrepresentation, coercion, duress or harassment; or~~

(d) ~~Engage in conduct intended to disrupt a tribunal.~~

Comment

[1] ~~[Washington revision] Many forms of improper influence upon a tribunal are proscribed by criminal law. Others are specified in the Washington Code of Judicial Conduct, with which an advocate should be familiar. A lawyer is required to avoid contributing to a violation of such provisions.~~

[2] ~~During a proceeding a lawyer may not communicate ex parte with persons serving in an official capacity in the proceeding, such as judges, masters or jurors, unless authorized to do so by law or court order.~~

[3] ~~A lawyer may on occasion want to communicate with a juror or prospective juror after the jury has been discharged. The lawyer may do so unless the communication is prohibited by law or a court order but must respect the desire of the juror not to talk with the lawyer. The lawyer may not engage in improper conduct during the communication.~~

[4] ~~The advocate's function is to present evidence and argument so that the cause may be decided according to law. Refraining from abusive or obstreperous conduct is a corollary of the advocate's right to speak on behalf of litigants. A lawyer may stand firm against abuse by a judge but should avoid reciprocation; the judge's default is no justification for similar dereliction by an advocate. An advocate can present the cause, protect the record for subsequent review and preserve professional integrity by patient firmness no less effectively than by belligerence or theatrics.~~

[5] ~~The duty to refrain from disruptive conduct applies to any proceeding of a tribunal, including a deposition. See Rule 1.0(m).~~

RULE 3.6: TRIAL PUBLICITY

(a) ~~A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that a reasonable person would expect to the lawyer knows or reasonably should know will be disseminated by means of public communication if the lawyer knows or reasonably should know that it and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.~~

(b) ~~Notwithstanding paragraph (a), a lawyer may state:~~

(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;

(2) information contained in a public record;

(3) that an investigation of a matter is in progress;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to subparagraphs (1) through (6):

(i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

GUIDELINES FOR APPLYING RPC 3.6

I. Criminal.

A. The kind of statement referred to in rule 3.6 which may potentially prejudice criminal proceedings is a statement which relates to:

(1) The character, credibility, reputation or criminal record of a suspect or defendant;

(2) The possibility of a plea of guilty to the offense or the existence or contents of a confession, admission or statement given by a suspect or defendant or that person's refusal or failure to make a statement;

(3) The performance or results of any investigative examination or test such as a polygraph examination or a laboratory test or the failure of a person to submit to an examination or test;

(4) Any opinion as to the guilt or innocence of any suspect or defendant;

(5) The credibility or anticipated testimony of a prospective witness; and

(6) Information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial.

B. The public has a legitimate interest in the conduct of judicial proceedings and the administration of justice. Lawyers involved in the litigation of criminal matters may state without elaboration:

(1) The general nature of the charge or defense;

(2) The information contained in the public record; and

(3) The scheduling of any step in litigation, including a scheduled court hearing to enter a plea of guilty.

C. The public also has a right to know about threats to its safety and measures aimed at assuring its security. Toward that end a public prosecutor or other lawyer involved in the investigation of a criminal case may state:

(1) That an investigation is in progress, including the general scope of the investigation and, except when prohibited by law, the identity of the persons involved;

(2) A request for assistance in obtaining evidence and information;

(3) A warning of danger concerning the behavior of a person involved when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(4)(i) The identity, residence, occupation and family status of the accused;

(ii) information necessary to aid in apprehension of the accused;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

H. Civil.

The kind of statement referred to in rule 3.6 which may potentially prejudice civil matters triable to a jury is a statement designed to influence the jury or to detract from the impartiality of the proceedings:

Comment

[1] It is difficult to strike a balance between protecting the right to a fair trial and safeguarding the right of free expression. Preserving the right to a fair trial necessarily entails some curtailment of the information that may be disseminated about a party prior to trial, particularly where trial by jury is involved. If there were no such limits, the result would be the practical nullification of the protective effect of the rules of forensic decorum and the exclusionary rules of evidence. On the other hand, there are vital social interests served by the free dissemination of information about events having legal consequences and about legal proceedings themselves. The public has a right to know about threats to its safety and measures aimed at assuring its security. It also has a legitimate interest in the conduct of judicial proceedings, particularly in matters of general public concern. Furthermore, the subject matter of legal proceedings is often of direct significance in debate and deliberation over questions of public policy.

[2] Special rules of confidentiality may validly govern proceedings in juvenile, domestic relations and mental disability proceedings, and perhaps other types of litigation. Rule 3.4(c) requires compliance with such rules.

[3] The Rule sets forth a basic general prohibition against a lawyer's making statements that the lawyer knows or should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding. Recognizing that the public value of informed commentary is great and the likelihood of prejudice to a proceeding by the commentary of a lawyer who is not involved in the proceeding is small, the Rule applies only to lawyers who are, or who have been

involved in the investigation or litigation of a case, and their associates.

[4] Paragraph (b) identifies specific matters about which a lawyer's statements would not ordinarily be considered to present a substantial likelihood of material prejudice, and should not in any event be considered prohibited by the general prohibition of paragraph (a). Paragraph (b) is not intended to be an exhaustive listing of the subjects upon which a lawyer may make a statement, but statements on other matters may be subject to paragraph (a).

[5] There are, on the other hand, certain subjects that are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration. These subjects relate to:

(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;

(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;

(3) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;

(5) information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial; or

(6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

[6] Another relevant factor in determining prejudice is the nature of the proceeding involved. Criminal jury trials will be most sensitive to extrajudicial speech. Civil trials may be less sensitive. Non-jury hearings and arbitration proceedings may be even less affected. The Rule will still place limitations on prejudicial comments in these cases, but the likelihood of prejudice may be different depending on the type of proceeding.

[7] Finally, extrajudicial statements that might otherwise raise a question under this Rule may be permissible when they are made in response to statements made publicly by another party, another party's lawyer, or third persons, where a reasonable lawyer would believe a public response is required in order to avoid prejudice to the lawyer's client. When prejudicial statements have been publicly made by others, responsive statements may have the salutary effect of lessening any resulting adverse impact on the adjudicative proceeding. Such responsive statements should be limited to contain only such information as is necessary to mitigate undue prejudice created by the statements made by others.

[8] See Rule 3.8(f) for additional duties of prosecutors in connection with extrajudicial statements about criminal proceedings.

Additional Washington Comment (9)

[9] For additional guidance in applying this Rule, see the Guidelines for Applying Rule 3.6, reproduced in the Appendix to the Rules of Professional Conduct.

RULE 3.7; LAWYER AS WITNESS

(a) A lawyer shall not act as advocate at a trial in which the lawyer or another lawyer in the same law firm is likely to be a necessary witness except where unless:

(a)1) ~~The testimony relates to an issue that is either uncontested or a formality issue;~~

(b)2) ~~The testimony relates to the nature and value of legal services rendered in the case;~~

(3) ~~disqualification of the lawyer would work substantial hardship on the client; or~~

(e)4) ~~The lawyer has been called by the opposing party and the court rules that the lawyer may continue to act as an advocate; or,~~

(d) ~~The trial judge finds that disqualification of the lawyer would work a substantial hardship on the client and that the likelihood of the lawyer being a necessary witness was not reasonably foreseeable before trial.~~

(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

Comment

[1] Combining the roles of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer and client.

Advocate-Witness Rule

[2] The tribunal has proper objection when the trier of fact may be confused or misled by a lawyer serving as both advocate and witness. The opposing party has proper objection where the combination of roles may prejudice that party's rights in the litigation. A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others. It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof.

[3] [Washington revision] To protect the tribunal, paragraph (a) prohibits a lawyer from simultaneously serving as advocate and necessary witness except in those circumstances specified in paragraphs (a)(1) through (a)(4). Paragraph (a)(1) recognizes that if the testimony will be uncontested, the ambiguities in the dual role are purely theoretical. Paragraph (a)(2) recognizes that where the testimony concerns the extent and value of legal services rendered in the action in which the testimony is offered, permitting the lawyers to testify avoids the need for a second trial with new counsel to resolve that issue. Moreover, in such a situation the judge has firsthand knowledge of the matter in issue;

hence, there is less dependence on the adversary process to test the credibility of the testimony.

[4] Apart from these two exceptions, paragraph (a)(3) recognizes that a balancing is required between the interests of the client and those of the tribunal and the opposing party. Whether the tribunal is likely to be misled or the opposing party is likely to suffer prejudice depends on the nature of the case, the importance and probable tenor of the lawyer's testimony, and the probability that the lawyer's testimony will conflict with that of other witnesses. Even if there is risk of such prejudice, in determining whether the lawyer should be disqualified, due regard must be given to the effect of disqualification on the lawyer's client. It is relevant that one or both parties could reasonably foresee that the lawyer would probably be a witness. The conflict of interest principles stated in Rules 1.7, 1.9 and 1.10 have no application to this aspect of the problem.

[5] Because the tribunal is not likely to be misled when a lawyer acts as advocate in a trial in which another lawyer in the lawyer's firm will testify as a necessary witness, paragraph (b) permits the lawyer to do so except in situations involving a conflict of interest.

Conflict of Interest

[6] [Washington revision] In determining if it is permissible to act as advocate in a trial in which the lawyer will be a necessary witness, the lawyer must also consider that the dual role may give rise to a conflict of interest that will require compliance with Rules 1.7 or 1.9. For example, if there is likely to be substantial conflict between the testimony of the client and that of the lawyer, the representation involves a conflict of interest that requires compliance with Rule 1.7. This would be true even though the lawyer might not be prohibited by paragraph (a) from simultaneously serving as advocate and witness because the lawyer's disqualification would work a substantial hardship on the client. Similarly, a lawyer who might be permitted to simultaneously serve as an advocate and a witness by paragraph (a)(3) or (a)(4) might be precluded from doing so by Rule 1.9. The problem can arise whether the lawyer is called as a witness on behalf of the client or is called by the opposing party. Determining whether or not such a conflict exists is primarily the responsibility of the lawyer involved. If there is a conflict of interest, the lawyer must secure the client's informed consent, confirmed in writing. In some cases, the lawyer will be precluded from seeking the client's consent. See Rule 1.7. See Rule 1.0(b) for the definition of "confirmed in writing" and Rule 1.0(e) for the definition of "informed consent."

[7] Paragraph (b) provides that a lawyer is not disqualified from serving as an advocate because a lawyer with whom the lawyer is associated in a firm is precluded from doing so by paragraph (a). If, however, the testifying lawyer would also be disqualified by Rule 1.7 or Rule 1.9 from representing the client in the matter, other lawyers in the firm will be precluded from representing the client by Rule 1.10 unless the client gives informed consent under the conditions stated in Rule 1.7.

Additional Washington Comment (8)

[8] When a lawyer is called to testify as a witness by the adverse party, there is a risk that Rule 3.7 is being inappropriately used as a tactic to obtain disqualification of the lawyer. Paragraph (a)(4) is intended to confer discretion on the tribunal in determining whether disqualification is truly warranted in such circumstances. The provisions of paragraph (a)(4) were taken from former Washington RPC 3.7(c).

RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) ~~R~~refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) ~~M~~ake reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

(c) ~~N~~ot seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;

(d) ~~M~~ake timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all ~~unprivileged~~ mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal; ~~and~~

(e) ~~n~~ot subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:

(1) the information sought is not protected from disclosure by any applicable privilege;

(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and

(3) there is no other feasible alternative to obtain the information;

(e~~f~~) ~~e~~xcept for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and ~~E~~xercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

Comment

[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to the Prosecution Function, which in turn are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. Applicable law may

require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

[2] In some jurisdictions, a defendant may waive a preliminary hearing and thereby lose a valuable opportunity to challenge probable cause. Accordingly, prosecutors should not seek to obtain waivers of preliminary hearings or other important pretrial rights from unrepresented accused persons. Paragraph (c) does not apply, however, to an accused appearing pro se with the approval of the tribunal. Nor does it forbid the lawful questioning of an uncharged suspect who has knowingly waived the rights to counsel and silence.

[3] The exception in paragraph (d) recognizes that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.

[4] Paragraph (e) is intended to limit the issuance of lawyer subpoenas in grand jury and other criminal proceedings to those situations in which there is a genuine need to intrude into the client-lawyer relationship.

[5] Paragraph (f) supplements Rule 3.6, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments which have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this Comment is intended to restrict the statements which a prosecutor may make which comply with Rule 3.6(b) or 3.6(c).

[6] Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer's office. Paragraph (f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case. In addition, paragraph (f) requires a prosecutor to exercise reasonable care to prevent persons assisting or associated with the prosecutor from making improper extrajudicial statements, even when such persons are not under the direct supervision of the prosecutor. Ordinarily, the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law-enforcement personnel and other relevant individuals.

RULE 3.9: ADVOCATE IN NONADJUDICATIVE PROCEEDINGS

A lawyer representing a client before a legislative body or administrative tribunal agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3 (a) through (e), 3.4 (a) through (c), and 3.5.

Comment

[1] In representation before bodies such as legislatures, municipal councils, and executive and administrative agencies acting in a rule-making or policy-making capacity, law-

yers present facts, formulate issues and advance argument in the matters under consideration. The decision-making body, like a court, should be able to rely on the integrity of the submissions made to it. A lawyer appearing before such a body must deal with it honestly and in conformity with applicable rules of procedure. See Rules 3.3 (a) through (c), 3.4 (a) through (c), and 3.5.

[2] Lawyers have no exclusive right to appear before nonadjudicative bodies, as they do before a court. The requirements of this Rule therefore may subject lawyers to regulations inapplicable to advocates who are not lawyers. However, legislatures and administrative agencies have a right to expect lawyers to deal with them as they deal with courts.

[3] This Rule only applies when a lawyer represents a client in connection with an official hearing or meeting of a governmental agency or a legislative body to which the lawyer or the lawyer's client is presenting evidence or argument. It does not apply to representation of a client in a negotiation or other bilateral transaction with a governmental agency or in connection with an application for a license or other privilege or the client's compliance with generally applicable reporting requirements, such as the filing of income-tax returns. Nor does it apply to the representation of a client in connection with an investigation or examination of the client's affairs conducted by government investigators or examiners. Representation in such matters is governed by Rules 4.1 through 4.4.

Title 4 TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

RULE 4.1: TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Comment

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted con-

ventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Paragraph (b) states a specific application of the principle set forth in Rule 1.2(d) and addresses the situation where a client's crime or fraud takes the form of a lie or misrepresentation. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. If the lawyer can avoid assisting a client's crime or fraud only by disclosing this information, then under paragraph (b) the lawyer is required to do so, unless the disclosure is prohibited by Rule 1.6.

RULE 4.2: COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

(a) In representing a client, a lawyer shall not communicate about the subject of the representation with a party person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so by law or a court order.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

Comment

[1] This Rule contributes to the proper functioning of the legal system by protecting a person who has chosen to be represented by a lawyer in a matter against possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship and the uncounselled disclosure of information relating to the representation.

[2] This Rule applies to communications with any person who is represented by counsel concerning the matter to which the communication relates.

[3] The Rule applies even though the represented person initiates or consents to the communication. A lawyer must immediately terminate communication with a person if, after commencing communication, the lawyer learns that the per-

son is one with whom communication is not permitted by this Rule.

[4] This Rule does not prohibit communication with a represented person, or an employee or agent of such a person, concerning matters outside the representation. For example, the existence of a controversy between a government agency and a private party, or between two organizations, does not prohibit a lawyer for either from communicating with non-lawyer representatives of the other regarding a separate matter. Nor does this Rule preclude communication with a represented person who is seeking advice from a lawyer who is not otherwise representing a client in the matter. A lawyer may not make a communication prohibited by this Rule through the acts of another. See Rule 8.4(a). Parties to a matter may communicate directly with each other, and a lawyer is not prohibited from advising a client concerning a communication that the client is legally entitled to make. Also, a lawyer having independent justification or legal authorization for communicating with a represented person is permitted to do so.

[5] Communications authorized by law may include communications by a lawyer on behalf of a client who is exercising a constitutional or other legal right to communicate with the government. Communications authorized by law may also include investigative activities of lawyers representing governmental entities, directly or through investigative agents, prior to the commencement of criminal or civil enforcement proceedings. When communicating with the accused in a criminal matter, a government lawyer must comply with this Rule in addition to honoring the constitutional rights of the accused. The fact that a communication does not violate a state or federal constitutional right is insufficient to establish that the communication is permissible under this Rule.

[6] A lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order. A lawyer may also seek a court order in exceptional circumstances to authorize a communication that would otherwise be prohibited by this Rule, for example, where communication with a person represented by counsel is necessary to avoid reasonably certain injury.

[7] [Washington revision] In the case of a represented organization, this Rule prohibits communications with a constituent of the organization who supervises, directs or regularly consults with the organization's lawyer concerning the matter or has authority to obligate the organization with respect to the matter. Consent of the organization's lawyer is not required for communication with a former constituent. If a constituent of the organization is represented in the matter by his or her own counsel, the consent by that counsel to a communication will be sufficient for purposes of this Rule. In communicating with a current or former constituent of an organization, a lawyer must not use methods of obtaining evidence that violate the legal rights of the organization. See Rule 4.4.

[8] The prohibition on communication with a represented person only applies in circumstances where the lawyer knows that the person is in fact represented in the matter to be discussed. This means that the lawyer has actual knowledge of the fact of the representation; but such actual knowledge

may be inferred from the circumstances. See Rule 1.0(f). Thus, the lawyer cannot evade the requirement of obtaining the consent of counsel by closing eyes to the obvious.

[9] In the event the person with whom the lawyer communicates is not known to be represented by counsel in the matter, the lawyer's communications are subject to Rule 4.3.

Additional Washington Comments (10 – 11)

[10] Comment [7] to Model Rule 4.2 was revised to conform to Washington law. The phrase "or whose act or omission in connection with the matter may be imputed to the organization for purposes of civil or criminal liability" and the reference to Model Rule 3.4(f) was deleted. Whether and how lawyers may communicate with employees of an adverse party is governed by *Wright v. Group Health Hospital*, 103 Wn.2d 192, 691 P.2d 564 (1984). See also Washington Comment [5] to Rule 3.4.

[11] An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with Rule 1.2(c) is considered to be unrepresented for purposes of this Rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation. (The provisions of this Comment were taken from former Washington RPC 4.2(b)).

RULE 4.3: DEALING WITH UNREPRESENTED PERSON

(a) In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

Comment

[1] An unrepresented person, particularly one not experienced in dealing with legal matters, might assume that a lawyer is disinterested in loyalties or is a disinterested authority on the law even when the lawyer represents a client. In order to avoid a misunderstanding, a lawyer will typically need to identify the lawyer's client and, where necessary, explain that the client has interests opposed to those of the unrepresented person. For misunderstandings that sometimes arise when a

lawyer for an organization deals with an unrepresented constituent, see Rule 1.13(d).

[2] The Rule distinguishes between situations involving unrepresented persons whose interests may be adverse to those of the lawyer's client and those in which the person's interests are not in conflict with the client's. In the former situation, the possibility that the lawyer will compromise the unrepresented person's interests is so great that the Rule prohibits the giving of any advice, apart from the advice to obtain counsel. Whether a lawyer is giving impermissible advice may depend on the experience and sophistication of the unrepresented person, as well as the setting in which the behavior and comments occur. This Rule does not prohibit a lawyer from negotiating the terms of a transaction or settling a dispute with an unrepresented person. So long as the lawyer has explained that the lawyer represents an adverse party and is not representing the person, the lawyer may inform the person of the terms on which the lawyer's client will enter into an agreement or settle a matter, prepare documents that require the person's signature and explain the lawyer's own view of the meaning of the document or the lawyer's view of the underlying legal obligations.

Additional Washington Comments (3 - 4)

[3] An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with Rule 1.2(c) is considered to be unrepresented for purposes of this Rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation. (The provisions of this Comment were taken from former Washington RPC 4.3(b)).

[4] Government lawyers are frequently called upon by unrepresented persons, and in some instances by the courts, to provide general information on laws and procedures relating to claims against the government. The provision of such general information by government lawyers is not a violation of this Rule.

RULE 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

Comment

[1] Responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of third persons. It is impractical to catalogue all such rights, but they include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship.

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[2] Paragraph (b) recognizes that lawyers sometimes receive documents that were mistakenly sent or produced by opposing parties or their lawyers. If a lawyer knows or reasonably should know that such a document was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the original document, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document that the lawyer knows or reasonably should know may have been wrongfully obtained by the sending person. For purposes of this Rule, "document" includes e-mail or other electronic modes of transmission subject to being read or put into readable form.

[3] Some lawyers may choose to return a document unread, for example, when the lawyer learns before receiving the document that it was inadvertently sent to the wrong address. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.2 and 1.4.

TITLE 5 LAW FIRMS AND ASSOCIATIONS

RULE 5.1; RESPONSIBILITIES OF A PARTNERS, MANAGERS, AND OR SUPERVISORY LAWYERS

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

[1] Paragraph (a) applies to lawyers who have managerial authority over the professional work of a firm. See Rule 1.0(c). This includes members of a partnership, the shareholders in a law firm organized as a professional corporation, and members of other associations authorized to practice law; lawyers having comparable managerial authority in a legal services organization or a law department of an enterprise or government agency; and lawyers who have intermediate managerial responsibilities in a firm. Paragraph (b) applies to

lawyers who have supervisory authority over the work of other lawyers in a firm.

[2] Paragraph (a) requires lawyers with managerial authority within a firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that all lawyers in the firm will conform to the Rules of Professional Conduct. Such policies and procedures include those designed to detect and resolve conflicts of interest, identify dates by which actions must be taken in pending matters, account for client funds and property and ensure that inexperienced lawyers are properly supervised.

[3] Other measures that may be required to fulfill the responsibility prescribed in paragraph (a) can depend on the firm's structure and the nature of its practice. In a small firm of experienced lawyers, informal supervision and periodic review of compliance with the required systems ordinarily will suffice. In a large firm, or in practice situations in which difficult ethical problems frequently arise, more elaborate measures may be necessary. Some firms, for example, have a procedure whereby junior lawyers can make confidential referral of ethical problems directly to a designated senior partner or special committee. See Rule 5.2. Firms, whether large or small, may also rely on continuing legal education in professional ethics. In any event, the ethical atmosphere of a firm can influence the conduct of all its members and the partners may not assume that all lawyers associated with the firm will inevitably conform to the Rules.

[4] Paragraph (c) expresses a general principle of personal responsibility for acts of another. See also Rule 8.4(a).

[5] Paragraph (c)(2) defines the duty of a partner or other lawyer having comparable managerial authority in a law firm, as well as a lawyer who has direct supervisory authority over performance of specific legal work by another lawyer. Whether a lawyer has supervisory authority in particular circumstances is a question of fact. Partners and lawyers with comparable authority have at least indirect responsibility for all work being done by the firm, while a partner or manager in charge of a particular matter ordinarily also has supervisory responsibility for the work of other firm lawyers engaged in the matter. Appropriate remedial action by a partner or managing lawyer would depend on the immediacy of that lawyer's involvement and the seriousness of the misconduct. A supervisor is required to intervene to prevent avoidable consequences of misconduct if the supervisor knows that the misconduct occurred. Thus, if a supervising lawyer knows that a subordinate misrepresented a matter to an opposing party in negotiation, the supervisor as well as the subordinate has a duty to correct the resulting misapprehension.

[6] Professional misconduct by a lawyer under supervision could reveal a violation of paragraph (b) on the part of the supervisory lawyer even though it does not entail a violation of paragraph (c) because there was no direction, ratification or knowledge of the violation.

[7] [Washington revision] Apart from this Rule and Rule 8.4(a), a lawyer does not have disciplinary liability for the conduct of a partner, associate or subordinate lawyer. Whether a lawyer may be liable civilly or criminally for another lawyer's conduct is a question of law beyond the scope of these Rules.

[8] The duties imposed by this Rule on managing and supervising lawyers do not alter the personal duty of each lawyer in a firm to abide by the Rules of Professional Conduct. See Rule 5.2(a).

RULE 5.2: RESPONSIBILITIES OF A SUBORDINATE LAWYER

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

Comment

[1] Although a lawyer is not relieved of responsibility for a violation by the fact that the lawyer acted at the direction of a supervisor, that fact may be relevant in determining whether a lawyer had the knowledge required to render conduct a violation of the Rules. For example, if a subordinate filed a frivolous pleading at the direction of a supervisor, the subordinate would not be guilty of a professional violation unless the subordinate knew of the document's frivolous character.

[2] When lawyers in a supervisor-subordinate relationship encounter a matter involving professional judgment as to ethical duty, the supervisor may assume responsibility for making the judgment. Otherwise a consistent course of action or position could not be taken. If the question can reasonably be answered only one way, the duty of both lawyers is clear and they are equally responsible for fulfilling it. However, if the question is reasonably arguable, someone has to decide upon the course of action. That authority ordinarily reposes in the supervisor, and a subordinate may be guided accordingly. For example, if a question arises whether the interests of two clients conflict under Rule 1.7, the supervisor's reasonable resolution of the question should protect the subordinate professionally if the resolution is subsequently challenged.

RULE 5.3: RESPONSIBILITIES REGARDING NONLAWYER ASSISTANTS

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Comment

[1] Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising non-lawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

[2] Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that nonlawyers in the firm will act in a way compatible with the Rules of Professional Conduct. See Comment [1] to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over the work of a nonlawyer. Paragraph (c) specifies the circumstances in which a lawyer is responsible for conduct of a nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

RULE 5.4: PROFESSIONAL INDEPENDENCE OF A LAWYER

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) Aan agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) ~~A lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; and a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;~~

(3) ~~A~~a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4) ~~[Reserved.]~~

(5) a lawyer authorized to complete unfinished legal business of a deceased lawyer may pay to the estate or other representative of the deceased lawyer that proportion of the total compensation that fairly represents the services rendered by the deceased lawyer.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) ~~A~~ a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;

(2) ~~A~~ a nonlawyer is a corporate director or officer (other than as secretary or treasurer) thereof ~~or occupies the position of similar responsibility in any form of association other than a corporation~~; or

(3) ~~A~~ a nonlawyer has the right to direct or control the professional judgment of a lawyer.

Comment

[1] The provisions of this Rule express traditional limitations on sharing fees. These limitations are to protect the lawyer's professional independence of judgment. Where someone other than the client pays the lawyer's fee or salary, or recommends employment of the lawyer, that arrangement does not modify the lawyer's obligation to the client. As stated in paragraph (c), such arrangements should not interfere with the lawyer's professional judgment.

[2] This Rule also expresses traditional limitations on permitting a third party to direct or regulate the lawyer's professional judgment in rendering legal services to another. See also Rule 1.8(f) (lawyer may accept compensation from a third party as long as there is no interference with the lawyer's independent professional judgment and the client gives informed consent).

Additional Washington Comment (3)

[3] Paragraph (a)(5) was taken from former Washington RPC 5.4 (a)(2).

RULE 5.5: UNAUTHORIZED PRACTICE OF LAW; MULTI-JURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not: practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(a) ~~Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;~~

(b) ~~Assist a person who is not a member of the Bar in the performance of activity that constitutes the unauthorized practice of law;~~

(c) ~~permit his or her name to be used as a lawyer by another person who is not a lawyer authorized to practice law in the state of Washington;~~

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) engage in any of the following with an individual who is a disbarred or suspended lawyer or who has resigned in lieu of disbarment:

(1) practice law with or in cooperation with such an individual;

(2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;

(3) permit such an individual to use the lawyer's name for the practice of law;

(4) practice law for or on behalf of such an individual;

(5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual; or

(e) engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

[2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the

bar protects the public against rendition of legal services by unqualified persons. This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. See Rule 5.3.

[3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[4] Other than as authorized by law or this Rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1 and 7.5(b).

[5] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs (d)(1) and (d)(2), this Rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

[6] There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis, or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.

[7] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice, because, for example, the lawyer is on inactive status.

[8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must

actively participate in and share responsibility for the representation of the client.

[9] Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this Rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this Rule requires the lawyer to obtain that authority.

[10] Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this Rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

[11] When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

[12] Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

[13] Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

[14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be

resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law.

[15] Paragraph (d) identifies two circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

[16] Paragraph (d)(1) applies to a lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work.

[17] If an employed lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the lawyer may be subject to registration or other requirements, including assessments for client protection funds and mandatory continuing legal education.

[18] Paragraph (d)(2) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation or judicial precedent.

[19] A lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

[20] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, that may be required when the representation occurs primarily in this jurisdiction

and requires knowledge of the law of this jurisdiction. See Rule 1.4(b).

[21] Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

RULE 5.6: RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

(a) a partnership ~~or~~ shareholders, operating, employment, or other similar type of agreement that restricts the rights of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy between private parties.

Comment

[1] An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph (a) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm.

[2] Paragraph (b) prohibits a lawyer from agreeing not to represent other persons in connection with settling a claim on behalf of a client.

[3] [Washington revision] This Rule does not prohibit restrictions that may be included in the terms of the sale of a law practice pursuant to Rule 1.17, a lawyer's plea agreement in a criminal matter, or a stipulation under the Rules for Enforcement of Lawyer Conduct.

RULE 5.7: RESPONSIBILITIES REGARDING LAW-RELATED SERVICES

(a) A lawyer shall be subject to the Rules of Professional Conduct with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided;

(1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or

(2) in other circumstances by an entity controlled by the lawyer individually or with others if the lawyer fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not exist.

(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.

Comment

[1] When a lawyer performs law-related services or controls an organization that does so, there exists the potential

for ethical problems. Principal among these is the possibility that the person for whom the law-related services are performed fails to understand that the services may not carry with them the protections normally afforded as part of the client-lawyer relationship. The recipient of the law-related services may expect, for example, that the protection of client confidences, prohibitions against representation of persons with conflicting interests, and obligations of a lawyer to maintain professional independence apply to the provision of law-related services when that may not be the case.

[2] Rule 5.7 applies to the provision of law-related services by a lawyer even when the lawyer does not provide any legal services to the person for whom the law-related services are performed and whether the law-related services are performed through a law firm or a separate entity. The Rule identifies the circumstances in which all of the Rules of Professional Conduct apply to the provision of law-related services. Even when those circumstances do not exist, however, the conduct of a lawyer involved in the provision of law-related services is subject to those Rules that apply generally to lawyer conduct, regardless of whether the conduct involves the provision of legal services. See, e.g., Rule 8.4.

[3] When law-related services are provided by a lawyer under circumstances that are not distinct from the lawyer's provision of legal services to clients, the lawyer in providing the law-related services must adhere to the requirements of the Rules of Professional Conduct as provided in paragraph (a)(1). Even when the law-related and legal services are provided in circumstances that are distinct from each other, for example through separate entities or different support staff within the law firm, the Rules of Professional Conduct apply to the lawyer as provided in paragraph (a)(2) unless the lawyer takes reasonable measures to assure that the recipient of the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not apply.

[4] Law-related services also may be provided through an entity that is distinct from that through which the lawyer provides legal services. If the lawyer individually or with others has control of such an entity's operations, the Rule requires the lawyer to take reasonable measures to assure that each person using the services of the entity knows that the services provided by the entity are not legal services and that the Rules of Professional Conduct that relate to the client-lawyer relationship do not apply. A lawyer's control of an entity extends to the ability to direct its operation. Whether a lawyer has such control will depend upon the circumstances of the particular case.

[5] When a client-lawyer relationship exists with a person who is referred by a lawyer to a separate law-related service entity controlled by the lawyer, individually or with others, the lawyer must comply with Rule 1.8(a).

[6] In taking the reasonable measures referred to in paragraph (a)(2) to assure that a person using law-related services understands the practical effect or significance of the inapplicability of the Rules of Professional Conduct, the lawyer should communicate to the person receiving the law-related services, in a manner sufficient to assure that the person understands the significance of the fact, that the relationship of the person to the business entity will not be a client-lawyer

relationship. The communication should be made before entering into an agreement for provision of or providing law-related services, and preferably should be in writing.

[7] The burden is upon the lawyer to show that the lawyer has taken reasonable measures under the circumstances to communicate the desired understanding. For instance, a sophisticated user of law-related services, such as a publicly held corporation, may require a lesser explanation than someone unaccustomed to making distinctions between legal services and law-related services, such as an individual seeking tax advice from a lawyer-accountant or investigative services in connection with a lawsuit.

[8] Regardless of the sophistication of potential recipients of law-related services, a lawyer should take special care to keep separate the provision of law-related and legal services in order to minimize the risk that the recipient will assume that the law-related services are legal services. The risk of such confusion is especially acute when the lawyer renders both types of services with respect to the same matter. Under some circumstances the legal and law-related services may be so closely entwined that they cannot be distinguished from each other, and the requirement of disclosure and consultation imposed by paragraph (a)(2) of the Rule cannot be met. In such a case a lawyer will be responsible for assuring that both the lawyer's conduct and, to the extent required by Rule 5.3, that of nonlawyer employees in the distinct entity that the lawyer controls complies in all respects with the Rules of Professional Conduct.

[9] A broad range of economic and other interests of clients may be served by lawyers' engaging in the delivery of law-related services. Examples of law-related services include providing title insurance, financial planning, accounting, trust services, real estate counseling, legislative lobbying, economic analysis, social work, psychological counseling, tax preparation, and patent, medical or environmental consulting.

[10] When a lawyer is obliged to accord the recipients of such services the protections of those Rules that apply to the client-lawyer relationship, the lawyer must take special care to heed the proscriptions of the Rules addressing conflict of interest (Rules 1.7 through 1.11, especially Rules 1.7 (a)(2) and 1.8 (a), (b) and (f)), and to scrupulously adhere to the requirements of Rule 1.6 relating to disclosure of confidential information. The promotion of the law-related services must also in all respects comply with Rules 7.1 through 7.3, dealing with advertising and solicitation. In that regard, lawyers should take special care to identify the obligations that may be imposed as a result of a jurisdiction's decisional law.

[11] When the full protections of all of the Rules of Professional Conduct do not apply to the provision of law-related services, principles of law external to the Rules, for example, the law of principal and agent, govern the legal duties owed to those receiving the services. Those other legal principles may establish a different degree of protection for the recipient with respect to confidentiality of information, conflicts of interest and permissible business relationships with clients. See also Rule 8.4 (Misconduct).

RULE 5.8: MISCONDUCT INVOLVING DISBARRED, SUSPENDED, RESIGNED, AND INACTIVE LAWYERS

(a) A lawyer shall not engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

(b) A lawyer shall not engage in any of the following with an individual who is a disbarred or suspended lawyer or who has resigned in lieu of disbarment:

(1) practice law with or in cooperation with such an individual;

(2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;

(3) permit such an individual to use the lawyer's name for the practice of law;

(4) practice law for or on behalf of such an individual; or

(5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual.

Washington Comment

[1] The provisions of this Rule were taken from former Washington RPC 5.5 (d) and (e) (as amended in 2002).

Title 6 PUBLIC SERVICE**RULE 6.1: PRO BONO PUBLICO SERVICE**

Every lawyer has a professional responsibility to assist in the provision of legal services to those unable to pay. A lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year. In fulfilling this responsibility, the lawyers should:

(a) provide legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civil, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide pro bono publico service through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, or charitable, religious, civil, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

Pro bono publico service may be reported on the annual fee statement furnished to the WSBA. Lawyers rendering a minimum of fifty (50) hours of pro bono publico service shall receive a recognition award for such service from the WSBA.

Comment

[1] [Washington revision] Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, at a minimum, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

[2] [Washington revision] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means or organizations primarily representing such persons. The variety of these activities should facilitate participation by government lawyers, even when restrictions may exist on their engaging in the outside practice of law.

[3] [Washington revision] Persons eligible for legal services under paragraphs (a)(1) are those who qualify for services provided by a qualified legal services provider (see Washington Comment [14]) and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless, cannot afford counsel. Legal services under paragraphs (a)(1) and (2) include those rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

[4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory attorneys' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] [Washington revision] A lawyer's responsibility under this Rule can be fulfilled either through the activities described in paragraph (a)(1) and (2) or in a variety of ways as set forth in paragraph (b).

[6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be

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addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

[7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

[8] [Washington revision] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving in a volunteer capacity on bar association committees or on boards of pro bono or legal services programs, taking part in Law Week activities, acting as an uncompensated continuing legal education instructor, an uncompensated mediator or arbitrator and engaging in uncompensated legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] Law firms should act reasonably to enable and encourage all lawyers in the firm to provide the pro bono legal services called for by this Rule.

[12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.

Additional Washington Comment (13 - 16)

[13] Washington's version of this Rule differs from the Model Rule. Washington's Rule 6.1 specifies an aspirational minimum of thirty hours of pro bono publico legal services per year rather than fifty, but provides for presentation of a service recognition award to those lawyers reporting to the WSBA a minimum of fifty hours. Unlike the Model Rule, paragraph (a) of Washington's Rule does not specify that the majority of the pro bono publico legal service hours should be provided without fee or expectation of fee. And Washington's Rule does not include the final paragraph of the Model Rule relating to voluntary contributions of financial support

to legal services organizations. The provisions of Rule 6.1 were taken from former Washington RPC 6.1 (as amended in 2003).

[14] For purposes of this Rule, a "qualified legal services provider" is a not-for-profit legal services organization whose primary purpose is to provide legal services to low-income clients.

[15] Pro bono publico service does not include services rendered for wages or other compensation by lawyers employed by qualified legal services providers (as that term is defined in Washington Comment [14]), government agencies, or other organizations as part of their employment.

[16] The amount of time spent rendering pro bono publico services should be calculated on the same basis that lawyers calculate their time on billable matters. For example, if time spent traveling to a client meeting or to a court hearing is considered to be part of the time for which a paying client would be billed, it is appropriate to include such time in calculating the number of pro bono publico service hours rendered under this Rule.

RULE 6.2; ACCEPTING APPOINTMENTS

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

(a) Representing the client is likely to result in violation of the Rules of Professional Conduct or other law;

(b) Representing the client is likely to result in an unreasonable financial burden on the lawyer; or

(c) The client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.

Comment

[1] [Washington revision] A lawyer ordinarily is not obliged to accept a client whose character or cause the lawyer regards as repugnant. The lawyer's freedom to select clients is, however, qualified. A lawyer may be subject to appointment by a court to serve unpopular clients or persons unable to afford legal services.

Appointed Counsel

[2] For good cause a lawyer may seek to decline an appointment to represent a person who cannot afford to retain counsel or whose cause is unpopular. Good cause exists if the lawyer could not handle the matter competently, see Rule 1.1, or if undertaking the representation would result in an improper conflict of interest, for example, when the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client. A lawyer may also seek to decline an appointment if acceptance would be unreasonably burdensome, for example, when it would impose a financial sacrifice so great as to be unjust.

[3] An appointed lawyer has the same obligations to the client as retained counsel, including the obligations of loyalty and confidentiality, and is subject to the same limitations on the client-lawyer relationship, such as the obligation to refrain from assisting the client in violation of the Rules.

RULE 6.3: MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

(a) ~~I~~if participating in the decision or action would be incompatible with the lawyer's obligations to a client under ~~Rule~~ 1.7; or

(b) ~~W~~where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Comment

[1] Lawyers should be encouraged to support and participate in legal service organizations. A lawyer who is an officer or a member of such an organization does not thereby have a client-lawyer relationship with persons served by the organization. However, there is potential conflict between the interests of such persons and the interests of the lawyer's clients. If the possibility of such conflict disqualified a lawyer from serving on the board of a legal services organization, the profession's involvement in such organizations would be severely curtailed.

[2] It may be necessary in appropriate cases to reassure a client of the organization that the representation will not be affected by conflicting loyalties of a member of the board. Established, written policies in this respect can enhance the credibility of such assurances.

RULE 6.4: LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Comment

[1] Lawyers involved in organizations seeking law reform generally do not have a client-lawyer relationship with the organization. Otherwise, it might follow that a lawyer could not be involved in a bar association law reform program that might indirectly affect a client. See also Rule 1.2(b). For example, a lawyer specializing in antitrust litigation might be regarded as disqualified from participating in drafting revisions of rules governing that subject. In determining the nature and scope of participation in such activities, a lawyer should be mindful of obligations to clients under other Rules, particularly Rule 1.7. A lawyer is professionally obligated to protect the integrity of the program by making an appropriate disclosure within the organization when the lawyer knows a private client might be materially benefited.

RULE 6.5: NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter and without expectation that the lawyer will receive a fee from the client for the services provided:

(1) is subject to Rules 1.7 ~~and~~, 1.9(a), and 1.18(c) only if the lawyer knows that the representation of the client involves a conflict of interest, except that those ~~Rules~~ shall not prohibit a lawyer from providing limited legal services sufficient only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program; ~~and~~

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter; ~~and~~

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), ~~or~~ 1.10, or 1.18(c) in providing limited legal services to a client if:

(~~ai~~) the program lawyers representing the opposing clients are screened by effective means from information as relating to the representation of the opposing client's confidences, secrets, trial strategy and work product as to the matter at issue;

(~~bii~~) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of ~~confidential or secret~~ information relating to the representation; ~~and~~

(~~ei~~) the program is able to demonstrate by convincing evidence that no ~~confidences or secrets that are material were~~ information relating to the representation of the opposing client was transmitted by the personally disqualified lawyers to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Comment

[1] [Washington revision] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services — such as advice or the completion of legal forms — that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., Rules 1.7, 1.9, 1.10, and 1.18.

[2] A lawyer who provides short-term limited legal services pursuant to this Rule must secure the client's informed consent to the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be

reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this Rule, the Rules of Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] [Washington revision] Because a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with Rules 1.7 or 1.9(a), or 1.18(c) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this Rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and 1.10 become applicable.

Additional Washington Comments (6 - 7)

[6] Washington's version of this Rule differs from the Model Rule. The differences accommodate the unique civil legal services delivery system, which uses a statewide centralized telephone intake and referral system for low-income persons to access free civil legal services. The Rule recognizes that lawyers who provide intake and referral services such as these will necessarily at times receive confidential information from adverse parties. The risk that such information will be used against the material interests of either party is relatively low in comparison to the need for services, and when such a risk exists, protections of lawyer screening and notice to the client are required by the Rule.

[7] Paragraph (a)(3) was taken from former Washington RPC 6.5 (a)(3) as enacted in 2002. The replacement of "confidences and secrets" in paragraph (a)(3) with "information relating to the representation" was necessary to conform the language of the Rule to a terminology change in Rule 1.6. No substantive change is intended. See Comment [19] to Rule 1.6.

Title 7 INFORMATION ABOUT LEGAL SERVICES

RULE 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it: ~~(a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;~~

~~(b) Is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or~~

~~(c) Compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.~~

Comment

[1] This Rule governs all communications about a lawyer's services, including advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer's services, statements about them must be truthful.

[2] Truthful statements that are misleading are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

[3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead a prospective client.

[4] See also Rule 8.4(e) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

RULE 7.2: ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor, radio or television, or through written communication.

~~(b) A copy or recording of an advertisement or written communication shall be kept by the lawyer for 2 years after~~

its last dissemination along with a record of when and where it was used. Upon written request by the State Bar, either instigated by the State Bar or as the result of any inquiry from the public, the lawyer shall make any such copy or recording available to the State Bar, and shall provide to the State Bar evidence of any relevant professional qualifications and of the facts upon which any factual or objective claims contained in the advertisement or communication are based. The State Bar Association may provide the lawyer's response to any person making inquiry.

(eb) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may

(1) pay the reasonable costs of advertising advertisements or written communications permitted by this Rule and may;

(2) pay the usual charges of a legal service plan or a not-for-profit lawyer referral service or other legal service organization;

(3) pay for a law practice in accordance with Rule 1.17; and

(4) refer clients to another lawyer pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and
(ii) the client is informed of the existence and nature of the agreement.

(ec) Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

Comment

[1] To assist the public in obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Televi-

sion is now one of the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. Similarly, electronic media, such as the Internet, can be an important source of information about legal services, and lawful communication by electronic mail is permitted by this Rule. But see Rule 7.3(a) for the prohibition against the solicitation of a prospective client through a real-time electronic exchange that is not initiated by the prospective client.

[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

[5] Lawyers are not permitted to pay others for channeling professional work. Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, banner ads, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff and website designers. See Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers who prepare marketing materials for them.

[6] [Washington revision] A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists prospective clients to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Such referral services are understood by laypersons to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit lawyer referral service.

[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal service plans and lawyer referral services may communicate with prospective clients, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead prospective clients to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the law-

ver allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

[8] [Washington revision] A lawyer also may agree to refer clients to another lawyer in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer clients to the other lawyer, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements should not be of indefinite duration and should be reviewed periodically to determine whether they comply with these Rules. This Rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.

Additional Washington Comment (9)

[9] That portion of Model Rule 7.2 (b)(4) that allows lawyers to enter into reciprocal referral agreements with non-lawyer professionals was not adopted.

RULE 7.3: DIRECT CONTACT WITH PROSPECTIVE CLIENTS

(a) A lawyer shall not, directly or through a third person, by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship in person or by telephone when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer;

(2) has a family, close personal, or prior professional relationship with the lawyer; or

(3) has consented to the contact by requesting a referral from a not-for-profit lawyer referral service.

(b) A lawyer shall not ~~send a written communication to a prospective client for the purpose of obtaining~~ solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the person prospective client has made known to the lawyer a desire not to receive communications from be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(c) [Reserved.]

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment

[1] There is a potential for abuse inherent in direct in-person, live telephone or real-time electronic contact by a lawyer with a prospective client known to need legal services. These forms of contact between a lawyer and a prospective client subject the layperson to the private importuning of the trained advocate in a direct interpersonal encounter. The prospective client, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[2] This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation of prospective clients justifies its prohibition, particularly since lawyer advertising and written and recorded communication permitted under Rule 7.2 offer alternative means of conveying necessary information to those who may be in need of legal services. Advertising and written and recorded communications which may be mailed or autodialed make it possible for a prospective client to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the prospective client to direct in-person, telephone or real-time electronic persuasion that may overwhelm the client's judgment.

[3] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to prospective client, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1. The contents of direct in-person, live telephone or real-time electronic conversations between a lawyer and a prospective client can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[4] [Washington revision] There is far less likelihood that a lawyer would engage in abusive practices against an individual who is a former client, or with whom the lawyer has close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer. Consequently, the general prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include pro-

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viding or recommending legal services to its members or beneficiaries.

[5] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3 (b)(2), or which involves contact with a prospective client who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3 (b)(1) is prohibited. Moreover, if after sending a letter or other communication to a client as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the prospective client may violate the provisions of Rule 7.3(b).

[6] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to a prospective client. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[7] [Reserved.]

[8] Paragraph (d) of this Rule permits a lawyer to participate with an organization which uses personal contact to solicit members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations also must not be directed to a person known to need legal services in a particular matter, but is to be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b). See 8.4(a).

Additional Washington Comments (9 - 12)

[9] A lawyer who receives a referral from a third party should exercise caution in contacting the prospective client directly by in-person, live telephone, or real-time electronic contact. Such contact is generally prohibited by this Rule unless the prospective client has asked to be contacted by the lawyer. A prospective client may request such contact through a third party. Prior to initiating contact with the prospective client, however, the lawyer should confirm with the

source of the referral that the prospective client has indeed made such a request. Similarly, when making referrals to other lawyers, the referring lawyer should discuss with the prospective client whether he or she wishes to be contacted directly.

[10] Those in need of legal representation often seek assistance in finding a lawyer through a lawyer referral service. Washington adopted paragraph (a)(3) in order to facilitate communication between lawyers and potential clients who have specifically requested a referral from a not-for-profit lawyer referral service. Under this paragraph, a lawyer receiving such a referral may contact the potential client directly by in-person, live telephone, or real-time electronic contact to discuss possible representation.

[11] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of communications with prospective clients. A specific labeling requirement is unnecessary in light of the prohibition in Rule 7.1 against false or misleading communications.

[12] The phrase "directly or through a third person" in paragraph (a) was retained from former Washington RPC 7.3(a).

RULE 7.4: COMMUNICATION OF FIELDS OF PRACTICE AND SPECIALIZATION

(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is a specialist except as follows:

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation.

(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation.

(b) Upon A lawyer shall not state or imply that a lawyer is a specialist in a particular field of law, except upon issuance of an identifying certificate, award, or recognition by a group, organization, or association, a lawyer may use the terms "certified", "specialist", "expert", or any other similar term to describe his or her qualifications as a lawyer or his or her qualifications in any subspecialty of the law. If the terms are used to identify any certificate, award, or recognition by any group, organization, or association, the reference must meet the following requirements:

(1) the reference must be truthful and verifiable and may not be misleading in violation of otherwise comply with Rule 7.1;

(2) the reference must identify the certifying group, organization, or association; and

(3) the reference must state that the Supreme Court of Washington does not recognize the certification of specialties in the practice of law and that the certificate, award, or recognition is not a requirement to practice law in the state of Washington.

Comment

[1] [Washington revision] Paragraph (a) of this Rule permits a lawyer to indicate areas of practice in communica-

tions about the lawyer's services. If a lawyer practices only in certain fields, or will not accept matters except in a specified field or fields, the lawyer is permitted to so indicate.

[2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark Office for the designation of lawyers practicing before the Office. Paragraph (c) recognizes that designation of Admiralty practice has a long historical tradition associated with maritime commerce and the federal courts.

[3] [Reserved.]

Additional Washington Comment (4)

[4] Statements indicating that the lawyer is a "specialist," practices a "specialty," "specializes in" particular fields, and the like, are subject to the limitations set forth in paragraph (d). The provisions of paragraph (d) were taken from former Washington RPC 7.4(b).

RULE 7.5: FIRM NAMES AND DESIGNATIONS LETTERHEADS

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 7.1 ~~or Rule 7.4~~. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1 or Rule 7.4.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact. ~~Lawyers practicing out of the same office who are not partners, shareholders of a professional corporation, or members of a professional limited liability company or partnership may not join their names together. Lawyers who are not (1) partners, shareholders of a professional corporation, or members of a professional limited liability company or partnership, or (2) employees of a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or partnership or other organization, or (3) in the relationship of being "Of Counsel" to a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or partnership or other organization, shall have separate letterheads, cards and pleading paper, and shall sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers.~~

Comment

[1] A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity or by a trade name such as the "ABC Legal Clinic." A lawyer or law firm may also be designated by a distinctive website

address or comparable professional designation. Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.

[2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm.

Additional Washington Comment (3)

[3] Lawyers practicing out of the same office who are not partners, shareholders of a professional corporation, or members of a professional limited liability company or partnership may not join their names together. Lawyers who are not 1) partners, shareholders of a professional corporation, or members of a professional limited liability company or partnership, or 2) employees of a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or partnership or other organization, or 3) in the relationship of being "Of Counsel" to a sole proprietorship, partnership, professional corporation, or members of a professional limited liability company or partnership or other organization, must have separate letterheads, cards and pleading paper, and must sign their names individually at the end of all pleadings and correspondence and not in conjunction with the names of other lawyers. (The provisions of this Comment were taken from former Washington RPC 7.5(d).)

RULE 7.6: POLITICAL CONTRIBUTIONS TO OBTAIN GOVERNMENT LEGAL ENGAGEMENTS OR APPOINTMENTS BY JUDGES

A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

Comment

[1] Lawyers have a right to participate fully in the political process, which includes making and soliciting political contributions to candidates for judicial and other public office. Nevertheless, when lawyers make or solicit political contributions in order to obtain an engagement for legal work awarded by a government agency, or to obtain appointment by a judge, the public may legitimately question whether the lawyers engaged to perform the work are selected on the basis of competence and merit. In such a circumstance, the integrity of the profession is undermined.

[2] The term "political contribution" denotes any gift, subscription, loan, advance or deposit of anything of value made directly or indirectly to a candidate, incumbent, political party or campaign committee to influence or provide financial support for election to or retention in judicial or other government office. Political contributions in initiative and referendum elections are not included. For purposes of this Rule, the term "political contribution" does not include uncompensated services.

[3] Subject to the exceptions below, (i) the term "government legal engagement" denotes any engagement to provide legal services that a public official has the direct or indirect power to award; and (ii) the term "appointment by a judge" denotes an appointment to a position such as referee, commissioner, special master, receiver, guardian or other similar position that is made by a judge. Those terms do not, however, include (a) substantially uncompensated services; (b) engagements or appointments made on the basis of experience, expertise, professional qualifications and cost following a request for proposal or other process that is free from influence based upon political contributions; and (c) engagements or appointments made on a rotational basis from a list compiled without regard to political contributions.

[4] The term "lawyer or law firm" includes a political action committee or other entity owned or controlled by a lawyer or law firm.

[5] Political contributions are for the purpose of obtaining or being considered for a government legal engagement or appointment by a judge if, but for the desire to be considered for the legal engagement or appointment, the lawyer or law firm would not have made or solicited the contributions. The purpose may be determined by an examination of the circumstances in which the contributions occur. For example, one or more contributions that in the aggregate are substantial in relation to other contributions by lawyers or law firms, made for the benefit of an official in a position to influence award of a government legal engagement, and followed by an award of the legal engagement to the contributing or soliciting lawyer or the lawyer's firm would support an inference that the purpose of the contributions was to obtain the engagement, absent other factors that weigh against existence of the proscribed purpose. Those factors may include among others that the contribution or solicitation was made to further a political, social, or economic interest or because of an existing personal, family, or professional relationship with a candidate.

[6] If a lawyer makes or solicits a political contribution under circumstances that constitute bribery or another crime, Rule 8.4(b) is implicated.

Title 8 MAINTAINING THE INTEGRITY OF THE PROFESSION

RULE 8.1; BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the ~~B~~bar, or a lawyer in connection with a bar admission or reinstatement application; ~~or an application for reinstatement or in connection with a disciplinary matter~~, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or

knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this ~~Rule~~ does not require disclosure of information otherwise protected by ~~Rule~~ 1.6.

Comment

[1] The duty imposed by this Rule extends to persons seeking admission to the bar as well as to lawyers. Hence, if a person makes a material false statement in connection with an application for admission, it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application. The duty imposed by this Rule applies to a lawyer's own admission or discipline as well as that of others. Thus, it is a separate professional offense for a lawyer to knowingly make a misrepresentation or omission in connection with a disciplinary investigation of the lawyer's own conduct. Paragraph (b) of this Rule also requires correction of any prior misstatement in the matter that the applicant or lawyer may have made and affirmative clarification of any misunderstanding on the part of the admissions or disciplinary authority of which the person involved becomes aware.

[2] This Rule is subject to the provisions of the fifth amendment of the United States Constitution and corresponding provisions of state constitutions. A person relying on such a provision in response to a question, however, should do so openly and not use the right of nondisclosure as a justification for failure to comply with this Rule.

[3] A lawyer representing an applicant for admission to the bar, or representing a lawyer who is the subject of a disciplinary inquiry or proceeding, is governed by the rules applicable to the client-lawyer relationship, including Rule 1.6 and, in some cases, Rule 3.3.

Additional Washington Comment (4)

[4] A lawyer's obligations under this Rule are in addition to the lawyer's obligations under the Rules for Enforcement of Lawyer Conduct.

RULE 8.2; JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications, integrity, or record of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

(c) ~~A lawyer, in order to assist in maintaining the fair and independent administration of justice, should support and continue traditional efforts to defend judges and courts from unjust criticism.~~

Comment

[1] Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices, such as attorney general, prosecuting attorney and public defender. Expressing honest and candid opinions on such matters contributes to improving the

administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

[2] When a lawyer seeks judicial office, the lawyer should be bound by applicable limitations on political activity.

[3] To maintain the fair and independent administration of justice, lawyers are encouraged to continue traditional efforts to defend judges and courts unjustly criticized.

RULE 8.3: REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer ~~having knowledge who knows~~ that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, ~~should promptly~~ shall inform the appropriate professional authority.

(b) A lawyer ~~having knowledge who knows~~ that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office ~~should promptly~~ shall inform the appropriate authority.

(c) This ~~Rule~~ does not permit a lawyer to report the professional misconduct of another lawyer or a judge to the appropriate authority if doing so would require disclosure of the lawyer to disclose information otherwise protected by ~~Rule~~ 1.6.

Comment

[1] [Washington revision] Self-regulation of the legal profession requires that members of the profession, when they know of a violation of the Rules of Professional Conduct, initiate disciplinary investigation by reporting lawyer misconduct to the appropriate disciplinary authority. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.

[2] [Washington revision] A report about misconduct is prohibited if it would involve violation of Rule 1.6. However, a lawyer should encourage a client to consent to disclosure where prosecution would not substantially prejudice the client's interests.

[3] [Washington revision] This Rule does not oblige a lawyer to report every violation of the Rules, but instead limits the reporting obligation to those offenses that a self-regulating profession must vigorously endeavor to prevent. A measure of judgment is, therefore, required in complying with the provisions of this Rule. The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. And reporting is required only when a lawyer knows about reportable misconduct. See Rule 1.0(f) for the definition of "knows"; see Rule 1.0(l) for the definition of "substantial." Similar considerations apply to the reporting of judicial misconduct.

[4] The duty to report professional misconduct does not apply to a lawyer retained to represent a lawyer whose professional conduct is in question. Such a situation is governed by the Rules applicable to the client-lawyer relationship.

[5] [Washington revision] Information about a lawyer's or judge's misconduct or fitness may be received by a lawyer in the course of that lawyer's participation in an approved lawyers or judges assistance program. In that circumstance, the reporting requirements of paragraphs (a) and (b) of this Rule do not apply. Lawyers and judges should not hesitate to seek assistance from these programs in order to prevent additional harm to their professional careers and additional injury to the welfare of clients and the public. Admission to Practice Rule 19(b) provides that confidential communications between lawyer-clients and staff or peer counselors of the Lawyers' Assistance Program (LAP) of the Washington State Bar Association are privileged. Likewise, Discipline Rule for Judges 14(e) provides that confidential communications between judges and peer counselors of the Judicial Assistance Committees of the various judges associations or the LAP are privileged.

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

(a) ~~V~~iolate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) ~~C~~ommit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) ~~E~~ngage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) ~~E~~ngage in conduct that is prejudicial to the administration of justice;

(e) ~~S~~tate or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

(f) ~~K~~nowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

(g) ~~C~~ommit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this ~~Rule~~ when committed on the basis of sex, race, age, creed, religion, color, national origin, disability or marital status. This ~~Rule~~ shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with ~~RPC 1.15~~ Rule 1.16;

(h) ~~I~~n representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, ~~or~~ marital status, or socioeconomic status. This ~~Rule~~ does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments;

(i) ~~C~~ommit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which

reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

(j) ~~W~~willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;

(k) ~~V~~violate his or her oath as an attorney;

(l) ~~V~~violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;

(m) ~~V~~violate the Code of Judicial Conduct; or

(n) ~~E~~engage in conduct demonstrating unfitness to practice law.

Comment

[1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[2] [Reserved.]

[3] [Washington revision] Legitimate advocacy respecting the factors set forth in paragraph (h) does not violate paragraphs (d) or (h). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.

[4] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[5] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

Additional Washington Comment (6)

[6] Paragraphs (g) – (n) were taken from former Washington RPC 8.4 (as amended in 2002).

RULE 8.5: JURISDICTION DISCIPLINARY AUTHORITY: CHOICE OF LAW

(a) A lawyer licensed or admitted for any purpose to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.

(b) A lawyer may be subjected to disciplinary sanctions or actions in this jurisdiction on the basis of suspension, dis-

barment or other disciplinary sanction by competent authority in any other state, federal or foreign jurisdiction.

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

Comment

Disciplinary Authority

[1] It is longstanding law that the conduct of a lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction. Extension of the disciplinary authority of this jurisdiction to other lawyers who provide or offer to provide legal services in this jurisdiction is for the protection of the citizens of this jurisdiction. Reciprocal enforcement of a jurisdiction's disciplinary findings and sanctions will further advance the purposes of this Rule. See, Rules 6 and 22, ABA Model Rules for Lawyer Disciplinary Enforcement. A lawyer who is subject to the disciplinary authority of this jurisdiction under Rule 8.5(a) appoints an official to be designated by this Court to receive service of process in this jurisdiction. The fact that the lawyer is subject to the disciplinary authority of this jurisdiction may be a factor in determining whether personal jurisdiction may be asserted over the lawyer for civil matters.

Choice of Law

[2] A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. Additionally, the lawyer's conduct may involve significant contacts with more than one jurisdiction.

[3] Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in

the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of a lawyer shall be subject to only one set of rules of professional conduct, (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions, and (iii) providing protection from discipline for lawyers who act reasonably in the face of uncertainty.

[4] Paragraph (b)(1) provides that as to a lawyer's conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise. As to all other conduct, including conduct in anticipation of a proceeding not yet pending before a tribunal, paragraph (b)(2) provides that a lawyer shall be subject to the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in another jurisdiction, the rules of that jurisdiction shall be applied to the conduct. In the case of conduct in anticipation of a proceeding that is likely to be before a tribunal, the predominant effect of such conduct could be where the conduct occurred, where the tribunal sits or in another jurisdiction.

[5] When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule.

[6] If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this Rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

[7] The choice of law provision applies to lawyers engaged in transnational practice, unless international law, treaties or other agreements between competent regulatory authorities in the affected jurisdictions provide otherwise.

APPENDIX

GUIDELINES FOR APPLYING RULE OF PROFESSIONAL CONDUCT 3.6

I. Criminal

A. The kind of statement referred to in Rule 3.6 which may potentially prejudice criminal proceedings is a statement which relates to:

(1) The character, credibility, reputation or criminal record of a suspect or defendant;

(2) The possibility of a plea of guilty to the offense or the existence or contents of a confession, admission or statement given by a suspect or defendant or that persons refusal or failure to make a statement;

(3) The performance or results of any investigative examination or test such as a polygraph examination or a laboratory test or the failure of a person to submit to an examination or test;

(4) Any opinion as to the guilt or innocence of any suspect or defendant;

(5) The credibility or anticipated testimony of a prospective witness; and

(6) Information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial.

B. The public has a legitimate interest in the conduct of judicial proceedings and the administration of justice. Lawyers involved in the litigation of criminal matters may state without elaboration:

(1) The general nature of the charge or defense;

(2) The information contained in the public record; and

(3) The scheduling of any step in litigation, including a scheduled court hearing to enter a plea of guilty.

C. The public also has a right to know about threats to its safety and measures aimed at assuring its security. Toward that end a public prosecutor or other lawyer involved in the investigation of a criminal case may state:

(1) That an investigation is in progress, including the general scope of the investigation and, except when prohibited by law, the identity of the persons involved;

(2) A request for assistance in obtaining evidence and information;

(3) A warning of danger concerning the behavior of a person involved when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(4)(i) The identity, residence, occupation and family status of the accused;

(ii) information necessary to aid in apprehension of the accused;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

II. Civil

The kind of statement referred to in Rule 3.6 which may potentially prejudice civil matters triable to a jury is a statement designed to influence the jury or to detract from the impartiality of the proceedings.

GR 9 COVER SHEET

Suggested Amendment

ADMISSION TO PRACTICE RULES (APR)

Rule 8: Special Admissions

Submitted by the Board of Governors
of the Washington State Bar Association

Purpose: Current rule 8(f) (Special Admission for House Counsel) of the Admission to Practice Rules (APR) will be superseded if the suggested amendment to Rule 5.5 (d)(1) of the Rules of Professional Conduct (RPC), which permits attorneys admitted in other states to practice law in-house in Washington, is adopted. This suggested amendment would retain APR 8(f) to apply solely to lawyers admitted in

other countries to allow them to practice under a limited license as house counsel. See Alternative 1. If the suggested amendment to RPC 5.5 (d)(1) is not adopted, then current APR 8(f) would be retained, and this suggested amendment would become APR 8(h). See Alternative 2. Finally, if the suggested amendment to RPC 5.5 (d)(1) is adopted but this suggested amendment is not, then current APR 8(f) should be deleted and reserved. See Alternative 3.

Persons admitted as house counsel under this suggested amendment would be required to meet the limited licensing criteria in the current 8(f), except that consistent with the proposed RPC 5.5, they would not be required to take the ethics portion of the bar examination. The amendment will also make a technical change to tie these house counsel application fees to the application fees for admission of foreign attorney applicants to the bar in Washington. These suggested amendments would not affect any other special admission rule in APR 8.

The proponents of this amendment believe this change would be very beneficial. Washington is part of the global community, and our economy increasingly relies on that role. The ability of our businesses to operate effectively from Washington is important in fostering our economy. For example, the information technology and bio-technology industries are founded on intellectual property rights, and an effective in-house legal team is key to success. At some businesses, that team includes lawyers from many countries, working together in Washington. Denying Washington businesses the opportunity to bring in attorneys from other countries inhibits their ability to grow and conduct business here, forcing growth out of the state or out of the country.

Although some states do not consider lawyers in-house to be practicing law and, thus, do not regulate them at all, that is not true in Washington. The suggested rule would require an application process, and the Washington Supreme Court and the Washington State Bar Association would maintain control over admission, regulation and the ability to discipline.

**SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 8
SPECIAL ADMISSIONS
[Alternative 1]***

(a) In General. Lawyers admitted to the practice of law in any state or territory of the United States or the District of Columbia or a foreign country, who do not meet the requirements of rule 1(b), may engage in the practice of law in this state only as provided in this rule.

(b) Exception for Particular Action or Proceeding. [No change.]

(c) Exception for Indigent Representation. [No change.]

(d) Exception for Educational Purposes. [No change.]

(e) Exception for Emeritus Membership. [No change.]

(f) Exception for Foreign House Counsel. A lawyer admitted to the practice of law in a jurisdiction other than a

United States jurisdiction state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a jurisdiction other than United States jurisdiction state or territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying ~~such fee as may be set by the Board of Governors with approval of the Supreme Court~~ the application fees required of foreign lawyer applicants for admission under APR 3, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. ~~The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.~~

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice law in this state, ~~except in association with an active member of the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and present at all proceedings;~~ (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized. ~~Notwithstanding the above, the practice of a lawyer admitted under this section may include providing legal services for no fee through a qualified legal services provider, as that term is defined in part 8 (e)(2), including without limitation representation before a court or tribunal without associating with an active member of the Washington State Bar Association. The prohibition against compensation in the preceding sentence shall not prevent a qualified legal services provider from reimbursing an in-house counsel admitted under this section for actual expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the in-house counsel.~~

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in ~~a state or territory of the United States or District of Columbia~~ any jurisdiction where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in ~~a state or territory of the United States or District of Columbia~~ any jurisdiction where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in ~~at least one state or territory of the United States or District of Columbia~~ other jurisdiction where the lawyer has been admitted to the practice of law ~~upon passing the bar exam~~, or on suspension or disbarment for discipline in ~~a state or territory of the United States or District of Columbia~~ any jurisdiction where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.

(g) **Exception for Military Lawyers.** [No change.]

* It is suggested that Alternative 1 be adopted in the event the Court approves the Ethics 2003 suggested amendments to RPC 5.5 (d)(1), which suggested amendments have been simultaneously submitted for the Court's consideration. If the Court disapproves the suggested amendments to RPC 5.5 (d)(1), then it is suggested that current APR 8(f) be retained and that the Exception for Foreign House Counsel be adopted as APR 8(h). See Alternative 2, *infra*. If the Court elects to approve the Ethics 2003 suggested amendments to RPC 5.5 (d)(1) but to disapprove the suggested Exception for Foreign House Counsel, then current APR 8(f) should be deleted and reserved in accordance with the Ethics 2003 recommendation. See Alternative 3, *infra*.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 8
SPECIAL ADMISSIONS
[Alternative 2]*

(a) **In General.** Lawyers admitted to the practice of law in any state or territory of the United States or the District of Columbia or a foreign country, who do not meet the requirements of rule 1(b), may engage in the practice of law in this state only as provided in this rule.

(b) **Exception for Particular Action or Proceeding.** [No change.]

(c) **Exception for Indigent Representation.** [No change.]

(d) **Exception for Educational Purposes.** [No change.]

(e) **Exception for Emeritus Membership.** [No change.]

(f) **Exception for House Counsel.** [No change.]

(g) **Exception for Military Lawyers.** [No change.]

(h) **Exception for Foreign House Counsel.** A lawyer admitted to the practice of law in a jurisdiction other than a United States jurisdiction may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a jurisdiction other than United States jurisdiction and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying the application fees required of foreign lawyer applicants for admission under APR 3, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (i) appearing before a court or tribunal as a person admitted to practice law in this state, (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized.

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the

lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in any jurisdiction where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in any jurisdiction where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one other jurisdiction where the lawyer has been admitted to the practice of law, or on suspension or disbarment for discipline in any jurisdiction where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.

* See footnote appended to Alternative 1, *supra*.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 8
SPECIAL ADMISSIONS
[Alternative 3]*

(a) In General. [No change.]

(b) Exception for Particular Action or Proceeding. [No change.]

(c) Exception for Indigent Representation. [No change.]

(d) Exception for Educational Purposes. [No change.]

(e) Exception for Emeritus Membership. [No change.]

(f) Exception for House Counsel. [Reserved. See RPC 5.5 (d)(1).] A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (1) filing an application in the form and manner that may be prescribed by the

Board of Governors, (ii) presenting satisfactory proof of (1) admission by examination to the practice of law and current good standing in a state or territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (1) appearing before a court or tribunal as a person admitted to practice law in this state, except in association with an active member of the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and Present at all proceedings, (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized. Notwithstanding the above, the Practice of a lawyer admitted under this section may include providing legal services for no fee through a qualified legal services provider, as that term is defined in part 8 (e)(2), including without limitation representation before a court or tribunal without associating with an active member of the Washington State Bar Association. The prohibition against compensation in the preceding sentence shall not prevent a qualified legal services provider from reimbursing an in-house counsel admitted under this section for actual expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the in-house counsel.

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or

not the lawyer retains the limited license and irrespective of the residence of the lawyer.

~~(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law.~~

~~(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law upon passing the bar exam, or on suspension or disbarment for discipline in a state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.~~

(g) Exception for Military Lawyers. [No change.]

* See footnote appended to Alternative 1, *supra*.

GR 9 COVER SHEET

Suggested Amendments to
THE RULES OF PROFESSIONAL CONDUCT (RPC)

and

RELATED AMENDMENTS TO
THE RULES GENERAL RULES (GR)

GR 25,

THE ADMISSION TO PRACTICE RULES (APR)

APR 8,

THE LAWYERS' FUND FOR CLIENT PROTECTION (APR 15)
PROCEDURAL RULES

Rule 5

and

THE RULES FOR ENFORCEMENT OF LAWYER CONDUCT
(ELC)

ELC 1.5, 15.1, 15.4, and 15.5

Submitted by the Board of Governors
of the Washington State Bar Association

Purpose: This proposal is a substantial revision of Washington's Rules of Professional Conduct (RPC). Washington's current rules—based primarily on the ABA Model Rules of Professional Conduct—were adopted in 1985. The ABA significantly revised the Model Rules in 2002 and 2003 as a result of the work of the ABA's Ethics 2000 Commission, the ABA Commission on Multijurisdictional Practice, and the ABA Task Force on Corporate Responsibility. In 2003, the WSBA Board of Governors appointed a Special Committee for the Evaluation of the Rules of Professional Conduct (Ethics 2003 Committee), composed of knowledge-

able lawyers with diverse experience in the practice of law, along with a nonlawyer member. The Board directed the Committee to undertake a comprehensive study and evaluation of the revised ABA Model Rules, to consider the suitability of adopting the ABA Ethics 2000 revisions, and to evaluate the desirability of other appropriate changes to Washington's RPC. The Ethics 2003 Committee issued a report with its recommendations in March 2004. A copy of the report of the Committee, with a detailed discussion of the various recommended changes, accompanies this submission and is available at the WSBA website (referenced below). The great majority of the Committee's recommendations were approved and adopted by the Board of Governors. Instances in which the Board revised the Committee's recommendation are noted in the Supplement to the Ethics 2003 Report, which also accompanies this submission and is available at the WSBA website (referenced below).

Recognizing the importance of consistency and uniformity in rules regulating lawyer conduct, the Ethics 2003 Committee recommended adoption of the Model Rules, together with associated commentary, unless there was a compelling and articulable reason for deviation. And, in general, the content of this proposal substantially parallels the ABA Model Rules in form and substance. In some instances the Committee and the Board concluded that the Model Rules are silent on a subject that has traditionally and successfully been addressed in Washington, or that an existing Rule is clearly more suited to the regulation of Washington lawyers than its Model Rule counterpart. In such instances, it is suggested that existing RPC provisions be retained or that new Washington-specific provisions be adopted.

Among the significant elements of the submission are the following:

- Inclusion of official Comments throughout the RPC, based on the comments to the Model Rules, to provide guidance on the interpretation and application of the rules.
- Substitution of the term "zealous" in the Model Rules Preamble with the phrase "conscientious and ardent."
- Extension of the "reasonableness" requirement applicable to fees under RPC 1.5 to the amount of expenses charged to a client, along with inclusion of the Model Rule requirement that contingent fee agreements be set forth in a writing "signed by the client."
- Inclusion of additional exceptions to the RPC 1.6 duty of confidentiality, including an exception that would permit disclosure "to prevent reasonably certain death or substantial bodily injury" and an exception that would permit disclosure "to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services."
- A substantial number of clarifications to the rules governing conflicts of interest (RPC 1.7, 1.8, 1.9, 1.10).
- Retention of RPC 1.8(e), requiring that a client remain ultimately liable for advanced court costs and litigation expenses, in lieu of the Model Rule approach that would permit advanced costs and expenses to be contingent on the outcome of litigation.

- Retention and expansion of RPC 1.8(i) (a provision not retained in the revised Model Rules), which expressly addresses conflicts arising when lawyers are related as parent, child, sibling, spouse, or—in the proposed version—when the lawyers are in a "close familial or intimate relationship."
- At the urging of ATJ/legal services representatives, a recommendation against adoption of that aspect of Model Rule 1.8(g) requiring that client consent to aggregate settlements be confirmed in a writing "signed by the client," the suggested rule instead requiring client consent that is "confirmed in writing" only.
- Retention of RPC 1.8(k), prohibiting sex with clients, which, unlike the Model Rule, includes specific provision relating to sexual relations with a representative of an organizational client.
- Retention of Washington's screening provisions in RPC 1.10, which may be used to avoid disqualification arising from a conflict of interest when a lawyer changes law firms.
- Addition of new Rule 1.13 (Organization as Client) clarifying the lawyer's role when representing an organization and defining the lawyer's obligation upon learning that an officer, employee, or other constituent is violating or intends to violate the law.
- Clarifications to the rule governing trust accounts and addition of a new rule governing trust account record-keeping (Rules 1.15A & 1.15B).
- Addition of new Rule 1.17 governing the sale of a law practice.
- Addition of new Rule 1.18 governing a lawyer's duties to a prospective client.
- Addition of new Rule 2.4 governing a lawyer's duties when serving as a third-party neutral.
- A significant revision to Rule 3.3, which governs a lawyer's duty of candor to the tribunal, requiring a lawyer who gains actual knowledge of an offer of false material evidence by a client to take remedial measures, up to and including disclosure to the tribunal.
- Significant revisions to Rules 5.5 and 8.5 to address issues of the multijurisdictional practice of law, disciplinary jurisdiction, and choice of law.
- Retention of Rule 6.1 (Voluntary Pro Bono Publico Service) as amended by the Court in 2003, with the addition of official comments designed, inter alia, to assist practitioners in tracking and voluntarily reporting pro bono service hours to the WSBA.
- Adoption of Model Rule 8.3 (a) & (b), imposing a mandatory reporting requirement when a lawyer knows that another lawyer or a judge has committed serious professional or judicial misconduct.
- Retention of Washington's existing RPC Preamble in a prefatory section captioned "Fundamental Principles of Professional Conduct."
- Numerous other suggested changes, mostly conforming to the ABA Model Rules, discussed in detail in the report of the Ethics 2003 Committee.

In addition to the substantive changes, the rules have been reorganized to correspond directly to the structure of the ABA Model Rules of Professional Conduct.

*Related Changes to the
GENERAL RULES (GR)*

RULE 25. PRACTICE OF LAW BOARD

(a) - (b) [Unchanged.]

(c) Powers of the Practice of Law Board.

(1) *Advisory Opinions.* On request of any person, or in connection with the consideration of any complaint or any investigation made on its own initiative, the Board may render advisory opinions relating to the authority of non-lawyers to perform legal and law-related services and arrange for their publication. No opinion shall be rendered if, to the Board's knowledge, the subject matter either involves or might affect a case or controversy pending in any court. An advisory opinion shall be issued by the Board in writing and shall be transmitted to the person making the inquiry. At the direction of the Board, an opinion may be published in the Washington State Bar News. Published opinions shall not, insofar as practicable, identify the party or parties making an inquiry, or the complainant or respondent.

(2) *Complaints.* The Board shall have jurisdiction over and shall inquire into and consider complaints alleging the unauthorized practice of law by any person or entity in accordance with the procedures outlined in this rule.

(3) *Investigation.* The Board may, on its own initiative, and without any complaint being made to it, investigate any condition or situation of which it becomes aware that may involve the unauthorized practice of law.

(4) *Recommendations to the Supreme Court Regarding the Provision of Legal and Law-Related Services by Non-Lawyers.* On request of the Supreme Court or any person or organization, or on its own initiative, the Board may recommend that non-lawyers be authorized to engage in certain defined activities that otherwise constitute the practice of law as defined in GR 24. In forwarding a recommendation that non-lawyers be authorized to engage in certain legal or law-related activities that constitute the practice of law as defined in GR 24, the Board shall determine whether regulation under authority of the Supreme Court (including the establishment of minimum and uniform standards of competency, conduct, and continuing education) is necessary to protect the public interest. Any recommendation that non-lawyers be authorized to engage in the limited provision of legal or law-related services shall be accompanied by a determination:

(A) that access to affordable and reliable legal and law-related services consistent with protection of the public will be enhanced by permitting non-lawyers to engage in the defined activities set forth in the recommendation;

(B) that the defined activities outlined in the recommendation can be reasonably and competently provided by skilled and trained non-lawyers;

(C) if the public interest requires regulation under authority of the Supreme Court, such regulation is tailored to promote access to affordable legal and law-related services while ensuring that those whose important rights are at stake can reasonably rely on the quality, skill and ability of those non-lawyers who will provide such services;

(D) that, to the extent that the activities authorized will involve the handling of client trust funds, provision has been made to ensure that such funds are handled in a manner con-

sistent with RPC 1.14 1.15A and APR 12.1, including the requirement that such funds be placed in interest bearing accounts, with interest paid to the Legal Foundation of Washington; and

(E) that the costs of regulation, if any, can be effectively underwritten within the context of the proposed regulatory regime.

Recommendations to authorize non-lawyers to engage in the limited practice of law pursuant to this section shall be forwarded to the Washington State Board of Governors for consideration and comment before transmission to the Supreme Court. Upon approval of such recommendations by the Supreme Court pursuant to the procedures set out in GR 9, those who meet the requirements and comply with applicable regulatory and licensing provisions shall be deemed to be engaged in the authorized practice of law.

(d) - (j) [Unchanged.]

**Related Changes to the
ADMISSION TO PRACTICE RULES (APR)**

RULE 8. SPECIAL ADMISSIONS

(a) - (f) [Unchanged.]

(f) **Exception for House Counsel.** ~~[Reserved. See RPC 5.5(d)(1).] A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation, including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (I) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a state or territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.~~

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section.

(2) Subject to the exceptions contained in the following sentence pertaining to pro bono client representation, the practice of a lawyer admitted under this section shall be limited to practice exclusively for the employer, including its

subsidiaries and affiliates, furnishing the affidavit required by this rule and shall not include (I) appearing before a court or tribunal as a person admitted to practice law in this state, except in association with an active member of the Washington State Bar Association who shall be the lawyer of record therein, responsible for the conduct thereof and Present at all proceedings, (ii) offering legal services or advice to the public or (iii) holding oneself out to be so engaged or authorized. Notwithstanding the above, the Practice of a lawyer admitted under this section may include providing legal services for no fee through a qualified legal services provider, as that term is defined in part 8 (c)(2), including without limitation representation before a court or tribunal without associating with an active member of the Washington State Bar Association. The prohibition against compensation in the preceding sentence shall not prevent a qualified legal services provider from reimbursing an in-house counsel admitted under this section for actual expenses incurred while rendering legal services under this pro bono exception. In addition, a qualified legal services provider shall be entitled to receive all court awarded attorney's fees for pro bono representation rendered by the in-house counsel.

(3) All business cards and employer letterhead used by a lawyer admitted under this section shall state clearly that the lawyer is admitted to practice in Washington as in-house counsel.

(4) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the maximum amount required of active members.

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(6) The lawyer shall promptly report to the Washington State Bar Association a change in employment, a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when employment by the employer furnishing the affidavit required by this rule is terminated, the lawyer has been admitted to the practice of law pursuant to any other provision of the APR, the lawyer fails to comply with the terms of this rule, the lawyer fails to maintain current good standing in at least one state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law upon passing the bar exam, or on suspension or disbarment for discipline in a state or territory of the United States or District of Columbia where the lawyer has been admitted to the practice of law. If a lawyer's employment is terminated but the lawyer, within three months from the last day of employment is employed by an employer filing the affidavit required by (iii), the license shall be reinstated.

MISC.

(g) [Unchanged.]

Related Changes to the
LAWYERS' FUND FOR CLIENT PROTECTION (APR 15)
PROCEDURAL RULES

RULE 5. ELIGIBLE CLAIMS

A. - B. [Unchanged.]

C. Dishonest Conduct. As used in these rules, "dishonest conduct" or "dishonesty" means wrongful acts committed by a lawyer in the nature of theft or embezzlement of money or the wrongful taking or conversion of money, property or other thing of value, including but not limited to refusal to refund unearned fees or expenses as required by Rule 1.15 of the Rules of Professional Conduct.

D. - F. [Unchanged.]

Related Changes to the
RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)

ELC 1.5 VIOLATION OF DUTIES IMPOSED BY THESE RULES

A lawyer violates RPC 8.4(f) and may be disciplined under these rules for violating duties imposed by these rules, including but not limited to the following duties:

- respond to inquiries or requests about matters under investigation, rule 5.3(f);
- file an answer to a formal complaint or to an amendment to a formal complaint, rule 10.5;
- cooperate with discovery and comply with hearing orders, rules 10.11(g) and 5.5;
- attend a hearing and bring materials requested by disciplinary counsel, rule 10.13 (b) and (c);
- respond to subpoenas and comply with orders enforcing subpoenas, rule 10.13(e);
- notify clients and others of inability to act, rule 14.1;
- discontinue practice, rule 14.2;
- file an affidavit of compliance, rule 14.3;
- maintain confidentiality, rule 3.2(f);
- report being disciplined or transferred to disability inactive status in another jurisdiction, rule 9.2(a);
- cooperate with an examination of books and records, rule 15.2;
- notify the Association of a trust account overdraft, rule 15.4(d);
- file a declaration or questionnaire certifying compliance with RPC 1.14 1.15A, rule 15.5;
- comply with conditions of probation, rule 13.8;
- comply with conditions of a stipulation, rule 9.1;
- pay restitution, rule 13.7; or
- pay costs, rule 5.3(f) or 13.9.

ELC 15.1 AUDIT AND INVESTIGATION OF BOOKS AND RECORDS

The Board and its Chair have the following authority to examine, investigate, and audit the books and records of any lawyer to ascertain and obtain reports on whether the lawyer has been and is complying with RPC 1.14 1.15A:

(a) **Random Examination.** [Unchanged.]

(b) **Particular Examination.** Upon receipt of information that a particular lawyer or law firm may not be in compliance with RPC 1.14 1.15A, the Chair may authorize an examination limited to the lawyer or law firm's books and records. Information may be presented to the Chair without notice to the lawyer or law firm. Disclosure of this information is subject to rules 3.1 - 3.4.

(c) **Audit.** [Unchanged.]

ELC 15.4 TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) **Overdraft Notification Agreement Required.** Every bank, ~~credit union~~, savings bank, or savings and loan association, ~~or qualified public depository~~ referred to in RPC 1.14(e) 1.15A(i) will be approved as a depository for lawyer trust accounts if it files with the Disciplinary Board an agreement, in a form provided by the Board, to report to the Board if any properly payable instrument is presented against a lawyer trust account containing insufficient funds, whether or not the instrument is honored. The agreement must apply to all branches of the financial institution and cannot be canceled except on 30 days' notice in writing to the Board. The Board annually publishes a list of approved financial institutions.

(b) [Unchanged.]

(c) **Costs.** Nothing in these rules precludes a financial institution from charging a particular lawyer or law firm for the reasonable cost of producing the reports and records required by this rule, but those charges may not be a transaction cost charged against funds payable to the Legal Foundation of Washington under RPC 1.14 (e)(1) 1.15A (i)(1).

(d) [Unchanged.]

ELC 15.5 DECLARATION OR QUESTIONNAIRE

(a) **Questionnaire.** The Association annually sends each active lawyer a written declaration or questionnaire designed to determine whether the lawyer is complying with RPC 1.14 1.15A. Each active lawyer must complete, execute, and deliver to the Association this declaration or questionnaire by the date specified in the declaration or questionnaire.

(b) [Unchanged.]

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

Reviser's note: The typographical 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.

Reviser's note: The spelling 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.

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WSR 05-01-223

AGENDA

STATE BOARD OF HEALTH

[Filed December 22, 2004, 9:47 a.m.]

January 2005 Rules Agenda

This report details the anticipated rule-making activities of the State Board of Health (SBOH) and the Department of Health (DOH) for the next six months. If you have any questions regarding this report or the DOH rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding the SBOH rule-making activities please contact Craig McLaughlin at (360) 236-4106.

State Board of Health Rules

Pre CR-101, (State Board of Health (SBOH) Rules Anticipated Rule Making)					
WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school age children—Varicella	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	
246-650	70.83.050, 43.20.050	State Board of Health	Newborn screening	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	
CR-101 Filed (SBOH Rules)					
246-XXX	70.83 43.20	State Board of Health/Department of Health joint rules	Storage, retention and use of specimens in public health lab	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-02-101 1/2/03
246-100	70.24.130, 43.20.050	State Board of Health	HIV counseling/testing and partner notification	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-20-043 9/24/03 Anticipate proposal 1/05
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school children (housekeeping)	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	03-09-126 4/23/03 Anticipate proposal 1/05
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school children	Tara Wolff, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-15-148 7/21/04
246-272	43.20.050	State Board of Health	On-site wastewater sewage systems	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	02-03-137 1/23/02
246-272B and 246-272C	43.20.050	State Board of Health	Large on-site sewage systems and sewage tank standards	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-03-010 1/9/04
246-290	43.20.050	State Board of Health—Delegated to secretary	Water-system requirements	Theresa Phillips, (360) 236-3147, Environmental Health	05-01-096

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246-291	43.20.050	State Board of Health	Group B public water system	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	02-19-060 9/12/02
246-366	43.20.050	State Board of Health/Department of Health	Primary and secondary schools	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-20-050 10/1/04
Pending Adoption, SBOH CR-102 Filed					
246-101-015, 246-101-101, 246-101-201, 246-101-301	43.20.050, 70.28.010	State Board of Health	Notifiable conditions	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health	04-20-067 10/4/04 Anticipate adoption 12/04

Department of Health Rules

Pre CR-101					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-10	43.70.040	Secretary	Adjudicative proceedings	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-11	18.130.050	Secretary	Model procedural rules for boards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-12-040	18.135.030	Secretary	Health care assistant return to active status after credential has expired	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 1/05
246-320	70.41.030	Secretary	Hospitals	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 3/05
246-322	71.12, 43.60.040	Secretary	Private psychiatric hospitals	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 3/05
246-358	70.114A.065, 70.114A.100	Secretary	Temporary worker housing	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 3/05
246-359	70.114A.081	Secretary	Temporary worker housing construction	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 3/05
246-361	70.114A.065, 70.114A.100	Secretary	Cherry camps	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	Anticipate CR-101 by 3/05

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246-562	70.185	Secretary	Physician visa waiver	Robin Walker, (360) 236-2810, Office of Community and Rural Health	Anticipate CR-101 by 1/05
246-802-130	18.06	Secretary	Acupuncture application exhibits	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 1/05
246-808-010	18.25	Chiropractic Commission	Definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-101	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-130	18.25	Chiropractic Commission	Temporary permits—Issuance and duration	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-201	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-301	18.25	Chiropractic Commission	Purpose	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-350	18.25	Chiropractic Commission	Unethical requests	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-380	18.25	Chiropractic Commission	Degree of skill	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-615	18.25	Chiropractic Commission	Professional notices, letterheads, cards, and mailings	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-808-700	18.25	Chiropractic Commission	Cooperation with investigation	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-810-030, 246-810-031	18.19.050	Secretary (Registered Counselor Program)	Client disclosure required disclosure information	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-810	18.19.050	Secretary (Registered Counselor Program)	Parenting evaluations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/05

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246-811	18.205.060	Secretary (Chemical Dependency Professionals)	Educational programs and alternative training—Standards and procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/05
246-811	18.205.060	Secretary (Chemical Dependency Professionals)	Applicant credentialed in another state—Certification without examination	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/05
246-817-130, 246-817-135, 246-817-140, 246-817-186	Chapter 57, Laws of 2003	Dental Quality Assurance Commission	Increasing the supply of dentists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 04/04
246-817-130	18.32.215	Dental Quality Assurance Commission	Licensure without examination for dentists—Eligibility	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/05
246-817-140	18.32.215	Dental Quality Assurance Commission	Licensing examination standards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 4/05
246-830-475	18.108	Secretary	Qualification of program for continuing education credit	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 2/05
246-840-311, 246-840-320, 246-840-330, 246-840-345	18.79	Nursing Commission	ARNP certification	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 5/05
246-847	18.59	Occupational Therapy Board	Persons exempt from the definition of an occupational therapy aid	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	OT acting in a consulting capacity	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Initial application for individuals who have not practiced within the past four years	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Expired license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Inactive credential	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Persons exempt from licensure	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05

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246-847	18.59	Occupational Therapy Board	Applicants currently licensed in other states or territories	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-847	18.59	Occupational Therapy Board	Mandatory reporting	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-849-995	43.70.280	Secretary	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 1/05
246-853	18.130.250, 18.57.005	Osteopathic Board	Retired active license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-853-990	18.130.250, 18.57.005	Osteopathic Board	Renewal fee for retired active license	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 7/05
246-885-030	18.64.005, 69.41.075	Pharmacy Board	Identification of legend drugs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 6/05
246-887-100	69.50.201	Pharmacy Board	Placing 5-methoxy-N, N-Disopropyl-tryptamine (5-MeO-DIPT) in schedule	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 6/05
246-901	18.64A.020	Pharmacy Board	Pharmacy technician examination requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 6/05
246-916-141, 246-916-191, 246-916-031	18.71.205, 18.73.081	Secretary	Certification of pre-hospital EMS personnel	Tami Schweppe, (360) 236-2859, EMS and Trauma System	Anticipate CR-101 by 1/05
246-919	18.71.017, 18.130.050	Medical Commission	Use of lasers	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 12/04, pending approval
246-924	18.83.121, 18.83.050	Psychology Board	Parental access evaluations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 1/05
246-924	18.83.121, 18.83.050	Psychology Board	Ethical conduct	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 6/05

246-924-040, 246-924-055, 246-924-060, 246-924-065, 246-924-070, 246-924-080, 246-924-095, 246-924-100	18.83.050, Chapter 262, Laws of 2004	Psychology Board	Eliminate barriers to licensing	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 6/05
246-933-060	18.92	Veterinary Board	Patient abandonment	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-250	18.92	Veterinary Board	Exam requirement and procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-260	18.92	Veterinary Board	Frequency and loca- tion of examinations	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-280	18.92	Veterinary Board	Examination review procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-320	18.92	Veterinary Board	General requirements for all veterinary medical facilities	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-330	18.92	Veterinary Board	Minimum physical facilities	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-340	18.92	Veterinary Board	Practice management	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-933-360	18.92	Veterinary Board	Programs approved	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-935-050	18.92	Veterinary Board	Animal health care tasks	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-101 by 3/05
246-976	18.71, 18.73, and 70.168	Secretary	Prehospital	Tami Thompson, (360) 236-2859, Emergency Medical Services and Trauma System	Anticipate CR-101 by 3/05

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CR-101 Filed					
246-XXX	43.170.460 and [43.170.]470	Secretary	Retired provider mal- practice program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-12-121 6/2/04, Anticipate proposal 1/05
246-01, 246-08	34.05.220, 42.17.250, 43.70, 70.02	Secretary	Description and orga- nization, practice and procedure	Michelle Davis, Department of Health, (360) 236- 4044	04-06-043 3/1/04
246-50	43.70.510, 70.41.200	Secretary	Coordinated quality improvement pro- gram	Michelle Davis, Department of Health, (360) 236- 4044	04-23-089 11/17/04
246-224, 246- 225, 246-227, 246-228	70.98	Secretary	Radiation protection x-ray	Kelly Cooper, (360) 236-3012, Environ- mental Health	00-16-106 8/2/03
246-249-080	70.98.050, 70.98.080	Secretary	Naturally occurring radioactive materials	Kelly Cooper, (360) 236-3012, Environ- mental Health	96-11-129 5/22/96
246-290	70.119A	Secretary	Water use efficiency	Theresa Phillips, (360) 236-3147, Environmental Health	04-06-044 3/1/04
246-292	70.119	Secretary	Revision of water works operator certi- fication	Kelly Cooper, (360) 236-3012, Environ- mental Health	04-13-051 6/11/04, Anticipate proposal 1/05
246-294	70.119A	Secretary	Water use efficiency surcharge	Theresa Phillips, (360) 236-3147, Environmental Health	04-15-147 7/21/04
246-310-010, 246-310-210, 246-310-220, 246-310-230	70.38.135	Secretary	Certificate of need methodology for kid- ney dialysis centers	Yvette Fox, (360) 236-2928, Facilities and Services Licens- ing	04-13-150 7/21/04
246-314-990	43.70.250, 43.20B.020	Secretary	Construction review fees	Yvette Fox, (360) 236-2928, Facilities and Services Licens- ing	01-10-123 5/2/01, Anticipate withdrawal 2/05
246-323, 246- 325, 246-326	71.12	Secretary	Residential treatment facilities	Yvette Fox, (360) 236-2928, Facilities and Services Licens- ing	00-05-097 2/16/00, Anticipate proposal 2/05
246-329	18.46.060	Secretary	Childbirth centers	Yvette Fox, (360) 236-2928, Facilities and Services Licens- ing	04-18-092 9/1/04
246-380	43.70.040, 43.70.130	Secretary	Sanitation and health care standards for state institutions	Yvette Fox, (360) 236-2928, Facilities and Services Licens- ing	98-15-085 7/16/98, Anticipate withdrawal 2/05
246-802-060	18.06.050, 18.06.160	Secretary	Acupuncture clinical training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-15-149 7/21/04

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246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	00-22-123 11/1/00
246-808-135	18.25.0171 and 18.25.040	Chiropractic Commission	Licensure by endorsement	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-01-199 12/24/03
246-808-150, 246-808-155, 246-808-165, 246-808-170	18.25.0171 and 18.25.070	Chiropractic Commission	Chiropractic continuing education requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-01-198 12/24/03
246-808-190 and 246-808-535	18.25.0171	Chiropractic Commission	Chiropractic program preceptor and delegation	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-02-064 1/7/03
246-809	18.225	Secretary	Boundary requirements for counselors	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-04-042 1/29/02
246-809	18.225 Chapter 251, Laws of 2001	Secretary	Licensed counselor—Experience requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	01-22-068 11/1/01
246-809	18.225.040, 18.130.050	Secretary	Sexual misconduct definitions and standards for licensed mental health counselors, marriage and family therapists, and social workers	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-17-053 8/10/04
246-809	18.225.040, 18.225.100	Secretary	Maintenance and retention of records	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-17-052 8/10/04
246-812	18.30.065	Dental Quality Assurance Commission	Denturist program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-12-120 6/2/04
246-817-110, 246-817-120	18.32.365, 18.32.040	Dental Quality Assurance Commission	Dental licensure—Initial eligibility and application requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-15-160 7/23/02
246-817-135	18.32.365, 18.32.215	Dental Quality Assurance Commission	Licensure without examination for dentists—Application procedures	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-08-096 4/6/04
246-817-180	18.32.365, 18.32.640	Dental Quality Assurance Commission	General anesthesia (including deep sedation) education and training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-15-151 7/21/04

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246-817-560	Chapter 257, Laws of 2003	Dental Quality Assurance Com- mission	Dental hygienists placing antimicrobial	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-09-055 4/16/04
246-817-440	18.32.180, 18.32.365	Dental Quality Assurance Com- mission	Continuing education requirements	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-08-095 4/6/04
246-828	18.35.040	Board of Hearing and Speech	Fitter/dispenser pro- gram approval	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-02-043 12/27/01
246-828-500, 246-828-510, 246-828-530, 246-828-550	18.35.40 [18.35.090]	Hearing and Speech Board	Continuing education requirements for licensed hearing instrument fitter/dis- penser program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-13-050 6/11/04
246-834	18.130.050	Secretary	Midwifery standards of practice	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	02-17-052 8/18/02
246-834-220, 246-834-230 and 246-834- 240	18.50.040	Secretary	Educational require- ments for nonlicensed midwives	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	97-22-024 10/29/97
246-834-990	18.50.135	Secretary	Midwifery fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-13-126 6/18/03
246-840-010, 246-840-840, 246-840-850 through 246- 840-900	Chapter 246, Laws of 2003	Nursing Com- mission	Nursing technician registration	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-12-087 6/4/03
246-840-840 through 246- 840-900	18.79.110	Nursing Com- mission	Nursing technicians	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	99-14-002 6/23/99
246-840-010 through 246- 840-090, 246- 840-865, 246- 840-870	18.79	Nursing Com- mission	Requirements for licensure	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-21-079 10/20/04
246-841-400 through 246- 841-510	18.88A	Secretary	Nursing assistants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	00-03-072 1/19/00
246-845-020, 246-845-080, 246-845-090	18.57A.020	Osteopathic Board	Osteopathic physician assistant program	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-17-056 8/18/03

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246-847-010	18.59.130	Occupational Therapy	Occupational therapy definitions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-031 3/27/03
246-847-065	18.59.130	Occupational Therapy	Occupational therapy competency	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-029 3/27/03
246-847-120	18.59.130	Occupational Therapy	Foreign trained applicants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-092 4/2/03
246-847-170	18.59.130	Occupational Therapy	Occupational therapy code of ethics	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-08-030 3/27/03
246-847	18.130.180	Occupational Therapy Board	Sexual misconduct	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-11-094 5/19/04
246-847-190	18.59.130, 70.24.270	Occupational Therapy Board	AIDS education and training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-11-095 5/19/04
246-847-080, 246-847-115	18.59.130	Occupational Therapy Board	Examinations and limited permits	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-11-096 5/19/04
246-851-160, 246-851-170	18.54.070	Optometry Board	Optometry—Continue education	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-04-043 1/28/03
246-853	18.57.080, 18.57.005, 18.130.050	Osteopathic Board	COMSPEX—USA exam	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	99-11-035 5/13/99
246-853	18.57.005, 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	99-13-020 6/7/99
246-853-225	18.57.005, 18.57.020	Osteopathic Board	Osteopathic pain management guidelines	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-22-086 11/3/98, Anticipate proposal 2/05
246-854	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-02-078 3/17/98
246-865, 246-869, 246-887	69.50.301, 18.64.005	Pharmacy Board	Faxing of prescriptions	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	01-14-090 7/5/02, Anticipate withdrawal 2/05

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246-865-060	18.64.005	Pharmacy Board	Controlled substance registration— Extended care facility	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-21-078 10/20/04, see also emergency rules
246-869-220	18.54.005	Pharmacy Board	Patient counseling required	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-15-067 7/15/03
246-872	18.64.005	Pharmacy Board	Automated drug dis- tribution devices	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-18-117 9/3/03
246-887	18.64.005, 69.50.201	Pharmacy Board	Uniform Controlled Substance Act—Cari- soprodol	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-09-124 4/23/03
246-887-220 through 246- 887-280	Chapter 175, Laws of 2003, 18.64.005	Pharmacy Board	Chemical capture programs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-15-103 7/21/03
246-889-050	18.64.005, 69.43	Pharmacy Board	Precursor substance control	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-18-091 9/1/04
246-915-020, 246-915-030, 246-915-120	18.74.023, 18.74.035	Physical Ther- apy Board	Application require- ments—Physical therapists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-13-107 6/17/98
246-915-085	18.74.023	Physical Ther- apy Board	Continuing compe- tency—Physical ther- apists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-03-104 1/21/04
246-922-195	18.22.015	Podiatry Board	Podiatry pain man- agement	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-22-084 11/3/98, Anticipated proposal 2/05
246-924	18.83.050, 18.83.070	Psychology Board	Requirements for education training and experience for psychologists	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	98-22-088 11/3/98, Anticipate proposal 2/05
246-924-354	18.83	Psychology Board	Maintenance and retention of records	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-05-020 2/10/03
246-924-510, 246-924-515	18.83.050, 18.83.121	Psychology Board	Parenting evaluation standards	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-08-098 4/6/04
246-926	18.84.040	Secretary	Radiologic technolo- gist—General	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-14-144 7/2/03

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246-926-020, 246-926-140, 246-926-180, 246-926-190	18.84.040	Secretary	Radiologic technologist—Training	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	03-14-032 6/23/03
246-930-010, 246-930-060, 246-930-320	Chapter 38, Laws of 2004	Secretary	Sex offender treatment providers—Credential and examination	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-13-158 6/23/04
246-930-050, 246-930-060, 246-930-075, 246-930-330	Chapter 38, Laws of 2004	Secretary	Sex offender treatment providers—Education and exam, experience and supervision	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-13-159 6/23/04
Pending Hearing, CR-102 Filed					
246-140	74.13.289	Secretary	Defining blood-borne pathogens	Sofia Aragon, (360) 236-3731, Community and Family Health	04-24-084 12/1/04, Hearing 1/5/05
246-834-250	18.50.115	Secretary	Legend drugs and devices	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-24-086 12/1/04, Hearing 1/4/05
246-840-500 to 246-840-575	18.70.110	Nursing Commission	Approval of RN and PN education	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-24-085 12/1/04, Hearing 1/14/05
Pending Adoption					
246-310-261, 246-310-262, 246-310-263	70.38	Secretary	Certificate of need (cardiology standards)	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	WAC 246-310-261 and 246-310-262 continued as WSR 04-24-017, on 11/22/04. Note: WAC 246-310-263 adopted as WSR 04-24-016 on 11/22/04
246-360-990	70.62.250	Secretary	Transient accommodations fees	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-23-990 11/17/04, Anticipate CR-103 by 1/05
246-887-160	18.64.005, 69.50.201	Pharmacy Board	Adding Buprenorphine to Schedule III of UCSA	Yvette Fox, (360) 236-2928, Facilities and Services Licensing	04-03-105 1/21/04
246-915-040	18.74.023	Physical Therapy Board	Licensure by endorsement—Applicants from approved schools	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-051 10/1/04, Anticipate adoption 2/05
246-915-050	18.74.023	Physical Therapy Board	Reinstatement	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-068 10/4/04, Anticipate adoption 2/05

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246-915-100	18.74.023	Physical Therapy Board	Approved physical therapy schools	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-053 4/1/04, Anticipate adoption 2/05
246-915-105	18.74.023	Physical Therapy Board	Approved physical therapist assistant programs	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-070 10/4/04, Anticipate adoption 2/05
246-915-180	18.74.023	Physical Therapy Board	Professional conduct principles	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-069 10/4/04, Anticipate adoption 2/05
246-930-020, 246-930-200, 246-930-220, 246-930-301, 246-930-431, 246-930-490, 246-930-990, 246-930-995	18.155.040	Secretary	Sex offender treatment provider	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-23-091 11/17/04, Anticipate adoption 1/05
Emergency					
246-865-060	18.64.005	Pharmacy Board	Controlled substance registration— Extended care facility	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-21-078 10/20/04, see also CR-101
Expedited, PreCR-105					
246-802-060	18.06	Secretary	Acupuncture training—Compliance with barriers bill	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-802-990	18.06	Secretary	Acupuncturist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-811-990	18.205	Secretary	Certified chemical dependency professional fees	Todd Henry, (360) 236-4984	Anticipate CR-105 by 1/05
246-808-990	18.25	Chiropractic Commission	Chiropractic fees, Chiropractic x-ray tech fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-817-990	18.32	Dental Quality Assurance Commission	Dentist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-815-990	18.29, 43.70.250, 43.70.280	Secretary	Dental hygienist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-812-990	18.30	Secretary	Denturist fees and renewal cycle	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05

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246-812-995	18.30	Secretary	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-822-990	18.138	Secretary	Dietician and nutritionist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-824-990	18.34	Secretary	Dispensing optician fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-824-995	18.34	Secretary	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-828-990	18.35	Secretary	Hearing and speech practitioner fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-830-990	18.108	Secretary	Massage practitioner fee	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-809-990	18.225	Secretary	Mental health counselor, marriage and family therapist and social worker fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-826-990	18.135	Secretary	Health care assistant fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-834-990	18.50	Secretary	Midwifery fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-834-990	18.36	Secretary	Naturopathic physician fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-849-990	18.36	Secretary	Ocularist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-849-995	18.55	Secretary	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-853-990	18.57	Osteopathic Board	Osteopathic physician and surgeon fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05

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246-854-990	18.57	Osteopathic Board	Osteopathic physician assistant fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-907-030	18.64	Pharmacy Board	Pharmacist and pharmacy intern fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 2/05
246-907-995	18.64	Pharmacy Board	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 2/05
246-919-990	18.71	Medical Quality Assurance Commission	Physician licensing fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 2/05
246-840-990	18.79	Nursing Care Quality Assurance Commission	Registered and practical nurse license fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 2/05
246-843-990	18.52	Nursing Home Administrators Board	Nursing home administrators board	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-847-990	18.59	Occupational Therapy Board	Occupational therapist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-851-990	18.53	Optometry Board	Optometrist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-850-990	18.200	Secretary	Orthotic and prosthetic practitioner fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-915-990	18.74	Physical Therapy Board	Physical therapist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-922-990	18.22, 43.70.250, 43.70.280	Podiatry Board	Podiatrist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-922-995	18.22	Podiatry Board	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-924-990	18.83	Psychology Board	Licensed psychologist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 2/05

246-927-990	18.230, 43.70.250	Secretary	Recreational therapist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-939-990	18.215	Secretary	Registered surgical technologist fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-810-990	18.19.090, 43.70.250	Secretary	Registered counselor fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-928-990	18.89	Secretary	Respiratory care fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-930-990	18.155	Secretary	Sex offender treatment provider fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-930-995	18.155	Secretary	Conversion to a birthday renewal cycle (repeal)	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 1/05
246-935-990	18.92	Veterinary Board	Vet technician fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
246-937-990	18.92	Veterinary Board	Vet medication clerk fees	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 3/05
Expedited, CR-105 Filed					
246-338	70.42.220	Secretary	Medical test site rules	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-22-114 11/3/04
246-869-095	18.64.005	Pharmacy Board	Repeal facsimile transmission of prescription orders	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-22-120 11/3/04, Anticipate adoption by 1/05
246-915-150	18.74	Physical Therapy Board	Repeal	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-052 10/1/04, Anticipate adoption by 1/05
246-915-170	18.74	Physical Therapy Board	Repeal	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	04-20-052 10/1/04, Anticipate adoption by 1/05
246-919-600	18.71.017, 18.130.050	Medical Quality Assurance Commission	Repeal of prescription rule	Todd Henry, (360) 236-4984, Health Professions Quality Assurance	Anticipate CR-105 by 12/22/04

246-976-010	18.71, 18.73, 70.168	Secretary	EMS and trauma WAC definition sec- tion	Tami Schwappe, (360) 236-2859, EMS and Trauma System	04-18-097 9/1/04, Anticipate adoption by 1/05
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- KEY:**
Pre CR-101: Anticipated rule making.
CR-101 Filed: The statement of inquiry has been filed with the Code Reviser's Office.
Pending Hearing: The CR-102 has been filed but the hearing has not been held.
Pending Adoption: The hearing has been held OR the rule qualifies under the expedited repeal or adoption processes (RCW 34.05.354 and 34.05.356), and the public comment period is closed, but the CR-103 has not been filed.
- (5) Hearing and possible adoption of commercial wild shellfish rules
 CR-102 filed December 22, 2004, WSR 05-01-234
 - (6) Hearing and possible adoption of delivery and catch data accounting rules
 CR-102 filed December 22, 2004, WSR 05-01-229
- February 22, 2005
 Hearing and possible adoption of sardine rules
 CR-101 filed December 10, 2004, WSR 05-01-089
- March 4-5, 2005
- (1) Hearing and possible adoption of halibut seasons
 CR-101 filed November 12, 2004, WSR 04-23-057
 - (2) Hearing and possible adoption of marine fish gear rules
 CR-101 filed November 24, 2004, WSR 04-24-031

WSR 05-02-005
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Salmon Recovery Funding Board)
 [Memorandum—December 22, 2004]

January 6, 2005
 DoubleTree Guest Suites
 16500 Southcenter Parkway
 Seattle, Washington

- March 22, 2005
 Adoption of marine preserve rules
 CR-105 filed December 22, 2004, OTS [WSR] 05-01-233
- April 8-9, 2005
 Commercial fishing rules
 CR-101 to be filed January 5, 2005
- May 4, 2005
 Filing for North of Falcon sport and commercial salmon rules
 CR-105 to be filed May 4, 2005

Additions and deletions may be made to this agenda.
 Evan Jacoby
 Rules Coordinator

WSR 05-02-007
AGENDA
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed December 23, 2004, 3:31 p.m.]

Following is the semi-annual rule agenda for the Department of Fish and Wildlife for filing in the Washington State Register as per RCW 34.05.314.

- January 4, 2005
- (1) Adopt exceptions to statewide rules
 CR-105 filed November 3, 2004, WSR 04-22-121
- February 4-5, 2005
- (1) Hearing and possible adoption of landing Canadian caught fish rules
 CR-102 filed September 15, 2004, WSR 04-19-064
 - (2) Adoption of sport fishing rules
 CR-102 filed September 21, 2004, WSR 04-19-117
 - (3) Hearing and possible adoption of commercial razor clam rules
 CR-102 filed December 20, 2004, WSR 05-01-156
 - (4) Hearing and possible adoption of geoduck fish ticket rules
 CR-102 filed December 20, 2004, WSR 05-01-157

WSR 05-02-011
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed December 27, 2004, 1:30 p.m.]

- DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**
- Document Title: Numbered Memorandum 04-104 MAA.
 Subject: Oxygen and respiratory therapy: Fee schedule changes.
 Effective Date: January 1, 2005.
 Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration will:
- Begin using 2005 current procedural technology (CPT)® and healthcare common procedure coding system (HCPCS) Level II code additions as discussed in this memorandum;
 - Add updates to maximum allowable fees for the year 2005;
 - Update policy related to CPAP humidifiers; and

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- Update policy related to repair of durable medical equipment.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 21, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-02-021

NOTICE OF PUBLIC MEETINGS

OFFICE OF THE

INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—December 23, 2004]

The Interagency Committee for Outdoor Recreation (IAC) will meet Wednesday, January 26, 2005, beginning at 1:30 p.m. in Seattle, Washington at the DoubleTree Guest Suites, 16500 Southcenter Parkway.

This half-day meeting will be a continuation of the board's strategic planning for 2005 and beyond along with a discussion on the Washington wildlife and recreation program (WWRP) unallocated funding and an update on the status of the Thurston County lawsuit.

If you plan to participate or have materials for board review, please submit information to our office no later than January 12, 2005. This will allow for distribution to board members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by January 14, 2005, at (360) 902-2637 or TDD (360) 902-1996.

WSR 05-02-022

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF AGRICULTURE

(Alfalfa Seed Commission)

[Memorandum—December 22, 2004]

Following is a list of regular meetings of the Washington Alfalfa Seed Commission to be held for the calendar year of 2005:

January 5, 2005	Noon Commission Meeting	Tony Roma's Kennewick
March 9, 2005	Noon Commission Meeting	Tony Roma's Kennewick

October 26, 2005	Noon Commission Meeting	Tony Roma's Kennewick
December 14, 2005	Noon Commission Meeting	Tony Roma's Kennewick

If you have any questions, please do not hesitate to contact Sheri Nolan at (509) 585-5460.

WSR 05-02-024

AGENDA

DEPARTMENT OF

NATURAL RESOURCES

[Filed December 28, 2004, 4:36 p.m.]

Following is the Department of Natural Resources' semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please call Heather White at (360) 902-1408, or e-mail at heather.white@wadnr.gov if you have questions.

RULES DEVELOPMENT AGENDA

January 2005 to June 2005

WAC Chapter or Section	Purpose of rule being developed or amended
332-130-020, 332-130-060, and 332-130-070	Allow land surveyors to utilize current datum adjustments.
332-130-090	To clarify when it is required to record a survey.
332-120	Revise the process allowing DNR to create interagency agreements to ensure compliance.
332-52	Revise and update rules to reflect current recreation and public access policy.
332-24-710	Update boundary of forest protection zone in Kitsap County.
332-24-720	Update boundary of forest protection zone in Pierce County.
332-24-730	Update boundary of forest protection zone in King County.
332-24-___	Define boundary of forest protection zone in Snohomish County.
332-30-123	Revise section dealing with selection of upland parcel.
332-30-139	Minor change to existing WAC to clarify use of open water moorage and anchorage areas.
332-30-151	Clarify activities that are in conflict with reserve status.
332-30-106	Minor change to correct typographical error.

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WSR 05-02-029
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 30, 2004, 9:51 a.m.]

Following, in accordance with RCW 34.05.314, is the Department of Labor and Industries' semi-annual rules development agenda for January 1, 2005 - June 30, 2005.

Please contact Carmen Moore at (360) 902-4206 or e-mail at moog235@lni.wa.gov, if you have any questions.

Semi-annual Rules Development Agenda (January 1, 2005 - June 30, 2005)

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: WASHINGTON INDUSTRIAL SAFETY & HEALTH (WISHA)						
Chapter 296-24 WAC, General safety and health standards	Anhydrous ammonia	Beverly Clark (360) 902-5516 Sally Elliott (360) 902-5484	1/18/05	7/05	11/05	The anhydrous ammonia rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Cranes	Cindy Ireland (360) 902-5008 Sally Elliott (360) 902-5484	7/20/04	7/05	11/05	These rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute (ANSI) requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-24 WAC, General safety and health standards	Fall protection	Jim Hughes (360) 902-4504 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The fall protection rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Fire protection	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The fire protection rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Ladders	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	2/1/05	5/4/05	9/20/05	The ladder rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Motor vehicles	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	5/18/04	12/29/04	4/05	The motor vehicle rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction	Rigging	Sally Elliott (360) 902-5484	2/17/04	1/06	5/06	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute (ANSI).
Chapter 296-24 WAC, General safety and health standards	Walking/working surfaces	Beverly Clark (360) 902-5516 Sally Elliott (360) 902-5484	3/23/04	8/05	10/05	The walking/working surface rules are being rewritten and organized for clarity and ease of use.
Chapter 296-45 WAC, Safety standards for electrical	Electrical	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	12/21/04	To be determined	To be determined	The electrical rules are being updated in order to make the rules at-least-as-effective-as the federal rule.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives	Explosives	Sally Elliott (360) 902-5484	10/19/04	12/21/04	4/5/05	The explosive rules are being updated to correct the inconsistency between chapter 70.74 RCW, Washington State Explosive Act, and chapter 296-52 WAC.
Chapter 296-54 WAC, Safety standards for logging operations	Logging	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The logging rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-62 WAC, General occupational health standards; and chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation	Asbestos	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	2/17/04	5/3/05	8/16/05	The asbestos rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Carcinogens part f and labs	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The carcinogens and lab rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Ethylene oxide	Beverly Clark (360) 902-5516 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The ethylene oxide rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Lead	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	12/6/04	9/21/05	3/06	The lead rules are being rewritten and organized for clarity and ease of use.
Chapter 296-304 WAC, Safety standards for shipbuilding, ship repairing and shipbreaking	Shipbuilding	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The shipbuilding rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-350 WAC, WISHA administrative rules; and chapter 296-800 WAC, Safety and health core rules	Administrative rules	Jim Hughes (360) 902-4504 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The administrative rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-800 WAC, Safety and health core rules	Exit routes	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	11/4/03	To be determined	To be determined	The exit route rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-842 WAC, Respirators	Respirators	Jim Hughes (360) 902-4504 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The respirator rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
DIVISION: SPECIALTY COMPLIANCE SERVICES						
Chapter 296-400A WAC	Plumber certification rules	Christine Swanson (360) 902-6411	7/6/04	2/05	5/05	The purpose of this rule making is to review the rules relating to medical gas piping.
WAC 296-126-025	Payroll deductions	Christine Swanson (360) 902-6411	9/30/03	To be determined	To be determined	The purpose of this rule making is to review the rules relating to payroll deductions in WAC 296-126-025 for possible changes.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-125 WAC	Nonagricultural employment of minors	Christine Swanson (360) 902-6411	9/19/01	To be determined	To be determined	The purpose of this rule making is to review these rules for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.
Chapter 296-127 WAC	Prevailing wage	Christine Swanson (360) 902-6411	7/19/00	To be determined	To be determined	The purpose of this rule making is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee.
Chapter 296-46B WAC	Electrical	Christine Swanson (360) 902-6411	10/5/04	3/05	4/05	The department plans to review the electrical rule for additions or revisions. The department developed an advisory committee to review suggested changes from the electrical industry and will propose rules as a result.
WAC 296-05-316	Apprenticeship agreements	Christine Swanson (360) 902-6411	11/3/04	2/2/05	5/4/05	The purpose of this rule making is to review the apprenticeship rules (chapter 296-04 WAC) for changes to clarify that program sponsors must demonstrate need for geographical expansion.
WAC 296-05-303	Apprenticeship committees—Duties and responsibilities	Christine Swanson (360) 902-6411	7/21/04	11/3/04	2/2/05	This rule creates a two-year pilot program (July 2004 - July 2006) to allow apprenticeship program sponsors to send registered apprentices to limited training agents. The rule outlines the requirements of the agreement between the program sponsor and the limited training agent. The proposal also requires the department to conduct a study on the effect of the rule and report the findings to the Washington State Apprenticeship and Training Council.
Chapter 296-96 WAC	Elevators	Christine Swanson (360) 902-6411	11/23/05	To be determined	To be determined	As a result of the new licensing requirements for elevator contractor and elevator mechanics, stakeholders and the department have identified areas where the rule needs substantive, house-keeping and clarifying changes.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: INSURANCE SERVICES (WORKERS' COMPENSATION)						
Chapter 296-14 WAC	Industrial insurance—Mortality assumptions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	6/20/01	To be determined	To be determined	This rule making will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial insurance—Worker employment patterns	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial insurance—Transitional/Light duty job	Valerie Grimm Policy and Quality Coordination (360) 902-5005	4/05	7/05	12/05	This rule making will provide clarification on: <ul style="list-style-type: none"> • The required elements of a valid transitional/light duty job offered from the employer of record. • What is expected of the employer and worker? • How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional/light duty job is offered.
Chapter 296-14 WAC	Industrial insurance—Confidentiality of worker's compensation claim files	Valerie Grimm Policy and Quality Coordination (360) 902-5005	11/6/04	4/05	12/05	This rule making will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial insurance—Definitions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/05	To be determined	To be determined	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability. This rule making will impact crime victims' compensation.
Chapter 296-17 WAC	Retrospective rating program rules	Frank Romero Retrospective Rating (360) 902-4835	11/3/04	4/12/05	5/23/05	This rule making will clarify the process L&I follows to evaluate and approve employers for retrospective rating groups.
Chapter 296-17 WAC	Elective coverage	Tammy Turner Employer Services (360) 902-4777 Bill Moomau Employer Services (360) 902-4774	3/05	6/05	9/05	This rule making will clarify the definition of temporary worker.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-17 WAC	Elective coverage	Tammy Turner Employer Services (360) 902-4777 Bill Moomau Employer Services (360) 902-4774	3/05	6/05	9/05	This rule making will clarify the definition of temporary worker.
Chapter 296-17 WAC	Classification descriptions	Bill Moomau Employer Services (360) 902-4774	12/04	2/05	6/03	This rule making will make risk classification description updates that reflect current business operations.
Chapter 296-17 WAC	Optional coverage	Tammy Turner Employer Services (360) 902-4777 Bill Moomau Employer Services (360) 902-4774	3/05	7/05	12/05	This rule making will offer elective coverage for Native Americans.
Chapter 296-17 WAC	Classification rates	Tammy Turner Employer Services (360) 902-4777 Bill Moomau Employer Services (360) 902-4774	5/05	7/05	11/05	This rule making will adjust risk classification rates to reflect appropriate risk costs.
Chapter 296-20 WAC	Medical aid rules— Proper and necessary	Jamie Lifka Office of the Medical Director (360) 902-4941	3/22/05	5/18/05	7/19/05	Pursuant to ESHB 1299 of the Laws of 2003, the department will coordinate with other state agencies to amend WAC 296-20-01002 to make the definition of "proper and necessary" consistent, where possible, with the other agencies' definitions of "medical necessity."
WAC 296-20-135	Conversion factors	Tom Davis Health Services Analysis (360) 902-6687	12/21/04	2/15/05	4/19/05	This rule making will update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services.
WAC 296-23-220 and 296-23-230	Physical therapy rules and occupational therapy rules—Maximum daily reimbursement	Tom Davis Health Services Analysis (360) 902-6687	12/21/04	2/15/05	4/19/05	This rule making will update the maximum daily reimbursement level for physical therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
WAC 296-20-010	General information	Tom Davis Health Services Analysis (360) 902-6687	12/21/04	2/15/05	4/19/05	Remove the provision for a "grace period" for deleted current procedural terminology (CPT®) and healthcare common procedure coding system (HCPCS) codes in accordance with current Health Insurance Portability and Accountability Act (HIPAA) billing rules the department has voluntarily adopted.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-30 WAC	What are the maximum allowable fees? (For reimbursement for provider services for victims of crime.)	Janice Deal Crime Victims Compensation Program (360) 902-5369	6/1/04	12/21/04	To be determined	In 2004 the crime victims' compensation (CVC) program saw a dramatic increase in the cost of medical care. The current appropriation is insufficient to fund the existing fee schedule. This rule making will reduce CVC provider reimbursement rates to the Department of Social and Health Services (DSHS) reimbursement rates. L&I filed an emergency rule to immediately reduce its provider reimbursement rates to the DSHS reimbursement rates, effective September 1, 2004. L&I will also file a second emergency rule, effective December 30, 2004. This will continue the reimbursement rate at the DSHS rate while the agency works to put this permanent rule in place. This option [is] chosen because it had the least onerous impact on crime victims.
Chapter 296-15 WAC	Worker's compensation self insurance	Jean Vanek Self Insurance (360) 902-6907 Margaret Conley Self Insurance (360) 902-6906	7/24/04	To be determined	To be determined	This rule making would improve the process by which employers are certified to self insure, improve notification to injured workers regarding the status of their compensation, and clarify timeframes for both submission of protests to the department and the payment of penalties.
DIVISION: ADMINISTRATIVE SERVICES						
Chapter 296-06 WAC	Public Records	Joseph Molenda Public Disclosure (360) 902-6462	11/16/04	3/1/05	6/7/05	Chapter 296-06 WAC, Public records, will be updated and revised. Clear rule writing will be used to make the rule language easier to read and understand. WAC 296-06-170 Records index, is being repealed through an expedited rule making, WSR 04-22-084, filed November 2, 2004, because it is inconsistent with RCW 42.17.260(5). It will be rewritten in this rule making to comply with the statute. An indexing system will be established to assist the public in accessing L&I public records.

MISC.

Carmen Moore
Rules Coordinator

WSR 05-02-030
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 30, 2004, 9:52 a.m.]

In accordance with RCW 34.05.230(12), following are the Policy and Interpretive Statements issued by the department for November 2004.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS

Specialty Compliance Services Division

Elevator Licensing, Hours for Certification, Policy #04-01

When you apply for an elevator mechanics license and your work experience was in the elevator industry, you will be given credit for all verifiable hours that are properly submitted to the Department of Labor and Industries. For purposes of this policy, 1,800 hours of employment is considered one-year.

For example, if you are applying for a Category 01 license, you must have minimum of three years experience or 5,400 hours. This new policy was issued November 16, 2004.

Contact Person: Christine Swanson, Mailstop 4400, phone (360) 902-6411.

Elevator Licensing, Exemption, Policy #04-02

1. RCW 70.87.270 (1)(a) states that licensing requirements do not apply to the maintenance of conveyances in facilities in which:

- a. Agricultural products are stored;
- b. Food products are processed;
- c. Goods are manufactured;
- d. Energy is generated; or
- e. Similar industrial or agricultural processes are performed.

2. As long as the conveyance is not accessible to the general public, maintenance can be performed by a qualified individual who is employed by the employer.

For purposes of this policy, subcontractors and vendors are not considered the general public. This new policy was issued November 16, 2004.

Contact: Christine Swanson, Mailstop 4400, phone (360) 902-6411.

Elevator Licensing, Temporary License Policy #04-03

RCW 70.87.250 allows for a temporary elevator mechanic license. This license will be issued to qualified individuals certified by a licensed elevator contractor. This license is valid for thirty days from issuance and for the specific geographic area split between the Cascade Mountains. Temporary licenses must be purchased for each side of the state. The department's Regions 1, 2, 3, and 4 are the west side of the state and Regions 5 and 6 are the east side of the state. This new policy was issued November 16, 2004.

Contact: Christine Swanson, Mailstop 4400, phone (360) 902-6411.

Carmen Moore
Rules Coordinator

WSR 05-02-032
AGENDA
FOREST PRACTICES BOARD
 [Filed December 30, 2004, 9:56 a.m.]

Rule Development Agenda
January - June 2005

The Forest Practices Board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period.

1. **Cultural Resources.** The board initiated rule making on the TFW Cultural Resources Committee's rule proposal related to a cultural resources watershed analysis module. The board will consider permanent rule adoption on February 16, 2005.

2. **Road Maintenance and Abandonment Plans.** Permanent rule language is being developed to implement changes to the small forest landowner road maintenance and abandonment planning requirements contained in 2SHB 1095 passed by the 2003 legislature.

3. **Editorial and Minor Rule Changes.** The board will consider rule making on February 16, 2005. The rules would reflect minor editorial and clarification changes. The board will consider permanent rule adoption at the May 2005 meeting.

4. **Other Legislative Mandated Changes.** The board will consider rule making on February 16, 2005, on legislation passed during the 1997, 2001, 2002, 2003, and 2004 sessions. These changes pertain to Christmas trees, forest land definition, Environmental and Land Use Hearings Board, small forest landowner tax identification and forest practices within urban growth areas. The board will consider permanent rule adoption at the May 2005 meeting.

5. **Upland Wildlife.** The board, with the Department of Fish and Wildlife, is conducting a comprehensive review of the forest practices rules and science for upland wildlife protection and development of cooperative management planning processes. The results of this review and planning process, along with new species listing and designation of critical habitat may result in a rule proposal.

6. **Aquatic Resources.** Forests and fish policy will review results from scientific research for possible rule modifications.

Contact Person: Patricia Anderson, Forest Practices Board, Rules Coordinator, 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 patricia.anderson@wadnr.gov.

WSR 05-02-033
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—December 30, 2004]

Following is a list of the regular meeting notices submitted to the Office of Public Records and Open Public Meetings for 2005.

Regular Meetings 2005

Committee	Chair
Aeronautics and Astronautics	Adam P. Bruckner
Anesthesiology	Frederick W. Cheney, MD
Animal Care Committee (IACUC)	
Applied Mathematics	Ka Kit Tung
Aquatic and Fishery Sciences	Jane Meredith
Astronomy	Bruce Balick
ASUW Board of Directors	
Biology	Thomas Daniel
Bothell, Academic Council	Tom Bellamy
Bothell, Business	Steve Holland
Bothell, Computing and Software Systems	Frank Cioch
Bothell, Education	Susan Franzosa
Bothell, General Faculty Org- Executive Council	Linda Watts
Bothell, Graduate Nursing Faculty	May Baroni
Bothell, Interdisciplinary Arts and Sciences	JoLynn Edwards
Bothell, Master of Arts in Policy Studies	JoLynn Edwards
Bothell, Nursing Advisory Committee	Mary Baroni
Bothell, Nursing Faculty and Staff	Mary Baroni
Chemical Engineering	Eric M. Stuve
Classics	James J. Clauss
Communication	Gerald J. Baldasty
Comparative Medicine	Dennny Liggitt
Computer Science and Engineering Executive Committee	David Notkin
Computer Science and Engineering Faculty	David Notkin
Dance Program	Elizabeth Cooper
Dental Public Health Sciences	Douglas S. Ramsay
Dentistry, Chairs	
Dentistry, Faculty Council	
Dentistry, Faculty Meeting	
Drama	Sarah Nash Gates
Electrical Engineering	R. Bruce Darling
Environmental and Occupational Health Sciences	David Kalman
Epidemiology	Scott Davis
Evans School of Public Affairs	Sandra Archibald
Faculty Senate	

Committee	Chair
Family Medicine	Alfred O. Berg
Forest Resources	Richard R. Gustafson
Geography	James Harrington, Jr.
Germanics	Sabine Wilke
GPSS Exec.	
GPSS Senate	
Harborview, Board Bond Oversight Committee	
Harborview, Board Executive Committee	
Harborview, Board Facilities Ad Hoc Committee	
Harborview, Board Finance Committee	
Harborview, Board Health Care/Strategic Planning	
Harborview, Board Joint Conference Committee	
Harborview, Board Lunch	
Harborview, Board Meeting	
Harborview, Hospital Quality Assurance	
Health Services	Bill Dowling
Immunology	Christopher Wilson, M.D.
Industrial Engineering	Richard L. Storch
Information School	Mike Eisenberg
Law School	Dean Knight
Materials Science and Engineering	Rajendra Bordia
Mathematics	Selim Tuncel
Mechanical Engineering	Mark E. Tuttle
Medicine Board	Ann Ramsay-Jenkins
Microbiology	E. Peter Greenberg
Music	Robin McCabe
Near Eastern Languages and Civilization	Michael A. Williams
Nursing, Ad Hoc Committee for Professors	
Nursing, APT Committee	TBD
Nursing, BNHS Faculty	M. Heitkemper
Nursing, Deans and Charis	Dean Nancy F. Woods
Nursing, Faculty Council	F. O'Connor
Nursing, Faculty Meeting	F. O'Connor
Nursing, Faculty Retreat	S. Spieker
Nursing, FCN Faculty	K. Swanson
Nursing, Governing Council	Dean Nancy F. Woods
Nursing, PCH Faculty	B. Berkowitz

MISC.

Committee	Chair
Nutritional Sciences	Adam Drewnowski
Obstetrics and Gynecology, Executive Finance Committee	David Eschenbach
Obstetrics and Gynecology, Faculty	David Eschenbach
Orthodontics	Gregory J. King
Pathobiology	Andy Stergachis
Pathology	Nelson Fausto
PBI Board Meetings	
Pharmacy, Curriculum committee	Valerie Daggett
Pharmacy, Executive Committee	Sid Nelson
Pharmacy, Faculty	Danny Shen
Philosophy	Kenneth Clatterbaugh
Physics	David Boulware
Public Health Executive Committee	Patricia Wahl
Radiation Oncology	George Laramore
Rehabilitation Medicine	Lawrence R. Robinson, MD
Restorative Dentistry	Dr. Richard McCoy
Social Science Chairs and Administrators	Dean Bob Stacey
Social Work	Dean Dorothy Van Soest
Sociology	Stewart Tolnay
Statistics	Werner Stuetzle
Tacoma, Building and Facilities use	Linda Schmitz, Ann Gagner
Tacoma, Business	Dean Shahrokh Sauda- garan
Tacoma, Education	
Tacoma, Executive Committee	Robert Jackson
Tacoma, Faculty Assembly	Robert Jackson
Tacoma, Institute of Technol- ogy/CSS	Larry Crum
Tacoma, Interdisciplinary Arts and Sciences	Bill Richardson
Tacoma, Nursing	Marjorie Dobratz
Tacoma, Social Work Program	Marcie Lazzari
Tacoma, Urban Studies	Brian Coffey
Technical Communication	Dr. Judy Ramey
Urology, Executive Committee	Paul H. Lange, M.D.
Urology, Faculty	Paul H. Lange, M.D.
Urology, Faculty Retreat	Paul H. Lange, M.D.
Use of University Facilities Committee (U UFC)	K. J. (Gus) Kravas
Women Studies	Judith Howard

[These schedules are available for public inspection at the following address: Office of Public Records and Open Public Meetings, University of Washington, 4014 University Way N.E., Box 355502, Seattle, WA 98105-6203].

WSR 05-02-049
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
(Correctional Industries)
[Memorandum—January 4, 2005]

March 18 and 19	Monroe	Tour Monroe Correc- tional Complex
June 17 and 18	Olympia	Tour of Washington Corrections Center for Women
September 29	Pasco	All CI Training
September 30 and October 1	Pasco	Tour Coyote Ridge Corrections Center
December 9 and 10	Olympia	Red Lion

Contact Danielle Wiles, (360) 586-7551.

WSR 05-02-050
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—December 30, 2004]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meetings in January, February, March and April at their December 16 board meeting. These are the revised meetings to be held in Building 25-Boardroom on the campus of South Puget Sound Community College.

From:	To:
Thursday, January 13, 2005	Friday, January 21, 2005, 3:00 p.m.
Thursday, February 10, 2005	Thursday, February 17, 2005, 3:00 p.m.
Thursday, March 10, 2005	Thursday, March 17, 2005, 3:00 p.m.
Thursday, April 14, 2005	Thursday, April 21, 2005, 3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 05-02-054
RULES COORDINATOR
SHORELINE COMMUNITY COLLEGE
 [Filed January 4, 2005, 9:33 a.m.]

Please accept this letter as notice that I am retiring, effective December 31, 2004. I take pleasure in announcing the appointment of Lee D. Lambert, J. D., Vice-President for Human Resources and Legal Affairs, effective January 3, 2005.

If you have questions regarding this information, please contact Mr. Lambert at (206) 546-4764 or by e-mail at llambert@shoreline.edu.

Joanne Warner
 Interim Vice President
 Office of Human Resources/
 Employee Relations

WSR 05-02-055
NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE
 [Memorandum—December 30, 2004]

Board of Trustees

MEETING SCHEDULE 2005

The CBC board of trustees meets the **second Monday** of each month at 5 p.m., with the exception of August when there is no scheduled meeting.

- January 10
- February 14
- March 14
- April 11
- May 9
- June 13
- July 11
- August - no meeting
- September 12
- October 10
- November 14
- December 12

In accordance with RCW 42.30.075, this schedule of regular meeting dates for Columbia Basin College, District 19, board of trustees is filed with the Office of Code Reviser for publication in the Washington State Register.

WSR 05-02-056
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Red Raspberry Commission)
 [Memorandum—December 30, 2004]

The Washington Red Raspberry Commission adopted the following meeting schedule at our December 8, 2004, board meeting.

2005 Meeting Schedule

February 16	Lynden
March 16	Vancouver
September 7	Mt. Vernon
November 2	Lynden
December 7	Lynden

WSR 05-02-057
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
 [Memorandum—December 30, 2004]

Pursuant to RCW 42.30.075, the following is a revised 2005 schedule for District 22 Tacoma Community College board of trustees meetings. The meetings have been changed (except where noted) to the second Thursday of each month.

- January 13, 2005 (unchanged)
- February 10, 2005
- March 10, 2005 (begins at 3:00)
- April 14, 2005
- May 5, 2005 Special Meeting (begins at 3:00)
- May 12, 2005
- June 15, 2005 (Wednesday)
- July 15-16, 2005 (possible summer board retreat)
- There is no meeting in August
- September 1, 2005 (first Thursday)
- October 13, 2005
- November 10, 2005
- December 8, 2005

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail to cbitz@tcc.ctc.edu.

MISC.

WSR 05-02-058

AGENDA

DEPARTMENT OF LICENSING

[Filed January 4, 2005, 9:36 a.m.]

Following is the rule-making agenda for the Department of Licensing. This agenda is sent to you as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JANUARY 2005**

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver Responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-15-037		Vehicle Dealers	Change in vehicle dealer temporary permit requirements.
99-12-018		Master Licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-18-126		Title and Registration	Chapter 308-57 WAC, Motor vehicle excise tax.
99-18-010		Fuel Tax	Chapter 308-97 WAC, Trip permits.
00-08-067		Master Licensing	Chapter 308-300 WAC, Consolidated licensing system; specifically WAC 308-300-010 through 308-300-200.
00-10-029		Master Licensing	Chapter 308-320 WAC, Commercial telephone solicitation.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-20-101		Timeshare	Update to chapter 308-127 WAC.
01-22-061		Professional Athletics	Fee adjustment, chapters 36-12, 36-13, 36-14 WAC.
01-24-057		Landscape Architects	WAC 308-13-150 Landscape architects fee adjustment.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-20-086	02-23-059	Private Investigator	Aliens to provide proof of firearms license.
03-01-006		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-03-111		Waste Water	Revision to chapter 196-30 WAC.
03-12-018		Title and Registration	Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to WAC 308-57-030.
03-14-024	03-16-113	Land Surveying	Amending chapter 196-27A WAC.
03-15-108		UCC	Possible adjustments to fees changed by the program, WAC 308-30-100.
03-17-026		Cosmetology	Fee adjustment to chapter 308-20 WAC, regulating cosmetologist, barber, manicurist, and esthetician professions.
03-17-029		Camping Resorts	Fee adjustment to chapter 308-420 WAC, regulating camping resorts.
03-17-036		Dealers	Filing fee to be submitted by a licensed motorcycle dealer when initiating a protest against the manufacturer for violations of chapter 46.94 RCW.
03-20-033	05-01-094	Landscape Architect	Amendment to WAC 308-13-150 Landscape architect fees.
03-20-065		Bail Bond Agent	Change fees for bail bond agents and bail bond agency company application and renewal fees.
03-22-043		Title and Registration	WAC 308-56A-450 and 308-56A-150.
03-22-059		Employment Agency	Possible adjustments to fees charged by the employment agency program.
04-01-121	04-05-097	Camping Resorts	Update to chapter 308-420 WAC.
04-01-122	04-05-098	Timeshares	Update to chapter 308-127 WAC.
04-01-161		Title and Registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-525.

CR-101	CR-102	PROGRAM	SUBJECT
04-03-002		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-005.
04-07-054		Title and Registration	Chapter 308-93 WAC, to include but not limited to WAC 308-93-030, 308-93-050.
04-09-031		Title and Registration	Chapter 308-96A WAC, to include but not limited to a new rule in WAC 308-96A-077.
04-09-059		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-307 Emblems for special license plates.
04-08-077		Bail Bond	Process for regulating bail bond recovery agents.
04-08-078		Security Guards	Revise training for security guards.
04-10-011		Engineers	Chapter 196-23 WAC, Stamping and seals; chapter 196-26A WAC, Registered engineer and land surveyor fees.
04-12-010		Title and Registration	Chapter 308-61 WAC, Wreckers, to include but not limited to WAC 308-61-135.
04-11-104		Dealers	Chapter 308-63 WAC, Wreckers.
04-11-106		Dealers	WAC 308-56A-405, 308-56A-410, 308-56A-415, and 308-56A-420.
04-15-050		Waste Water	Chapter 196-09 WAC.
04-15-079		Engineers	Chapter 196-26A WAC.
04-17-064	04-22-110	Title and Registration	WAC 308-56A-530 and 308-56A-500.
04-16-116		Cosmetology	Update to chapter 308-20 WAC due to chapter 51, Laws of 2004.
	04-19-149	Driver Training Schools	WAC 308-108-010, 308-108-020, 308-108-080, 308-108-090, 308-108-100, 308-108-110, 308-108-120, 308-108-130, 308-108-140, 308-108-150, 308-108-160, 308-108-170, and 308-108-180.
04-21-068		Appraiser	Incorporate by reference, of the 2005 edition of the uniform standards of professional appraisal practice, the generally recognized national organized standards of real estate appraisal.
04-23-075		Title and Registration	WAC 308-96A-311 General provisions, WAC 308-96A-314 Individual with disabilities special license plates.
03-09-032	04-24-001	Engineers	Chapter 196-25 WAC, Business practices.
04-24-003		Security Guard	Fee increase for security guard program.
	04-24-010	Cosmetology	WAC 308-20-123 Examination appeal.
	04-24-093	Master License Service	WAC 308-300-110 (expedited rule), modify text to comply with RCW 34.05.395, use of proper format.

Walt Fahrer
Rules Coordinator

MISC.

WSR 05-02-069
NOTICE OF PUBLIC MEETINGS
WASHINGTON CITIZENS' COMMISSION
ON SALARIES FOR ELECTED OFFICIALS
 [Memorandum—January 4, 2005]

2005 Meeting and Public Hearing Schedule

Date	Time/Purpose of Meeting	Location
January 27, 2005 (Thursday)	9 a.m. - 4 p.m. Elected Officials' Presentations Public Hearing and Testimony Work Session Adopt Proposed 2005-06 Salary Schedule	General Administration Auditorium 210 11th Avenue S.W. Olympia

Date	Time/Purpose of Meeting	Location
February 24, 2005 (Thursday)	9 a.m. - 4 p.m. Elected Officials' Presentations Public Hearing and Testimony Work Session	General Administration Auditorium 210 11th Avenue S.W. Olympia
March 24, 2005 (Thursday)	6 p.m. - 9 p.m. Public Hearing and Testimony Work Session	The Heathman Lodge Cowlitz Room 7801 N.E. Greenwood Drive Vancouver
April 28, 2005 (Thursday)	6 p.m. - 9 p.m. Public Hearing and Testimony Work Session	The Coast Hotel and Conference Center Gala 123 201 North Wenatchee Avenue Wenatchee
May 19, 2005 (Thursday)	9 a.m. - 4 p.m. Public Hearing and Testimony Work Session Adopt the 2005-06 Salary Schedule	Radisson Hotel Phoenix Room 17001 Pacific Highway South SeaTac

WSR 05-02-070
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed January 4, 2005, 3:06 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following Excise Tax Advisory (ETA): **ETA 2020.08.129 Automobile Towing and Roadside Assistance Activities.**

Under RCW 82.04.050 (2)(e), the sale of or charge made for labor and services rendered in respect to "automobile towing and similar automotive transportation services" is a retail sale. This ETA provides information about the meaning and taxability of "automobile towing and similar automotive transportation services." This advisory also provides information about the taxability of roadside assistance activities that may be performed by towing companies.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 05-02-071
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed January 4, 2005, 3:08 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement of the issuance of this interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following Excise Tax Advisories (ETA):

ETA 2016.04.111 (First Revision) Staffing Companies and Professional Employer Organizations.

Excise tax advisory (ETA) 2016 was originally issued to provide guidance to staffing companies regarding their business and occupation (B&O) and retail sales tax reporting responsibilities in light of the Washington State Supreme Court's decision in *City of Tacoma v. William Rogers Company Inc.*, 149 Wn.2d 169, 60 P.3d 79 (2002). This advisory has been revised to also provide guidance to professional employer organizations.

ETA 2021.04.24003 Business and Occupation Tax Credit on Research and Development Spending for Staffing Companies.

RCW 82.04.4452 provides a business and occupation (B&O) tax credit for persons whose research and development (R&D) spending during a calendar year exceeds 0.92% of the person's taxable amount during the same year. This ETA provides guidance regarding possible eligibility of staffing companies.

Copies of these documents are available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453,

MISC.

Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

July/August/ September	no meeting		
October 11	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
November 8	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
December	no meeting		

WSR 05-02-072
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed January 4, 2005, 3:09 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following Excise Tax Advisory (ETA): **ETA 2022.08.257 Distinguishing Warranties and Maintenance Agreements.**

The tax consequences of selling extended warranties and maintenance agreements are generally different. This excise tax bulletin clarifies the distinction between warranties and maintenance agreements as stated in WAC 458-20-257 (Rule 257). It clarifies the separate charge provision of Rule 257 (2)(b)(i). This ETA uses the example of computer hardware and software, but its principles apply to all warranties and maintenance agreements.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 05-02-079
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
[Memorandum—December 29, 2004]

The board of trustees of Peninsula College has approved their annual calendar for 2005. Meeting dates and times are:

January 11	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
February 8	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
March	no meeting		
April 12	2:00 p.m.	Forks Extension Site 71 Forks Avenue	Forks
May 10	2:00 p.m.	Port Townsend Extension Site Ft. Worden State Park 298 Battery Way	Port Townsend
June 14	2:00 p.m.	Board Room Peninsula College	Port Angeles

WSR 05-02-080
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS
[Memorandum—January 5, 2005]

Revised Meeting Schedule
for Commission on African American Affairs

Meeting Schedule 2005

November 19, 2004	Conference Call
January 21, 2005	Bremerton
February 11, 2005	Olympia
May 20, 2005	Conference Call
July 15, 2005	Yakima/Tri-Cities
September 16, 2005	Tacoma
November 18, 2005	Conference Call
January, 2006	Seattle

WSR 05-02-081
AGENDA
DEPARTMENT OF ECOLOGY
[Filed January 5, 2005, 9:20 a.m.]

Pursuant to RCW 34.05.314, following is the Department of Ecology's rule agenda for January 2005 through June 2005.

If you have any questions please contact Jerry Thielen at (360) 407-6998 or e-mail at jthi461@ecy.wa.gov.

Rule-making Agenda

*The bolded dates indicate filings that have occurred.

WAC Chapter	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-224 AO 03-11 October 2003	Wastewater discharge permit fees.	April 2004	July 2004
173-175 AO 03-08 September 2003	Dam safety regulations.	April 2004	August 2004
173-303 AO 03-10 October 2003	Dangerous waste regulations.	July 2004	December 2004
173-322 AO 04-06 February 2004	Remedial action grants.	October 2004	February 2005

WSR 05-02-083

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 5, 2005, 9:33 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: SEO Handbook Chapter 5.
Subject: Cooperation and good cause.
Effective Date: December 22, 2004.

Document Description: This is a revision to the existing SEO Handbook Chapter 5.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

December 22, 2004
Susan Reams

WSR 05-02-084

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 5, 2005, 8:34 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-86 MAA.
Subject: Numbered Memo 04-86 MAA Prescription drug program: Maximum allowable cost update.
Effective Date: February 1, 2005.

Document Description: **Effective for dates of service on and after February 1, 2005**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program: 1. New additions to the maximum allowable cost (MAC) list; and 2. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 28, 2004
Ann Myers, Manager
Rules and Publications Section

WAC Chapter AO	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-400 AO 03-07	General regulation for air pollution sources.	October 2004	January 2005
173-407 AO 03-09	Greenhouse gas emissions.	October 2004	December 2004
173-563 and 173-531A AO 01-05 July 2001	Columbia river initiative—Columbia River Main Stem and John Day-McNary Pools.	December 2004	May 2005
173-350 AO 04-12 June 2004	Solid waste handling standards.	December 2004	June 2005
173-503 AO 04-14 April 2003	Instream resources protection program—Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4).	February 2005	April 2005
173-505 AO 02-17 November 2002	Instream resources protection and water resources program Stillaguamish River Basin—WRIA 5.	February 2005	August 2005
173-218, 173-216, 173-226 AO 01-10 May 2001	Underground injection control program.	February 2005	May 2005
173-546	Entiat water resource management program.	February 2005	May 2005
173-517 AO 04-02	Quilcene-snow instream resources protection and water management program.	March 2005	June 2005
173-532 AO 04-08	Water resources program for the Walla Walla Basin, WRIA 32.	March 2005	May 2005
173-333 AO 04-07 March 2004	Persistent bioaccumulative toxins (PBT) rule.	March 2005	August 2005
173-518 AO 04-03	Elwha Dungeness instream resources protection and watershed management program.	April 2005	July 2005
173-503 AO 04-01	Instream flow rule for the Samish subbasin.	June 2005	October 2005
173-430	Agricultural burning.	June 2005	November 2005
317-10, 173-181 AO 00-03 July 1999	Oil spill contingency plans and response contractor standards.	November 2005	April 2006
173-98 AO 02-15 October 2002	Uses and limitations of the water pollution control state revolving fund.	January 2007	January 2007
173-700 AO 04-13 July 2004	Wetland mitigation banking—Pilot rule.	July 2007	January 2008
173-300 AO 04-05 February 2004	Certification of operators of solid waste incinerator and landfill facilities.	CR-105 in May	June 2005

Jerry Thielen
Rules Coordinator

MISC.

WSR 05-02-085**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:35 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-37 MAA - Reissued.

Subject: Diabetes education program: Fee schedule update and discontinued state-unique procedure codes.

Effective Date: August 1, 2003. Reissue Date: January 2, 2005.

Document Description: **Effective with dates of service on and after August 1, 2003**, the Medical Assistance Administration (MAA) will discontinue all state-unique procedure codes previously used in the diabetes education program.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 28, 2004

Ann Myers, Manager

Rules and Publications Section

WSR 05-02-086**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:36 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing instructions.

Subject: Planned home births/births in birthing centers.

Effective Date: January 2005.

Document Description: These are billing instructions for authorized maternity care providers to use when billing for medical assistance eligible clients. Included in this document are definitions, client eligibility, prenatal management/risk screening guidelines, authorization, billing, fee schedules, how to complete the HCFA-1500 claim form.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publication-fees.htm> (click on "Numbered Memos," "Year 2004"), TDD

1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 27, 2004

Ann Myers, Acting Manager
Regulatory Improvement Project**WSR 05-02-087****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-28 MAA.

Subject: Orthodontic services program updates.

Effective Date: January 8, 2005.

Document Description: Effective January 8, 2005, MAA is updating and clarifying existing policy in chapter 388-535A WAC, Orthodontic services. MAA is removing the orthodontics for children portion of the current *Dental Program (Adults/Children) Billing Instructions* and publishing a new stand-alone *Orthodontic Services Billing Instructions*, dated January 2005.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 27, 2004

Ann Myers, Manager

Rules and Publications Section

WSR 05-02-088**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:38 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Orthodontic services.

Effective Date: January 8, 2005.

Document Description: These are billing instructions for authorized orthodontic services providers to use when billing for medical assistance eligible clients. Included in this document are client eligibility, provider requirements, coverage, authorization, orthodontic information sheet, billing, fee schedules, how to complete the ADA form.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assis-

tance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 27, 2004
Ann Myers, Acting Manager
Regulatory Improvement Project

WSR 05-02-089

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:39 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-93 MAA.
Subject: Ambulatory surgery centers: Fee schedule update.

Effective Date: January 1, 2005.

Document Description: **Effective for dates of service on and after January 1, 2005**, the Medical Assistance Administration will adopt the 2005 Medicare fee schedule database (MFSDDB) ambulatory surgery centers (ASC) groups for the new January 1, 2005, CPT procedure codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 30, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-02-090

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed January 5, 2005, 9:40 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-87 MAA.
Subject: Early periodic screening, diagnosis, and treatment (EPSDT) clinics: New codes and fee updates.

Effective Date: January 1, 2005.

Document Description: **Effective for claims with dates of service on and after January 1, 2005**, the Medical Assistance Administration (MAA) will begin using the Year 2005 CPT® and HCPCS Level II code additions as discussed in

this memorandum. Maximum allowable fees for the Year 2005 additions are also included.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2004"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

December 30, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 05-02-093

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed January 5, 2005, 10:00 a.m.]

NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT OF WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (WDFW) HATCHERY AND GENETIC MANAGEMENT PLANS FOR TEN ADDITIONAL COLUMBIA RIVER HATCHERY AND LOCAL WATERSHED STEWARDSHIP PROGRAMS

(Memorandum—January 19, 2005)

Draft hatchery and genetic management plans (HGMPs) for ten Washington Department of Fish and Wildlife (WDFW) programs are available for a sixty-day public review and comment period. These include seven programs in the Lower Columbia ESU and three programs from Ringold Springs Rearing Facility (Middle Columbia ESU). Four HGMPs involve local citizen organizations including Fish First and the Cowlitz Game and Anglers along with cooperative partnerships with Clark Public Utility in Clark County. Public comments, WDFW's response, and any resultant modifications to HGMPs will subsequently be posted on the WDFW website and provided to NOAA Fisheries for its consideration after the comment period.

The HGMPs describe, in a format prescribed by NOAA Fisheries, the operation of each program for salmon and steelhead and the potential effects of each program on listed species. The draft HGMPs will be provided to NOAA Fisheries for consideration as significant conservation measures under Section 4(d) of the Endangered Species Act.

Draft HGMPs may be accessed for review through one of the following means: 1) Electronically via the internet to the WDFW website (wdfw.wa.gov); or 2) in-person through a scheduled appointment at the WDFW office in Olympia, Washington. To schedule an appointment, or to obtain more information, please call (360) 902-2802 or (360) 902-2700.

WDFW will be accepting public comments on the draft HGMPs until March 21, 2005. Comments must be submitted in writing to Dr. Jeff Koenings, Director, WDFW (Attention: Andy Appleby, Fish Program), 600 Capitol Way North,

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Olympia, WA 98501-1091 or electronically through e-mail addressed to HGMP@dfw.wa.gov. All comments must be received by WDFW at the appropriate address or via

WDFW's website by 5 p.m. Pacific Standard Time on March 21, 2005.

This notice can also be found on the Washington State Register website at <http://slc.leg.wa.gov/>

WSR 05-02-097

AGENDA

DEPARTMENT OF REVENUE

[Filed January 5, 2005, 11:28 a.m.]

The Department of Revenue's rule development agenda shows those rules for which we anticipate some formal rule-making action, either a public meeting, hearing, or adoption, by July 31, 2005. Rules may be added or deleted from the work schedule as a result of resource allocation, legislative action, court decisions, or taxpayer request.

We have a web site that includes this list at <http://www.dor.wa.gov/content/laws/RuleMaking/default.aspx>.

If you would like to receive future copies of this list, please send a request to Roseanna Hodson, Legislation and Policy, P.O. Box 47453, Olympia, WA 98504-7453.

Any person currently on the excise tax rules maintenance list or property tax rules list will automatically receive a copy of the rules development agenda.

RULES DEVELOPMENT AGENDA

Activity planned by July 31, 2005

Rule Number	Subject	Explanation	Assigned To	Status
458-12-342	New construction—Assessment.	Update per rule review.	Jim Winterstein	CR-101 public meeting anticipated.
458-14-001 458-14-015 458-14-025 458-14-046 458-14-056 458-14-066 458-14-076 458-14-105 458-14-116 458-14-127 458-14-170	Board of Equalization.	Update per rule review.	Jim Winterstein	CR-101 public meeting anticipated.
458-16-180	Cemeteries.	Update per rule review.	Kim Qually	CR-101 public meeting anticipated.
458-16-1000	Fee land owned by tribes.	Incorporate provisions of chapter 236, Laws of 2004.	Kim Qually/Nathan Schreiner	Emergency rule issued. CR-102 public hearing anticipated.
458-16A-100	Senior citizen/disabled person exemption.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.
458-16A-110	Senior citizen/disabled person exemption.	Recognize federal law changes.	Jim Winterstein	CR-101 public meeting anticipated.
458-16A-115	Senior citizen/disabled person exemption.	Recognize federal law changes.	Jim Winterstein	CR-101 public meeting anticipated.
458-16A-120	Senior citizen/disabled person exemption.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.
458-16A-130	Senior citizen/disabled person exemption.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.

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Rule Number	Subject	Explanation	Assigned To	Status
458-16A-135	Senior citizen/disabled person exemption.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.
458-18-020	Senior citizen/disabled person deferral.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.
458-19-045	Levy limit—Removal of limit.	Incorporate provisions of chapter 24, Laws of 2003 1st sp.s.	Kim Qually	CR-101 public meeting anticipated.
458-19-070	Adjusting levy rates when aggregate limit is exceeded.	Incorporate provisions of chapter 129, Laws of 2004.	Kim Qually	CR-101 public meeting anticipated.
458-19-075	Constitutional 1% limit calculation.	Incorporate provisions of chapters 80 and 124, Laws of 2004.	Kim Qually	CR-101 public meeting anticipated.
458-20-108	Returns/discounts.	Update per rule review.	Allan Lau	CR-101 public meeting anticipated.
458-20-119	Sales of meals.	Update per rule review and recognize streamlined sales tax agreement definitions.	Gil Brewer	CR-101 public meeting anticipated.
458-20-124	Restaurants.	Update per rule review and recognize streamlined sales tax agreement definitions.	Gil Brewer	CR-101 public meeting anticipated.
458-20-140	Photographers.	Update per rule review. Combine with WAC 458-20-142?	Gayle Carlson	CR-101 public meeting anticipated.
458-20-142	Photographic equipment.	Update per rule review. Combine with WAC 458-20-140?	Gayle Carlson	CR-101 public meeting anticipated.
458-20-148	Barber and beauty shops.	Update per rule review.	Beulah Holman	CR-102 public hearing anticipated.
458-20-153	Funeral directors.	Update per rule review.	Scott Amrine	CR-101 public meeting possible.
458-20-154	Cemeteries.	Update per rule review.	Scott Amrine	CR-101 public meeting possible.
458-20-155	Computer services.	Update per rule review.	Ben Han	CR-101 public meeting possible.
458-20-168	Hospitals.	Update per rule review and incorporate chapter 174, Laws of 2004.	Allan Lau	CR-102 public hearing anticipated.
458-20-173	Installing, cleaning, repairing tangible personal property.	Update per rule review.	Allan Lau	CR-101 public meeting anticipated.
458-20-175	Interstate commerce by air/rail/water carriers.	Update per rule review—Possible consolidation with WAC 458-20-181.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-177	Sales of vehicles to nonresidents.	Update per rule review.	Gil Brewer	CR-102 public hearing anticipated.

MISC.

Rule Number	Subject	Explanation	Assigned To	Status
458-20-178	Use tax.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003 and chapter 153, Laws of 2004, update per rule review.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-17801	Use tax exemptions.	Incorporate and update exemption info now in WAC 458-20-178.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-179	Public utility tax.	Update per rule review.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-17901	PUT—Energy conservation/cogeneration.	Update per rule review.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-17902	Brokered natural gas—Use tax.	Update per rule review.	Pat Moses	CR-101 public meeting anticipated.
458-20-181	Operating vessels in Washington.	Update per rule review—Possible consolidation with WAC 458-20-175.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-183	Amusement/recreation services.	Update per rule review.	Chris Coffman	CR-101 public meeting possible.
458-20-18801	Prescription drugs, etc.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003 and chapter 153, Laws of 2004.	Pat Moses	CR-102 public hearing anticipated.
458-20-189	Sales to/by state and political subdivision.	Update per rule review.	Pat Moses	CR-101 public meeting anticipated.
458-20-193 458-20-193C	Inbound and outbound interstate sales of tangible personal property. Imports and exports.	Update and consolidate per rule review.	Mark Mullin	CR-101 public meeting anticipated.
458-20-194	Doing business in/outside Washington.	Update per rule review.	Nathan Schreiner	CR-101 public meeting possible.
458-20-211	Leases/rental of tangible personal property.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003, update per rule review.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-216	Successorship.	Incorporate provisions of chapter 13, Laws of 2003 1st sp.s.	Allan Lau	CR-102 public hearing anticipated.
458-20-228	Returns, penalties, and interest.	Incorporate provisions of chapter 13, Laws of 2003 1st sp.s.	Pat Moses	CR-102 public hearing anticipated.
458-20-229	Refunds.	Incorporate provisions of chapter 73, Laws of 2003.	Gil Brewer	CR-101 public meeting anticipated.
458-20-24001 458-20-24001A	Sales/use tax deferral—Distressed areas.	Incorporate provisions of chapter 25, Laws of 2004.	Allan Lau	CR-101 public meeting anticipated.
458-20-24003	Tax incentives for high technology.	Incorporate provisions of chapter 2, Laws of 2004.	Allan Lau	CR-101 public meeting anticipated.

MISC.

Rule Number	Subject	Explanation	Assigned To	Status
458-20-243	Litter tax.	Update per rule review.	Gayle Carlson	CR-102 public hearing anticipated.
458-20-244	Food.	Incorporate provisions of "streamlined" legislation—Chapter 153, Laws of 2004.	JoAnne Gordon	CR-101 public meeting anticipated.
458-20-245	Telephone service.	Incorporate provisions of the "streamlined bill" (chapter 168, Laws of 2003), update per rule review.	Gil Brewer	CR-101 public meeting anticipated.
458-20-New	Mobile telephone service.	Incorporate provisions of chapter 67, Laws of 2002.	Gil Brewer	CR-101 public meeting anticipated.
458-20-252	Hazardous substance tax/petroleum products tax.	Update per rule review. Possible incorporation of petroleum products tax into a new rule.	Jim Winterstein	CR-102 public hearing anticipated.
458-20-261	Ridesharing exemptions/credits.	Update per rule review.	Allan Lau	CR-101 public meeting anticipated.
458-20-New	High tech incentives accountability.	Incorporate provisions of chapter 2, Laws of 2004.	Julie Sexton	CR-101 public meeting anticipated.
458-20-New	Aerospace incentives accountability.	Incorporate provisions of chapter 1, Laws of 2003.	Julie Sexton	CR-101 public meeting anticipated.
458-20-New	Aerospace incentives.	Incorporate provisions of chapter 1, Laws of 2003.	Julie Sexton	CR-101 public meeting anticipated.
Chapter 458-28	Taxation of financial institutions—Apportionment by cities or towns.	Update per rule review.	Margaret Partlow	CR-101 public meeting anticipated.
458-40-660	Timber/forest tax stumpage values.	Required semi-annually.	Gil Brewer	Must be completed before July 1st and January 1st each year.
Chapter 458-61	Real estate excise tax.	Update per rule review.	Margaret Partlow	CR-101 public meeting anticipated.

Alan R. Lynn
Rules Coordinator

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action
- WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-070	AMD	04-02-071	4- 25-630	AMD-P	04-17-085	4- 25-730	AMD	05-01-137
4- 25-400	PREP	04-08-033	4- 25-630	AMD-S	04-22-096	4- 25-735	PREP	04-08-033
4- 25-400	AMD-P	04-17-085	4- 25-630	AMD	05-01-137	4- 25-735	AMD-P	04-17-085
4- 25-400	AMD-S	04-22-096	4- 25-631	PREP	04-08-033	4- 25-735	AMD-S	04-22-096
4- 25-400	AMD	05-01-137	4- 25-631	AMD-P	04-17-085	4- 25-735	AMD	05-01-137
4- 25-410	PREP	04-08-033	4- 25-631	AMD-S	04-22-096	4- 25-745	PREP	04-08-033
4- 25-410	AMD-P	04-17-085	4- 25-631	AMD	05-01-137	4- 25-745	AMD-P	04-17-085
4- 25-410	AMD-S	04-22-096	4- 25-640	PREP	04-08-033	4- 25-745	AMD-S	04-22-096
4- 25-410	AMD	05-01-137	4- 25-640	AMD-P	04-17-085	4- 25-745	AMD	05-01-137
4- 25-510	PREP	04-08-033	4- 25-640	AMD-S	04-22-096	4- 25-746	PREP	04-08-033
4- 25-510	AMD-P	04-17-085	4- 25-640	AMD	05-01-137	4- 25-746	AMD-P	04-17-085
4- 25-510	AMD-S	04-22-096	4- 25-650	PREP	04-08-033	4- 25-746	AMD-S	04-22-096
4- 25-510	AMD	05-01-137	4- 25-650	AMD-P	04-17-085	4- 25-746	AMD	05-01-137
4- 25-530	PREP	04-06-085	4- 25-650	AMD-S	04-22-096	4- 25-750	PREP	04-08-033
4- 25-530	AMD-P	04-17-086	4- 25-650	AMD	05-01-137	4- 25-750	AMD-P	04-17-085
4- 25-530	AMD-S	04-22-097	4- 25-660	PREP	04-08-033	4- 25-750	AMD-S	04-22-096
4- 25-530	AMD	05-01-136	4- 25-660	AMD-P	04-17-085	4- 25-750	AMD	05-01-137
4- 25-540	PREP	04-08-033	4- 25-660	AMD-S	04-22-096	4- 25-756	PREP	04-11-033
4- 25-540	AMD-P	04-17-085	4- 25-660	AMD	05-01-137	4- 25-756	AMD-P	04-17-087
4- 25-540	AMD-S	04-22-096	4- 25-661	PREP	04-08-033	4- 25-756	AMD-S	04-22-098
4- 25-540	AMD	05-01-137	4- 25-661	AMD-P	04-17-085	4- 25-756	AMD	05-01-135
4- 25-550	PREP	04-08-033	4- 25-661	AMD-S	04-22-096	4- 25-782	PREP	04-11-033
4- 25-550	AMD-P	04-17-085	4- 25-661	AMD	05-01-137	4- 25-782	AMD-P	04-17-087
4- 25-550	AMD-S	04-22-096	4- 25-670	PREP	04-08-033	4- 25-782	AMD-S	04-22-098
4- 25-550	AMD	05-01-137	4- 25-670	AMD-P	04-17-085	4- 25-782	AMD	05-01-135
4- 25-551	PREP	04-08-033	4- 25-670	AMD-S	04-22-096	4- 25-783	PREP	04-08-033
4- 25-551	AMD-P	04-17-085	4- 25-670	AMD	05-01-137	4- 25-783	AMD-P	04-17-085
4- 25-551	AMD-S	04-22-096	4- 25-710	PREP	04-08-033	4- 25-783	AMD-S	04-22-096
4- 25-551	AMD	05-01-137	4- 25-710	AMD-P	04-17-085	4- 25-783	AMD	05-01-137
4- 25-610	PREP	04-08-033	4- 25-710	AMD-S	04-22-096	4- 25-790	PREP	04-08-033
4- 25-610	AMD-P	04-17-085	4- 25-710	AMD	05-01-137	4- 25-790	AMD-P	04-17-085
4- 25-610	AMD-S	04-22-096	4- 25-720	PREP	04-08-033	4- 25-790	AMD-S	04-22-096
4- 25-610	AMD	05-01-137	4- 25-720	AMD-P	04-17-085	4- 25-790	AMD	05-01-137
4- 25-620	PREP	04-08-033	4- 25-720	AMD-S	04-22-096	4- 25-791	PREP	04-08-033
4- 25-620	AMD-P	04-17-085	4- 25-720	AMD	05-01-137	4- 25-791	AMD-P	04-17-085
4- 25-620	AMD-S	04-22-096	4- 25-721	PREP	04-08-033	4- 25-791	AMD-S	04-22-096
4- 25-620	AMD	05-01-137	4- 25-721	AMD-P	04-17-085	4- 25-791	AMD	05-01-137
4- 25-626	PREP	04-08-033	4- 25-721	AMD-S	04-22-096	4- 25-792	PREP	04-08-033
4- 25-626	AMD-P	04-17-085	4- 25-721	AMD	05-01-137	4- 25-792	AMD-P	04-17-085
4- 25-626	AMD-S	04-22-096	4- 25-730	PREP	04-08-033	4- 25-792	AMD-S	04-22-096
4- 25-626	AMD	05-01-137	4- 25-730	AMD-P	04-17-085	4- 25-792	AMD	05-01-137
4- 25-630	PREP	04-08-033	4- 25-730	AMD-S	04-22-096	4- 25-793	PREP	04-08-033

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Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-793	AMD-P	04-17-085	16-170-125	NEW	04-08-062	16-230-810	PREP	04-03-004
4-25-793	AMD-S	04-22-096	16-170-130	NEW-P	04-05-119	16-230-813	PREP	04-03-004
4-25-793	AMD	05-01-137	16-170-130	NEW	04-08-062	16-230-815	PREP	04-03-004
4-25-795	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-820	PREP	04-03-004
4-25-795	AMD-P	04-17-085	16-170-135	NEW	04-08-062	16-230-825	PREP	04-03-004
4-25-795	AMD-S	04-22-096	16-170-140	NEW-P	04-05-119	16-230-830	PREP	04-03-004
4-25-795	AMD	05-01-137	16-170-140	NEW	04-08-062	16-230-835	PREP	04-03-004
4-25-820	PREP	04-11-033	16-170-145	NEW-P	04-05-119	16-230-835	PREP	04-13-057
4-25-820	AMD-P	04-17-087	16-170-145	NEW	04-08-062	16-230-840	PREP	04-03-004
4-25-820	AMD-S	04-22-098	16-170-150	NEW-P	04-05-119	16-230-845	PREP	04-03-004
4-25-820	AMD	05-01-135	16-170-150	NEW	04-08-062	16-230-850	PREP	04-03-004
4-25-830	PREP	04-08-033	16-170-155	NEW-P	04-05-119	16-230-855	PREP	04-03-004
4-25-830	AMD-P	04-17-085	16-170-155	NEW	04-08-062	16-230-860	PREP	04-03-004
4-25-830	AMD-S	04-22-096	16-170-170	NEW-P	04-05-119	16-230-860	PREP	04-13-057
4-25-830	AMD	05-01-137	16-170-170	NEW	04-08-062	16-230-861	PREP	04-03-004
4-25-831	PREP	04-08-033	16-170-175	NEW-P	04-05-119	16-230-862	PREP	04-03-004
4-25-831	AMD-P	04-17-085	16-170-175	NEW	04-08-062	16-230-863	PREP	04-03-004
4-25-831	AMD-S	04-22-096	16-170-180	NEW-P	04-05-119	16-230-864	PREP	04-03-004
4-25-831	AMD	05-01-137	16-170-180	NEW	04-08-062	16-230-866	PREP	04-03-004
4-25-910	PREP	04-08-033	16-218	PREP	04-19-121	16-230-868	PREP	04-03-004
4-25-910	AMD-P	04-17-085	16-219-010	REP-X	04-13-059	16-231-100	PREP	04-03-004
4-25-910	AMD-S	04-22-096	16-219-010	REP	04-18-024	16-231-105	PREP	04-03-004
4-25-910	AMD	05-01-137	16-219-100	REP-X	04-06-073	16-231-107	PREP	04-03-004
10-20-010	NEW-P	04-24-005	16-219-100	REP	04-10-105	16-231-110	PREP	04-03-004
10-20-020	NEW-P	04-24-005	16-219-105	REP-X	04-06-073	16-231-115	PREP	04-03-004
10-20-030	NEW-P	04-24-005	16-219-105	REP	04-10-105	16-231-119	PREP	04-03-004
16-07-001	NEW-E	05-01-031	16-228-1220	PREP	04-03-005	16-231-125	PREP	04-03-004
16-07-001	PREP	05-01-159	16-228-1231	PREP	04-03-004	16-231-130	PREP	04-03-004
16-07-001	NEW-E	05-01-160	16-228-1250	PREP	04-03-004	16-231-135	PREP	04-03-004
16-08-003	NEW	04-02-063	16-229	PREP	04-14-102	16-231-140	PREP	04-03-004
16-08-004	NEW	04-02-063	16-229-010	AMD-P	05-01-147	16-231-145	PREP	04-03-004
16-54-030	AMD-E	04-15-021	16-230-250	REP-X	04-13-058	16-231-149	PREP	04-03-004
16-157-020	AMD-X	04-16-092	16-230-250	REP	04-18-023A	16-231-153	PREP	04-03-004
16-157-020	AMD	04-24-015	16-230-260	REP-X	04-13-058	16-231-156	PREP	04-03-004
16-170-010	NEW-P	04-05-119	16-230-260	REP	04-18-023A	16-231-159	PREP	04-03-004
16-170-010	NEW	04-08-062	16-230-270	REP-X	04-13-058	16-231-162	PREP	04-03-004
16-170-020	NEW-P	04-05-119	16-230-270	REP	04-18-023A	16-231-165	PREP	04-03-004
16-170-020	NEW	04-08-062	16-230-281	REP-X	04-13-058	16-231-168	PREP	04-03-004
16-170-030	NEW-P	04-05-119	16-230-281	REP	04-18-023A	16-231-171	PREP	04-03-004
16-170-030	NEW	04-08-062	16-230-290	REP-X	04-13-058	16-231-174	PREP	04-03-004
16-170-035	NEW-P	04-05-119	16-230-290	REP	04-18-023A	16-231-177	PREP	04-03-004
16-170-035	NEW	04-08-062	16-230-400	PREP	04-03-004	16-231-180	PREP	04-03-004
16-170-037	NEW-P	04-05-119	16-230-410	PREP	04-03-004	16-231-183	PREP	04-03-004
16-170-037	NEW	04-08-062	16-230-420	PREP	04-03-004	16-231-200	PREP	04-03-004
16-170-040	NEW-P	04-05-119	16-230-430	PREP	04-03-004	16-231-205	PREP	04-03-004
16-170-040	NEW	04-08-062	16-230-440	PREP	04-03-004	16-231-210	PREP	04-03-004
16-170-050	NEW-P	04-05-119	16-230-450	PREP	04-03-004	16-231-215	PREP	04-03-004
16-170-050	NEW	04-08-062	16-230-460	PREP	04-03-004	16-231-220	PREP	04-03-004
16-170-060	NEW-P	04-05-119	16-230-470	PREP	04-03-004	16-231-225	PREP	04-03-004
16-170-060	NEW	04-08-062	16-230-600	PREP	04-03-004	16-231-230	PREP	04-03-004
16-170-070	NEW-P	04-05-119	16-230-605	PREP	04-03-004	16-231-235	PREP	04-03-004
16-170-070	NEW	04-08-062	16-230-610	PREP	04-03-004	16-231-300	PREP	04-03-004
16-170-075	NEW-P	04-05-119	16-230-615	PREP	04-03-004	16-231-305	PREP	04-03-004
16-170-075	NEW	04-08-062	16-230-620	PREP	04-03-004	16-231-310	PREP	04-03-004
16-170-080	NEW-P	04-05-119	16-230-625	PREP	04-03-004	16-231-315	PREP	04-03-004
16-170-080	NEW	04-08-062	16-230-630	PREP	04-03-004	16-231-320	PREP	04-03-004
16-170-090	NEW-P	04-05-119	16-230-635	PREP	04-03-004	16-231-325	PREP	04-03-004
16-170-090	NEW	04-08-062	16-230-640	PREP	04-03-004	16-231-330	PREP	04-03-004
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16-170-100	NEW	04-08-062	16-230-650	PREP	04-03-004	16-231-400	PREP	04-03-004
16-170-110	NEW-P	04-05-119	16-230-655	PREP	04-03-004	16-231-405	PREP	04-03-004
16-170-110	NEW	04-08-062	16-230-660	PREP	04-03-004	16-231-410	PREP	04-03-004
16-170-115	NEW-P	04-05-119	16-230-665	PREP	04-03-004	16-231-413	PREP	04-03-004
16-170-115	NEW	04-08-062	16-230-670	PREP	04-03-004	16-231-415	PREP	04-03-004
16-170-120	NEW-P	04-05-119	16-230-673	PREP	04-03-004	16-231-420	PREP	04-03-004
16-170-120	NEW	04-08-062	16-230-675	PREP	04-03-004	16-231-425	PREP	04-03-004
16-170-125	NEW-P	04-05-119	16-230-800	PREP	04-03-004	16-231-500	PREP	04-03-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-231-505	PREP	04-03-004	16-232-215	PREP	04-03-004	16-319-001	REP-P	05-01-232
16-231-510	PREP	04-03-004	16-232-220	PREP	04-03-004	16-319-002	PREP	04-22-093
16-231-515	PREP	04-03-004	16-232-225	PREP	04-03-004	16-319-002	REP-P	05-01-232
16-231-520	PREP	04-03-004	16-232-300	PREP	04-03-004	16-319-003	PREP	04-22-093
16-231-525	PREP	04-03-004	16-232-305	PREP	04-03-004	16-319-003	REP-P	05-01-232
16-231-530	PREP	04-03-004	16-232-310	PREP	04-03-004	16-319-004	PREP	04-22-093
16-231-600	PREP	04-03-004	16-232-315	PREP	04-03-004	16-319-004	REP-P	05-01-232
16-231-605	PREP	04-03-004	16-237-195	PREP	04-22-095	16-319-006	PREP	04-22-093
16-231-610	PREP	04-03-004	16-237-195	AMD-P	05-01-231	16-319-006	REP-P	05-01-232
16-231-613	PREP	04-03-004	16-250-155	PREP	04-06-074	16-319-007	PREP	04-22-093
16-231-615	PREP	04-03-004	16-250-155	AMD-P	04-11-093	16-319-007	REP-P	05-01-232
16-231-620	PREP	04-03-004	16-250-155	AMD	04-14-076	16-319-041	AMD	04-06-028
16-231-700	PREP	04-03-004	16-252-155	PREP	04-06-074	16-319-041	PREP	04-22-093
16-231-705	PREP	04-03-004	16-252-155	AMD-P	04-11-093	16-319-041	AMD-P	05-01-232
16-231-710	PREP	04-03-004	16-252-155	AMD	04-14-076	16-324-375	AMD-X	04-07-170
16-231-715	PREP	04-03-004	16-301-250	AMD	04-06-019	16-324-375	AMD	04-12-026
16-231-720	PREP	04-03-004	16-301-265	AMD	04-06-019	16-324-393	AMD-X	04-07-170
16-231-725	PREP	04-03-004	16-301-270	AMD	04-06-019	16-324-393	AMD	04-12-026
16-231-800	PREP	04-03-004	16-301-310	AMD	04-06-019	16-324-398	AMD-X	04-07-170
16-231-805	PREP	04-03-004	16-301-325	AMD	04-06-019	16-324-398	AMD	04-12-026
16-231-810	PREP	04-03-004	16-301-330	AMD	04-06-019	16-324-720	REP-X	04-07-170
16-231-815	PREP	04-03-004	16-301-335	AMD	04-06-019	16-324-720	REP	04-12-026
16-231-820	PREP	04-03-004	16-301-365	AMD-P	04-05-118	16-324-730	REP-X	04-07-170
16-231-825	PREP	04-03-004	16-301-365	AMD	04-08-043	16-324-730	REP	04-12-026
16-231-830	PREP	04-03-004	16-301-375	AMD-P	04-05-118	16-324-740	REP-X	04-07-170
16-231-835	PREP	04-03-004	16-301-375	AMD	04-08-043	16-324-740	REP	04-12-026
16-231-840	PREP	04-03-004	16-301-380	AMD-P	04-05-118	16-324-750	REP-X	04-07-170
16-231-900	PREP	04-03-004	16-301-380	AMD	04-08-043	16-324-750	REP	04-12-026
16-231-905	PREP	04-03-004	16-301-395	AMD-P	04-05-118	16-328	PREP	04-09-082
16-231-910	PREP	04-03-004	16-301-395	AMD	04-08-043	16-328-011	AMD-P	04-13-150
16-231-912	PREP	04-03-004	16-301-396	NEW-P	04-05-118	16-328-011	AMD	04-17-039
16-231-915	PREP	04-03-004	16-301-396	NEW	04-08-043	16-333	PREP	04-09-081
16-231-920	PREP	04-03-004	16-301-410	AMD-P	04-05-118	16-333-041	AMD-P	04-13-149
16-231-925	PREP	04-03-004	16-301-410	AMD	04-08-043	16-333-041	AMD	04-17-038
16-231-930	PREP	04-03-004	16-301-415	AMD-P	04-05-118	16-350	PREP	04-19-123
16-231-935	PREP	04-03-004	16-301-415	AMD	04-08-043	16-350-035	AMD-P	04-24-090
16-232-001	PREP	04-03-004	16-301-420	AMD-P	04-05-118	16-350-040	AMD-P	04-07-171
16-232-005	PREP	04-03-004	16-301-420	AMD	04-08-043	16-350-040	AMD	04-11-025
16-232-007	PREP	04-03-004	16-301-430	AMD-P	04-05-118	16-350-045	AMD-P	04-07-171
16-232-010	PREP	04-03-004	16-301-430	AMD	04-08-043	16-350-045	AMD	04-11-025
16-232-015	PREP	04-03-004	16-301-435	AMD-P	04-05-118	16-354	PREP	04-13-145
16-232-020	PREP	04-03-004	16-301-435	AMD	04-08-043	16-354-040	AMD-X	04-19-124
16-232-025	PREP	04-03-004	16-301-440	AMD-P	04-05-118	16-354-040	AMD	04-24-050
16-232-027	PREP	04-03-004	16-301-440	AMD	04-08-043	16-354-050	AMD-X	04-19-124
16-232-030	PREP	04-03-004	16-301-450	REP-P	04-05-118	16-354-050	AMD	04-24-050
16-232-035	PREP	04-03-004	16-301-450	REP	04-08-043	16-390-005	NEW-P	04-08-128
16-232-041	PREP	04-03-004	16-301-455	REP-P	04-05-118	16-390-005	NEW	04-11-078
16-232-044	PREP	04-03-004	16-301-455	REP	04-08-043	16-390-010	NEW-P	04-08-128
16-232-047	PREP	04-03-004	16-301-460	REP-P	04-05-118	16-390-010	NEW	04-11-078
16-232-050	PREP	04-03-004	16-301-460	REP	04-08-043	16-390-020	NEW-P	04-08-128
16-232-053	PREP	04-03-004	16-301-465	REP-P	04-05-118	16-390-020	NEW	04-11-078
16-232-056	PREP	04-03-004	16-301-465	REP	04-08-043	16-390-030	NEW-P	04-08-128
16-232-059	PREP	04-03-004	16-301-470	REP-P	04-05-118	16-390-030	NEW	04-11-078
16-232-062	PREP	04-03-004	16-301-470	REP	04-08-043	16-390-040	NEW-P	04-08-128
16-232-065	PREP	04-03-004	16-301-475	REP-P	04-05-118	16-390-040	NEW	04-11-078
16-232-068	PREP	04-03-004	16-301-475	REP	04-08-043	16-390-060	NEW-P	04-08-128
16-232-071	PREP	04-03-004	16-301-480	REP-P	04-05-118	16-390-060	NEW	04-11-078
16-232-074	PREP	04-03-004	16-301-480	REP	04-08-043	16-390-100	NEW-P	04-08-128
16-232-077	PREP	04-03-004	16-301-485	REP-P	04-05-118	16-390-100	NEW	04-11-078
16-232-100	PREP	04-03-004	16-301-485	REP	04-08-043	16-390-150	NEW-P	04-08-128
16-232-105	PREP	04-03-004	16-302-385	AMD-P	04-05-120	16-390-150	NEW	04-11-078
16-232-110	PREP	04-03-004	16-302-385	AMD	04-08-044	16-390-200	NEW-P	04-08-128
16-232-115	PREP	04-03-004	16-302-685	AMD	04-06-018	16-390-200	NEW	04-11-078
16-232-120	PREP	04-03-004	16-303-340	AMD	04-06-029	16-390-210	NEW-P	04-08-128
16-232-200	PREP	04-03-004	16-303-340	PREP	04-22-094	16-390-210	NEW	04-11-078
16-232-205	PREP	04-03-004	16-303-340	AMD-P	05-01-230	16-390-220	NEW-P	04-08-128
16-232-210	PREP	04-03-004	16-319-001	PREP	04-22-093	16-390-220	NEW	04-11-078

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-390-230	NEW-P	04-08-128	16-402-130	NEW-P	04-11-111	16-470-912	AMD-P	04-13-148
16-390-230	NEW	04-11-078	16-402-130	NEW	04-14-090	16-470-912	AMD	04-17-036
16-390-240	NEW-P	04-08-128	16-402-130	NEW-E	04-14-103	16-470-912	AMD-X	04-21-083
16-390-240	NEW	04-11-078	16-403	PREP	04-18-009	16-470-912	AMD	05-01-180
16-390-242	NEW-P	04-08-128	16-449-001	REP	04-05-117	16-470-917	AMD-P	04-13-148
16-390-242	NEW	04-11-078	16-449-010	REP	04-05-117	16-470-917	AMD	04-17-036
16-390-245	NEW-P	04-08-128	16-449-020	REP	04-05-117	16-481	PREP	04-09-078
16-390-245	NEW	04-11-078	16-449-030	REP	04-05-117	16-481	AMD-P	04-13-147
16-390-250	NEW-P	04-08-128	16-450-005	NEW	04-05-117	16-481	AMD	04-17-035
16-390-250	NEW	04-11-078	16-450-010	NEW	04-05-117	16-481-010	AMD-P	04-13-147
16-390-260	NEW-P	04-08-128	16-450-012	NEW	04-05-117	16-481-010	AMD	04-17-035
16-390-260	NEW	04-11-078	16-450-014	NEW	04-05-117	16-481-015	AMD-P	04-13-147
16-390-270	NEW-P	04-08-128	16-450-016	NEW	04-05-117	16-481-015	AMD	04-17-035
16-390-270	NEW	04-11-078	16-450-020	NEW	04-05-117	16-481-020	AMD-P	04-13-147
16-390-280	NEW-P	04-08-128	16-450-022	NEW	04-05-117	16-481-020	AMD	04-17-035
16-390-280	NEW	04-11-078	16-450-024	NEW	04-05-117	16-481-025	AMD-P	04-13-147
16-400-007	REP-P	04-08-128	16-450-026	NEW	04-05-117	16-481-025	AMD	04-17-035
16-400-007	REP	04-11-078	16-450-028	NEW	04-05-117	16-481-030	AMD-P	04-13-147
16-400-008	REP-P	04-08-128	16-450-032	NEW	04-05-117	16-481-030	AMD	04-17-035
16-400-008	REP	04-11-078	16-450-040	NEW	04-05-117	16-481-050	AMD-P	04-13-147
16-400-010	REP-P	04-08-128	16-450-042	NEW	04-05-117	16-481-050	AMD	04-17-035
16-400-010	REP	04-11-078	16-450-044	NEW	04-05-117	16-481-060	AMD-P	04-13-147
16-400-040	REP-P	04-08-128	16-450-046	NEW	04-05-117	16-481-060	AMD	04-17-035
16-400-040	REP	04-11-078	16-450-048	NEW	04-05-117	16-481-070	AMD-P	04-13-147
16-400-045	REP-P	04-08-128	16-450-050	NEW	04-05-117	16-481-070	AMD	04-17-035
16-400-045	REP	04-11-078	16-450-060	NEW	04-05-117	16-481-075	REP-P	04-13-147
16-400-060	REP-P	04-08-128	16-450-070	NEW	04-05-117	16-481-075	REP	04-17-035
16-400-060	REP	04-11-078	16-458-075	REP-P	04-08-128	16-512-002	REP	04-07-128
16-400-100	REP-P	04-08-128	16-458-075	REP	04-11-078	16-512-005	AMD	04-07-128
16-400-100	REP	04-11-078	16-458-085	REP-P	04-08-128	16-512-006	NEW	04-07-128
16-400-150	REP-P	04-08-128	16-458-085	REP	04-11-078	16-512-010	AMD	04-07-128
16-400-150	REP	04-11-078	16-459-001	REP	04-05-117	16-512-020	AMD	04-07-128
16-400-210	REP-P	04-08-128	16-459-00101	REP	04-05-117	16-512-030	REP	04-07-128
16-400-210	REP	04-11-078	16-459-010	REP	04-05-117	16-512-040	AMD	04-07-128
16-400-270	REP-P	04-08-128	16-459-020	REP	04-05-117	16-512-050	AMD	04-07-128
16-400-270	REP	04-11-078	16-459-030	REP	04-05-117	16-528-004	NEW	04-10-057
16-401	PREP	04-04-108	16-459-040	REP	04-05-117	16-528-005	NEW	04-10-057
16-401	PREP	04-06-082	16-470	PREP	04-09-080	16-528-010	AMD	04-10-057
16-401	PREP	04-09-079	16-470-101	PREP	05-01-179	16-528-020	AMD	04-10-057
16-401-027	AMD-P	04-13-146	16-470-103	PREP	05-01-179	16-528-030	REP	04-10-057
16-401-027	AMD	04-17-037	16-470-105	AMD-C	04-05-025	16-528-040	AMD	04-10-057
16-401-070	NEW-P	04-07-172	16-470-105	AMD	04-09-027	16-528-110	AMD	04-10-058
16-401-070	NEW	04-11-026	16-470-105	PREP	05-01-179	16-528-150	AMD	04-10-058
16-402	AMD-P	04-06-083	16-470-108	PREP	04-21-082	16-528-220	REP	04-10-058
16-402	PREP	04-07-045	16-470-108	PREP	05-01-179	16-529-005	NEW-P	04-19-120
16-402	AMD	04-09-084	16-470-111	PREP	04-21-082	16-529-006	NEW-P	04-19-120
16-402-010	AMD-P	04-06-083	16-470-111	PREP	05-01-179	16-529-010	AMD-P	04-19-120
16-402-010	AMD	04-09-084	16-470-113	PREP	04-21-082	16-529-030	AMD-P	04-19-120
16-402-020	AMD-P	04-06-083	16-470-113	PREP	05-01-179	16-529-040	AMD-P	04-19-120
16-402-020	AMD	04-09-084	16-470-115	PREP	04-21-082	16-529-050	AMD-P	04-19-120
16-402-030	NEW-P	04-06-083	16-470-115	PREP	05-01-179	16-529-060	AMD-P	04-19-120
16-402-030	NEW	04-09-084	16-470-118	PREP	04-21-082	16-529-070	AMD-P	04-19-120
16-402-040	NEW-P	04-06-083	16-470-118	PREP	05-01-179	16-529-080	AMD-P	04-19-120
16-402-040	NEW	04-09-084	16-470-122	PREP	04-21-082	16-529-100	AMD-P	04-19-120
16-402-100	NEW-E	04-07-046	16-470-122	PREP	05-01-179	16-529-110	AMD-P	04-19-120
16-402-100	NEW-P	04-11-111	16-470-125	PREP	04-21-082	16-529-120	AMD-P	04-19-120
16-402-100	NEW	04-14-090	16-470-125	PREP	05-01-179	16-529-130	REP-P	04-19-120
16-402-100	NEW-E	04-14-103	16-470-127	PREP	04-21-082	16-529-150	AMD-P	04-19-120
16-402-110	NEW-E	04-07-046	16-470-127	PREP	05-01-179	16-529-160	AMD-P	04-19-120
16-402-110	NEW-P	04-11-111	16-470-130	PREP	04-21-082	16-529-190	AMD-P	04-19-120
16-402-110	NEW	04-14-090	16-470-130	PREP	05-01-179	16-529-200	AMD-P	04-19-120
16-402-110	NEW-E	04-14-103	16-470-750	NEW-E	04-08-082	16-529-300	AMD-P	04-19-120
16-402-120	NEW-E	04-07-046	16-470-755	NEW-E	04-08-082	16-530-005	NEW-P	04-03-111
16-402-120	NEW-P	04-11-111	16-470-760	NEW-E	04-08-082	16-530-005	NEW	04-16-026
16-402-120	NEW	04-14-090	16-470-765	NEW-E	04-08-082	16-530-006	NEW-P	04-03-111
16-402-120	NEW-E	04-14-103	16-470-770	NEW-E	04-08-082	16-530-006	NEW	04-16-026
16-402-130	NEW-E	04-07-046	16-470-775	NEW-E	04-08-082	16-530-010	AMD-P	04-03-111

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-530-010	AMD	04-16-026	16-561-030	REP-P	04-19-119	16-750	PREP	04-13-015
16-530-020	AMD-P	04-03-111	16-561-040	AMD-P	04-07-194	16-750-005	AMD-P	04-20-028
16-530-020	AMD	04-16-026	16-561-040	AMD-C	04-18-132	16-750-005	AMD-C	04-24-035
16-530-030	REP-P	04-03-111	16-561-040	AMD-P	04-19-119	16-750-011	AMD-X	04-07-021
16-530-030	REP	04-16-026	16-561-060	AMD-P	04-07-194	16-750-011	AMD	04-13-014
16-530-040	AMD-P	04-03-111	16-561-060	AMD-C	04-18-132	16-750-011	AMD-P	04-20-028
16-530-040	AMD	04-16-026	16-561-060	AMD-P	04-19-119	16-750-011	AMD-C	04-24-035
16-532-005	NEW-W	04-10-056	16-585-005	NEW-P	04-24-092	16-750-011	AMD	05-01-012
16-532-006	NEW-W	04-10-056	16-585-006	NEW-P	04-24-092	16-750-015	AMD-X	04-07-021
16-532-010	AMD-W	04-10-056	16-585-010	AMD-P	04-24-092	16-750-015	AMD	04-13-014
16-532-020	AMD-W	04-10-056	16-585-020	AMD-P	04-24-092	16-750-015	AMD-P	04-20-028
16-532-030	REP-W	04-10-056	16-585-030	REP-P	04-24-092	16-750-015	AMD-C	04-24-035
16-532-040	AMD-W	04-10-056	16-585-040	AMD-P	04-24-092	16-750-015	AMD	05-01-012
16-532-060	AMD-W	04-10-056	16-585-050	AMD-P	04-24-092	16-752	PREP	04-10-111
16-532-065	REP-W	04-10-056	16-585-060	AMD-P	04-24-092	16-752-500	AMD-P	04-14-104
16-532-101	REP	04-10-059	16-585-070	AMD-P	04-24-092	16-752-500	AMD	04-19-004
16-532-103	NEW-W	04-10-055	16-623	PREP	04-23-095	16-752-505	AMD-P	04-14-104
16-532-105	NEW-W	04-10-055	16-662-105	AMD-X	04-07-044	16-752-505	AMD	04-19-004
16-532-110	AMD-W	04-10-075	16-662-105	AMD	04-12-025	16-752-610	AMD-P	04-14-104
16-532-115	NEW-W	04-10-075	16-675	PREP	04-09-083	16-752-610	AMD	04-19-004
16-532-120	AMD	04-10-059	16-675-010	REP-P	04-19-122	36- 12	PREP	04-09-009
16-536-005	NEW-P	04-04-107	16-675-010	REP	04-23-043	36- 12-011	AMD-P	04-13-144
16-536-005	NEW	04-17-021	16-675-015	NEW-P	04-19-122	36- 12-011	AMD	04-16-045
16-536-006	NEW-P	04-04-107	16-675-015	NEW	04-23-043	36- 12-500	NEW-P	04-13-144
16-536-006	NEW	04-17-021	16-675-020	REP-P	04-19-122	36- 12-500	NEW	04-16-045
16-536-010	AMD-P	04-04-107	16-675-020	REP	04-23-043	36- 13	PREP	04-09-009
16-536-010	AMD	04-17-021	16-675-025	NEW-P	04-19-122	36- 14	PREP	04-09-009
16-536-020	AMD-P	04-04-107	16-675-025	NEW	04-23-043	36- 14-010	NEW-P	04-13-144
16-536-020	AMD	04-17-021	16-675-030	REP-P	04-19-122	36- 14-010	NEW	04-16-045
16-536-030	REP-P	04-04-107	16-675-030	REP	04-23-043	36- 14-200	NEW-P	04-13-144
16-536-030	REP	04-17-021	16-675-030	REP	04-23-043	36- 14-200	NEW	04-16-045
16-536-040	AMD-P	04-04-107	16-675-035	NEW-P	04-19-122	36- 14-300	NEW-P	04-13-144
16-536-040	AMD	04-17-021	16-675-035	NEW	04-23-043	36- 14-300	NEW	04-16-045
16-536-060	AMD-P	04-04-107	16-675-037	NEW-P	04-19-122	36- 14-300	NEW	04-16-045
16-536-060	AMD	04-17-021	16-675-037	NEW	04-23-043	36- 14-500	NEW-P	04-13-144
16-540-005	NEW-P	04-20-099	16-675-040	REP-P	04-19-122	36- 14-500	NEW	04-16-045
16-540-006	NEW-P	04-20-099	16-675-040	REP	04-23-043	51- 04-030	AMD-X	04-03-034
16-540-010	AMD-P	04-20-099	16-675-045	NEW-P	04-19-122	51- 04-030	AMD	04-07-193
16-540-020	AMD-P	04-20-099	16-675-045	NEW	04-23-043	51- 11	PREP	04-13-073
16-540-030	REP-P	04-20-099	16-675-050	REP-P	04-19-122	51- 11-0502	AMD-P	04-17-120
16-540-040	AMD-P	04-20-099	16-675-050	REP	04-23-043	51- 11-0502	AMD	05-01-013
16-540-060	AMD-P	04-20-099	16-675-055	NEW-P	04-19-122	51- 11-0602	AMD-W	04-07-082
16-540-070	REP-P	04-20-099	16-675-055	NEW	04-23-043	51- 11-1006	AMD-W	04-07-082
16-545-005	NEW-P	04-09-104	16-675-060	REP-P	04-19-122	51- 11-1006	AMD-P	04-17-120
16-545-005	NEW	04-22-073	16-675-060	REP	04-23-043	51- 11-1006	AMD	05-01-013
16-545-006	NEW-P	04-09-104	16-675-065	NEW-P	04-19-122	51- 11-1132	AMD-W	04-07-082
16-545-006	NEW	04-22-073	16-675-065	NEW	04-23-043	51- 11-1132	AMD-P	04-17-120
16-545-010	AMD-P	04-09-104	16-690-001	REP	04-05-117	51- 11-1132	AMD	05-01-013
16-545-010	AMD	04-22-073	16-690-010	REP	04-05-117	51- 11-1310	AMD-W	04-07-082
16-545-020	AMD-P	04-09-104	16-690-015	REP	04-05-117	51- 11-1312	AMD-W	04-07-082
16-545-020	AMD	04-22-073	16-690-020	REP	04-05-117	51- 11-1322	AMD-W	04-07-082
16-545-030	REP-P	04-09-104	16-690-025	REP	04-05-117	51- 11-1322	AMD-P	04-17-120
16-545-030	REP	04-22-073	16-690-030	REP	04-05-117	51- 11-1322	AMD	05-01-013
16-561-005	NEW-P	04-07-194	16-690-035	REP	04-05-117	51- 11-1323	AMD-W	04-07-082
16-561-005	NEW-C	04-18-132	16-690-040	REP	04-05-117	51- 11-1331	AMD-W	04-07-082
16-561-005	NEW-P	04-19-119	16-690-045	REP	04-05-117	51- 11-1331	AMD-P	04-17-120
16-561-006	NEW-P	04-07-194	16-690-100	REP	04-05-117	51- 11-1331	AMD	05-01-013
16-561-006	NEW-C	04-18-132	16-730	PREP	05-02-004	51- 11-1334	AMD-W	04-07-082
16-561-006	NEW-P	04-19-119	16-730-005	NEW-E	04-18-029	51- 11-1334	AMD-P	04-17-120
16-561-010	AMD-P	04-07-194	16-730-010	NEW-E	04-18-029	51- 11-1334	AMD	05-01-013
16-561-010	AMD-C	04-18-132	16-730-015	NEW-E	04-18-029	51- 11-1411	AMD-W	04-07-082
16-561-010	AMD-P	04-19-119	16-730-020	NEW-E	04-18-029	51- 11-1413	AMD-W	04-07-082
16-561-020	AMD-P	04-07-194	16-730-025	NEW-E	04-18-029	51- 11-1413	AMD-P	04-17-120
16-561-020	AMD-C	04-18-132	16-730-030	NEW-E	04-18-029	51- 11-1413	AMD	05-01-013
16-561-020	AMD-P	04-19-119	16-730-035	NEW-E	04-18-029	51- 11-1414	AMD-W	04-07-082
16-561-030	REP-P	04-07-194	16-730-040	NEW-E	04-18-029	51- 11-1416	AMD-W	04-07-082
16-561-030	REP-C	04-18-132	16-730-045	NEW-E	04-18-029	51- 11-1423	AMD-W	04-07-082
16-561-030	REP-C	04-18-132	16-730-050	NEW-E	04-18-029	51- 11-1423	AMD-P	04-17-120

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51- 11-1432	AMD-W	04-07-082	51- 52	PREP	04-13-075	82- 50-021	AMD	04-15-006
51- 11-1433	AMD-W	04-07-082	51- 52-0401	NEW-P	04-17-018	82- 60-010	RECOD-P	04-20-084
51- 11-1433	AMD-P	04-17-120	51- 52-0401	NEW	05-01-015	82- 60-020	RECOD-P	04-20-084
51- 11-1433	AMD	05-01-013	51- 52-0403	NEW-P	04-17-018	82- 60-030	RECOD-P	04-20-084
51- 11-1436	AMD-W	04-07-082	51- 52-0403	NEW	05-01-015	82- 60-031	RECOD-P	04-20-084
51- 11-1437	AMD-W	04-07-082	51- 52-0501	NEW-P	04-17-018	82- 60-032	RECOD-P	04-20-084
51- 11-1437	AMD-P	04-17-120	51- 52-0501	NEW	05-01-015	82- 60-033	RECOD-P	04-20-084
51- 11-1440	AMD-W	04-07-082	51- 52-0504	NEW-W	04-07-084	82- 60-034	RECOD-P	04-20-084
51- 11-1454	AMD-W	04-07-082	51- 54	PREP	04-13-074	82- 60-035	RECOD-P	04-20-084
51- 11-1454	AMD-P	04-17-120	51- 54-0300	AMD-E	04-13-095	82- 60-036	RECOD-P	04-20-084
51- 11-1454	AMD	05-01-013	51- 54-0300	AMD-P	04-17-020	82- 60-037	RECOD-P	04-20-084
51- 11-1513	AMD-W	04-07-082	51- 54-0300	AMD-E	04-22-056	82- 60-038	RECOD-P	04-20-084
51- 11-1513	AMD-P	04-17-120	51- 54-0300	AMD	05-01-016	82- 60-039	NEW-P	04-20-084
51- 11-1513	AMD	05-01-013	51- 54-0400	NEW-E	04-13-095	82- 60-040	RECOD-P	04-20-084
51- 11-1521	AMD-W	04-07-082	51- 54-0400	NEW-P	04-17-020	82- 60-050	RECOD-P	04-20-084
51- 11-1521	AMD-P	04-17-120	51- 54-0400	NEW-E	04-22-056	82- 60-060	RECOD-P	04-20-084
51- 11-1521	AMD	05-01-013	51- 54-0400	NEW	05-01-016	82- 60-070	RECOD-P	04-20-084
51- 11-1532	AMD-P	04-17-120	51- 54-0800	NEW-E	04-13-095	82- 60-080	RECOD-P	04-20-084
51- 11-1532	AMD	05-01-013	51- 54-0800	NEW-P	04-17-020	82- 60-100	RECOD-P	04-20-084
51- 13-106	AMD-X	04-03-033	51- 54-0800	NEW-E	04-22-056	82- 60-200	RECOD-P	04-20-084
51- 13-106	AMD	04-07-192	51- 54-0800	NEW	05-01-016	82- 60-210	RECOD-P	04-20-084
51- 13-201	AMD-X	04-03-033	51- 54-1500	NEW-P	04-17-020	106- 72	AMD-P	05-01-155
51- 13-201	AMD	04-07-192	51- 54-1500	NEW	05-01-016	106- 72-005	AMD-P	05-01-155
51- 13-302	AMD-X	04-03-033	51- 54-4600	NEW-P	04-17-020	106- 72-015	AMD-P	05-01-155
51- 13-302	AMD	04-07-192	51- 54-4600	NEW	05-01-016	106- 72-025	AMD-P	05-01-155
51- 13-303	AMD-X	04-03-033	67- 16-020	NEW-X	04-07-110	106- 72-130	AMD-P	05-01-155
51- 13-303	AMD	04-07-192	67- 16-020	NEW	04-12-029	106- 72-150	REP-P	05-01-155
51- 13-304	AMD-X	04-03-033	67- 16-030	NEW-X	04-07-110	106- 72-200	REP-P	05-01-155
51- 13-304	AMD	04-07-192	67- 16-030	NEW	04-12-029	106- 72-220	REP-P	05-01-155
51- 13-402	AMD-X	04-03-033	67- 16-040	NEW-X	04-07-110	106- 72-400	AMD-P	05-01-155
51- 13-402	AMD	04-07-192	67- 16-040	NEW	04-12-029	106- 72-410	REP-P	05-01-155
51- 13-502	AMD-X	04-03-033	67- 25	PREP	04-24-094	106- 72-420	REP-P	05-01-155
51- 13-502	AMD	04-07-192	82- 48-010	AMD-P	04-20-085	106- 72-430	REP-P	05-01-155
51- 13-503	AMD-X	04-03-033	82- 48-010	AMD	05-01-004	106- 72-440	REP-P	05-01-155
51- 13-503	AMD	04-07-192	82- 48-020	AMD-P	04-20-085	106- 72-450	REP-P	05-01-155
51- 50	PREP	04-13-076	82- 48-020	AMD	05-01-004	106- 72-460	REP-P	05-01-155
51- 50-003	AMD-X	04-13-077	82- 48-030	AMD-P	04-20-085	106- 72-470	REP-P	05-01-155
51- 50-003	AMD-P	04-17-019	82- 48-030	AMD	05-01-004	106- 72-480	REP-P	05-01-155
51- 50-003	AMD	04-18-033	82- 48-040	AMD-P	04-20-085	106- 72-490	REP-P	05-01-155
51- 50-003	AMD	05-01-014	82- 48-040	AMD	05-01-004	106- 72-500	REP-P	05-01-155
51- 50-005	AMD-X	04-13-077	82- 48-050	AMD-P	04-20-085	106- 72-510	REP-P	05-01-155
51- 50-005	AMD-P	04-17-019	82- 48-050	AMD	05-01-004	106- 72-520	REP-P	05-01-155
51- 50-005	AMD	04-18-033	82- 48-060	AMD-P	04-20-085	106- 72-530	REP-P	05-01-155
51- 50-005	AMD	05-01-014	82- 48-060	AMD	05-01-004	106- 72-540	REP-P	05-01-155
51- 50-0407	NEW-P	04-17-019	82- 48-070	REP-P	04-20-085	106- 72-550	REP-P	05-01-155
51- 50-0407	NEW	05-01-014	82- 48-070	REP	05-01-004	106- 72-560	REP-P	05-01-155
51- 50-1101	AMD-P	04-17-019	82- 48-080	AMD-P	04-20-085	106- 72-570	REP-P	05-01-155
51- 50-1101	AMD	05-01-014	82- 48-080	AMD	05-01-004	106- 72-580	REP-P	05-01-155
51- 50-1109	AMD-P	04-17-019	82- 48-090	AMD-P	04-20-085	106- 72-590	REP-P	05-01-155
51- 50-1109	AMD	05-01-014	82- 48-090	AMD	05-01-004	106- 72-600	REP-P	05-01-155
51- 50-1208	AMD-P	04-17-019	82- 48-100	AMD-P	04-20-085	106- 72-610	REP-P	05-01-155
51- 50-1208	AMD	05-01-014	82- 48-100	AMD	05-01-004	106-116-203	AMD-P	04-14-063
51- 50-1210	NEW-P	04-17-019	82- 48-110	AMD-P	04-20-085	106-116-203	AMD	04-17-067
51- 50-1210	NEW	05-01-014	82- 48-110	AMD	05-01-004	106-116-305	AMD-P	04-14-063
51- 50-1405	NEW-P	04-17-019	82- 48-120	AMD-P	04-20-085	106-116-305	AMD	04-17-067
51- 50-1405	NEW	05-01-014	82- 48-120	AMD	05-01-004	106-116-521	AMD-P	04-14-063
51- 50-1605	NEW-P	04-17-019	82- 48-130	AMD-P	04-20-085	106-116-521	AMD	04-17-067
51- 50-1605	NEW	05-01-014	82- 48-130	AMD	05-01-004	106-116-603	AMD-P	04-14-063
51- 50-1707	NEW-P	04-17-019	82- 48-140	AMD-P	04-20-085	106-116-603	AMD	04-17-067
51- 50-2107	NEW-P	04-17-019	82- 48-140	AMD	05-01-004	106-116-801	AMD-P	04-14-063
51- 50-2107	NEW	05-01-014	82- 48-150	AMD-P	04-20-085	106-116-801	AMD	04-17-067
51- 50-2108	NEW-P	04-17-019	82- 48-150	AMD	05-01-004	106-124-900	NEW-P	04-06-014
51- 50-2108	NEW	05-01-014	82- 48-160	AMD-P	04-20-085	106-124-900	NEW	04-12-015
51- 50-2900	AMD-P	04-17-019	82- 48-160	AMD	05-01-004	106-124-910	NEW-P	04-06-014
51- 50-2900	AMD	05-01-014	82- 48-170	AMD-P	04-20-085	106-124-910	NEW	04-12-015
51- 51-2439	NEW-W	04-07-083	82- 48-170	AMD	05-01-004	106-124-920	NEW-P	04-06-014

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118-33-010	REP	04-08-007	132I-116-300	AMD	04-23-044	132L-117-110	AMD-P	04-10-052
118-33-020	REP	04-08-007	132I-168A	AMD-P	04-20-075	132L-117-110	AMD	04-19-062
118-33-030	REP	04-08-007	132I-168A	AMD	04-23-044	132L-117-130	AMD-P	04-10-052
118-33-040	REP	04-08-007	132I-168A-010	AMD-P	04-20-075	132L-117-130	AMD	04-19-062
118-33-050	REP	04-08-007	132I-168A-010	AMD	04-23-044	132L-117-140	AMD-P	04-10-052
118-33-060	REP	04-08-007	132I-168A-030	REP-P	04-20-075	132L-117-140	AMD	04-19-062
118-33-070	REP	04-08-007	132I-168A-030	REP	04-23-044	132L-117-160	AMD-P	04-10-052
118-33-080	REP	04-08-007	132I-168A-040	REP-P	04-20-075	132L-117-160	AMD	04-19-062
118-33-090	REP	04-08-007	132I-168A-040	REP	04-23-044	132L-117-170	AMD-P	04-10-052
118-33-100	REP	04-08-007	132I-168A-050	AMD-P	04-20-075	132L-117-170	AMD	04-19-062
118-33-110	REP	04-08-007	132I-168A-050	AMD	04-23-044	132L-117-180	AMD-P	04-10-052
118-33-120	REP	04-08-007	132I-168A-060	REP-P	04-20-075	132L-117-180	AMD	04-19-062
131	PREP	04-03-032	132I-168A-060	REP	04-23-044	132L-117-190	AMD-P	04-10-052
131-16-070	AMD-P	04-04-033	132I-168A-070	REP-P	04-20-075	132L-117-190	AMD	04-19-062
131-16-070	AMD	04-07-094	132I-168A-070	REP	04-23-044	132L-117-210	AMD-P	04-10-052
131-16-091	AMD-P	04-04-033	132I-168A-080	REP-P	04-20-075	132L-117-210	AMD	04-19-062
131-16-091	AMD	04-07-094	132I-168A-080	REP	04-23-044	132L-117-230	AMD-P	04-10-052
131-16-092	AMD-P	04-04-033	132I-168A-090	AMD-P	04-20-075	132L-117-230	AMD	04-19-062
131-16-092	AMD	04-07-094	132I-168A-090	AMD	04-23-044	132L-117-240	AMD-P	04-10-052
131-16-093	AMD-P	04-04-033	132I-168A-100	AMD-P	04-20-075	132L-117-240	AMD	04-19-062
131-16-093	AMD	04-07-094	132I-168A-100	AMD	04-23-044	132L-117-250	AMD-P	04-10-052
131-16-094	AMD-P	04-04-033	132L-19-010	NEW-P	04-10-052	132L-117-250	AMD	04-19-062
131-16-094	AMD	04-07-094	132L-19-010	NEW	04-19-062	132L-117-260	AMD-P	04-10-052
131-16-095	AMD-P	04-04-033	132L-26-010	AMD-P	04-10-052	132L-117-260	AMD	04-19-062
131-16-095	AMD	04-07-094	132L-26-010	AMD	04-19-062	132L-117-270	AMD-P	04-10-052
131-16-450	AMD-P	04-07-095	132L-26-025	AMD-P	04-10-052	132L-117-270	AMD	04-19-062
131-16-450	AMD	04-11-028	132L-26-025	AMD	04-19-062	132L-117-280	AMD-P	04-10-052
131-28-026	AMD-P	04-07-093	132L-26-030	AMD-P	04-10-052	132L-117-280	AMD	04-19-062
131-28-026	AMD	04-11-027	132L-26-030	AMD	04-19-062	132L-117-290	AMD-P	04-10-052
132C-120	PREP	05-01-107	132L-26-035	REP-P	04-10-052	132L-117-290	AMD	04-19-062
132G-124-040	PREP	04-12-001	132L-26-035	REP	04-19-062	132L-120-080	AMD-P	04-10-052
132H-140	PREP	04-23-049	132L-26-040	REP-P	04-10-052	132L-120-080	AMD	04-19-062
132I-116-020	AMD-P	04-20-075	132L-26-040	REP	04-19-062	132L-120-130	AMD-P	04-10-052
132I-116-020	AMD	04-23-044	132L-26-050	REP-P	04-10-052	132L-120-130	AMD	04-19-062
132I-116-040	AMD-P	04-20-075	132L-26-050	REP	04-19-062	132L-122-010	NEW-P	04-10-052
132I-116-040	AMD	04-23-044	132L-26-055	REP-P	04-10-052	132L-122-010	NEW	04-19-062
132I-116-050	AMD-P	04-20-075	132L-26-055	REP	04-19-062	132L-122-020	NEW-P	04-10-052
132I-116-050	AMD	04-23-044	132L-26-060	REP-P	04-10-052	132L-122-020	NEW	04-19-062
132I-116-070	AMD-P	04-20-075	132L-26-060	REP	04-19-062	132L-122-030	NEW-P	04-10-052
132I-116-070	AMD	04-23-044	132L-26-065	REP-P	04-10-052	132L-122-030	NEW	04-19-062
132I-116-090	AMD-P	04-20-075	132L-26-065	REP	04-19-062	132L-133-020	AMD-P	04-10-052
132I-116-090	AMD	04-23-044	132L-26-070	REP-P	04-10-052	132L-133-020	AMD	04-19-062
132I-116-100	AMD-P	04-20-075	132L-26-070	REP	04-19-062	132L-133-030	NEW-P	04-10-052
132I-116-100	AMD	04-23-044	132L-26-075	REP-P	04-10-052	132L-133-030	NEW	04-19-062
132I-116-130	AMD-P	04-20-075	132L-26-075	REP	04-19-062	132L-136-011	RECOD-P	04-10-052
132I-116-130	AMD	04-23-044	132L-26-080	REP-P	04-10-052	132L-136-011	RECOD	04-19-062
132I-116-150	AMD-P	04-20-075	132L-26-080	REP	04-19-062	132L-136-020	AMD-P	04-10-052
132I-116-150	AMD	04-23-044	132L-108-050	AMD-P	04-10-052	132L-136-020	DECOD-P	04-10-052
132I-116-190	AMD-P	04-20-075	132L-108-050	AMD	04-19-062	132L-136-020	AMD	04-19-062
132I-116-190	AMD	04-23-044	132L-108-090	NEW-P	04-10-052	132L-136-020	DECOD	04-19-062
132I-116-210	AMD-P	04-20-075	132L-108-090	NEW	04-19-062	132L-136-021	NEW-P	04-10-052
132I-116-210	AMD	04-23-044	132L-108-100	NEW-P	04-10-052	132L-136-021	NEW	04-19-062
132I-116-222	AMD-P	04-20-075	132L-108-100	NEW	04-19-062	132L-136-025	NEW-P	04-10-052
132I-116-222	AMD	04-23-044	132L-117-010	AMD-P	04-10-052	132L-136-025	NEW	04-19-062
132I-116-230	AMD-P	04-20-075	132L-117-010	AMD	04-19-062	132L-136-026	NEW-P	04-10-052
132I-116-230	AMD	04-23-044	132L-117-020	AMD-P	04-10-052	132L-136-026	NEW	04-19-062
132I-116-240	AMD-P	04-20-075	132L-117-020	AMD	04-19-062	132L-136-030	AMD-P	04-10-052
132I-116-240	AMD	04-23-044	132L-117-030	AMD-P	04-10-052	132L-136-030	AMD	04-19-062
132I-116-260	AMD-P	04-20-075	132L-117-030	AMD	04-19-062	132L-136-040	AMD-P	04-10-052
132I-116-260	AMD	04-23-044	132L-117-040	AMD-P	04-10-052	132L-136-040	AMD	04-19-062
132I-116-270	AMD-P	04-20-075	132L-117-040	AMD	04-19-062	132L-136-050	AMD-P	04-10-052
132I-116-270	AMD	04-23-044	132L-117-060	AMD-P	04-10-052	132L-136-050	AMD	04-19-062
132I-116-275	AMD-P	04-20-075	132L-117-060	AMD	04-19-062	132L-136-060	AMD-P	04-10-052
132I-116-275	AMD	04-23-044	132L-117-080	AMD-P	04-10-052	132L-136-060	AMD	04-19-062
132I-116-285	AMD-P	04-20-075	132L-117-080	AMD	04-19-062	132L-136-070	AMD-P	04-10-052
132I-116-285	AMD	04-23-044	132L-117-090	AMD-P	04-10-052	132L-136-070	AMD	04-19-062

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132L-136-080	AMD	04-19-062	132L-300-030	NEW-P	04-10-052	132V-120-150	AMD	04-17-017
132L-140-010	AMD-P	04-10-052	132L-300-030	NEW	04-19-062	132V-120-160	AMD-P	04-09-017
132L-140-010	AMD	04-19-062	132L-300-040	NEW-P	04-10-052	132V-120-160	AMD	04-17-017
132L-140-020	AMD-P	04-10-052	132L-300-040	NEW	04-19-062	132V-120-170	AMD-P	04-09-017
132L-140-020	AMD	04-19-062	132L-300-050	NEW-P	04-10-052	132V-120-170	AMD	04-17-017
132L-140-030	REP-P	04-10-052	132L-300-050	NEW	04-19-062	132V-120-180	AMD-P	04-09-017
132L-140-030	REP	04-19-062	132L-300-060	NEW-P	04-10-052	132V-120-180	AMD	04-17-017
132L-276-010	AMD-P	04-10-052	132L-300-060	NEW	04-19-062	132V-120-200	AMD-P	04-09-017
132L-276-010	AMD	04-19-062	132L-300-070	NEW-P	04-10-052	132V-120-200	AMD	04-17-017
132L-276-020	AMD-P	04-10-052	132L-300-070	NEW	04-19-062	132V-120-210	AMD-P	04-09-017
132L-276-020	AMD	04-19-062	132L-300-080	NEW-P	04-10-052	132V-120-210	AMD	04-17-017
132L-276-030	REP-P	04-10-052	132L-300-080	NEW	04-19-062	132V-120-220	AMD-P	04-09-017
132L-276-030	REP	04-19-062	132L-300-085	NEW-P	04-10-052	132V-120-220	AMD	04-17-017
132L-276-040	REP-P	04-10-052	132L-300-085	NEW	04-19-062	132V-120-240	AMD-P	04-09-017
132L-276-040	REP	04-19-062	132L-300-090	NEW-P	04-10-052	132V-120-240	AMD	04-17-017
132L-276-050	AMD-P	04-10-052	132L-300-090	NEW	04-19-062	132V-120-241	AMD-P	04-09-017
132L-276-050	AMD	04-19-062	132L-300-100	NEW-P	04-10-052	132V-120-241	AMD	04-17-017
132L-276-060	AMD-P	04-10-052	132L-300-100	NEW	04-19-062	132V-120-245	AMD-P	04-09-017
132L-276-060	AMD	04-19-062	132L-300-110	NEW-P	04-10-052	132V-120-245	AMD	04-17-017
132L-276-070	AMD-P	04-10-052	132L-300-110	NEW	04-19-062	132V-120-270	AMD-P	04-09-017
132L-276-070	AMD	04-19-062	132L-400-010	REP-P	04-10-052	132V-120-270	AMD	04-17-017
132L-276-080	AMD-P	04-10-052	132L-400-010	REP	04-19-062	132V-120-280	AMD-P	04-09-017
132L-276-080	AMD	04-19-062	132L-400-020	REP-P	04-10-052	132V-120-280	AMD	04-17-017
132L-276-090	AMD-P	04-10-052	132L-400-020	REP	04-19-062	132V-120-290	AMD-P	04-09-017
132L-276-090	AMD	04-19-062	132L-400-030	REP-P	04-10-052	132V-120-290	AMD	04-17-017
132L-276-100	AMD-P	04-10-052	132L-400-030	REP	04-19-062	132V-120-295	NEW-P	04-09-017
132L-276-100	AMD	04-19-062	132L-400-040	REP-P	04-10-052	132V-120-295	NEW	04-17-017
132L-276-110	AMD-P	04-10-052	132L-400-040	REP	04-19-062	132V-120-300	AMD-P	04-09-017
132L-276-110	AMD	04-19-062	132Q- 01-006	AMD	04-10-065	132V-120-300	AMD	04-17-017
132L-276-120	AMD-P	04-10-052	132Q- 01-010	AMD	04-10-065	132V-120-310	AMD-P	04-09-017
132L-276-120	AMD	04-19-062	132Q- 01-020	AMD	04-10-065	132V-120-310	AMD	04-17-017
132L-276-130	AMD-P	04-10-052	132Q- 01-040	AMD	04-10-065	132V-120-320	AMD-P	04-09-017
132L-276-130	AMD	04-19-062	132Q- 01-050	AMD	04-10-065	132V-120-320	AMD	04-17-017
132L-276-140	AMD-P	04-10-052	132Q-113-010	AMD	04-10-065	132V-120-335	NEW-P	04-09-017
132L-276-140	AMD	04-19-062	132Q-136-030	AMD	04-10-065	132V-120-335	NEW	04-17-017
132L-276-900	AMD-P	04-10-052	132Q-136-040	AMD	04-10-065	132V-120-340	NEW-P	04-09-017
132L-276-900	AMD	04-19-062	132Q-276-020	AMD	04-10-065	132V-120-340	NEW	04-17-017
132L-280-010	REP-P	04-10-052	132Q-276-030	AMD	04-10-065	132V-120-345	NEW-P	04-09-017
132L-280-010	REP	04-19-062	132Q-276-040	AMD	04-10-065	132V-120-345	NEW	04-17-017
132L-280-015	REP-P	04-10-052	132Q-276-090	AMD	04-10-065	132V-130	PREP	04-05-021
132L-280-015	REP	04-19-062	132Q-276-110	AMD	04-10-065	132V-130-020	AMD-P	04-09-016
132L-280-020	REP-P	04-10-052	132V-120	PREP	04-05-022	132V-130-020	AMD	04-17-016
132L-280-020	REP	04-19-062	132V-120-020	AMD-P	04-09-017	132Z-104-010	PREP	04-22-125
132L-280-030	REP-P	04-10-052	132V-120-020	AMD	04-17-017	132Z-104-010	AMD-P	05-01-178
132L-280-030	REP	04-19-062	132V-120-030	AMD-P	04-09-017	132Z-108-040	PREP	04-22-125
132L-280-040	REP-P	04-10-052	132V-120-030	AMD	04-17-017	132Z-108-040	AMD-P	05-01-178
132L-280-040	REP	04-19-062	132V-120-040	AMD-P	04-09-017	132Z-112	PREP	04-22-125
132L-280-050	REP-P	04-10-052	132V-120-040	AMD	04-17-017	132Z-112-010	AMD-P	05-01-178
132L-280-050	REP	04-19-062	132V-120-050	AMD-P	04-09-017	132Z-112-020	AMD-P	05-01-178
132L-280-060	REP-P	04-10-052	132V-120-050	AMD	04-17-017	132Z-112-030	AMD-P	05-01-178
132L-280-060	REP	04-19-062	132V-120-070	AMD-P	04-09-017	132Z-112-040	AMD-P	05-01-178
132L-280-070	REP-P	04-10-052	132V-120-070	AMD	04-17-017	132Z-112-050	AMD-P	05-01-178
132L-280-070	REP	04-19-062	132V-120-080	AMD-P	04-09-017	132Z-112-060	NEW-P	05-01-178
132L-280-080	REP-P	04-10-052	132V-120-080	AMD	04-17-017	132Z-112-070	NEW-P	05-01-178
132L-280-080	REP	04-19-062	132V-120-090	AMD-P	04-09-017	132Z-112-080	NEW-P	05-01-178
132L-280-090	REP-P	04-10-052	132V-120-090	AMD	04-17-017	132Z-112-090	NEW-P	05-01-178
132L-280-090	REP	04-19-062	132V-120-100	AMD-P	04-09-017	132Z-112-100	NEW-P	05-01-178
132L-280-100	REP-P	04-10-052	132V-120-100	AMD	04-17-017	132Z-112-110	NEW-P	05-01-178
132L-280-100	REP	04-19-062	132V-120-110	AMD-P	04-09-017	132Z-112-120	NEW-P	05-01-178
132L-280-110	REP-P	04-10-052	132V-120-110	AMD	04-17-017	132Z-115-005	NEW-P	05-01-178
132L-280-110	REP	04-19-062	132V-120-120	AMD-P	04-09-017	132Z-115-010	PREP	04-22-125
132L-280-120	REP-P	04-10-052	132V-120-120	AMD	04-17-017	132Z-115-010	AMD-P	05-01-178
132L-280-120	REP	04-19-062	132V-120-130	AMD-P	04-09-017	132Z-115-020	PREP	04-22-125
132L-300-010	NEW-P	04-10-052	132V-120-130	AMD	04-17-017	132Z-115-020	AMD-P	05-01-178
132L-300-010	NEW	04-19-062	132V-120-140	AMD-P	04-09-017	132Z-115-030	PREP	04-22-125
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132Z-115-050	AMD-P	05-01-178	139-02-050	PREP	04-23-016	173-175-705	NEW	04-16-122
132Z-115-060	PREP	04-22-125	139-02-060	PREP	04-23-016	173-175-725	NEW-P	04-09-109
132Z-115-060	AMD-P	05-01-178	139-02-070	PREP	04-23-016	173-175-725	NEW	04-16-122
132Z-115-070	PREP	04-22-125	139-02-080	PREP	04-23-016	173-175-735	NEW-P	04-09-109
132Z-115-080	PREP	04-22-125	139-02-090	PREP	04-23-016	173-175-735	NEW	04-16-122
132Z-115-080	AMD-P	05-01-178	139-02-100	PREP	04-23-016	173-175-755	NEW-P	04-09-109
132Z-115-090	PREP	04-22-125	139-02-110	PREP	04-23-016	173-175-755	NEW	04-16-122
132Z-115-090	AMD-P	05-01-178	139-03-010	PREP	04-23-015	173-175-765	NEW-P	04-09-109
132Z-115-100	PREP	04-22-125	139-03-020	PREP	04-23-015	173-175-765	NEW	04-16-122
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132Z-115-110	AMD-P	05-01-178	139-03-045	PREP	04-23-015	173-175-775	NEW	04-16-122
132Z-115-120	PREP	04-22-125	139-03-050	PREP	04-23-015	173-175-785	NEW-P	04-09-109
132Z-115-120	AMD-P	05-01-178	139-03-060	PREP	04-23-015	173-175-785	NEW	04-16-122
132Z-115-130	PREP	04-22-125	139-03-075	PREP	04-23-015	173-175-795	NEW-P	04-09-109
132Z-115-130	AMD-P	05-01-178	139-05-210	PREP	04-04-017	173-175-795	NEW	04-16-122
132Z-115-140	PREP	04-22-125	139-05-210	AMD-P	04-07-145	173-224-030	AMD-P	04-08-104
132Z-115-140	AMD-P	05-01-178	139-05-210	AMD	04-13-070	173-224-030	AMD	04-15-046
132Z-115-150	PREP	04-22-125	139-05-242	PREP	04-11-054	173-224-040	AMD-P	04-08-104
132Z-115-150	AMD-P	05-01-178	139-05-242	AMD-P	04-14-078	173-224-040	AMD	04-15-046
132Z-115-160	PREP	04-22-125	139-05-242	AMD	04-19-050	173-224-050	AMD-P	04-08-104
132Z-115-160	AMD-P	05-01-178	139-05-300	PREP	04-18-013	173-224-050	AMD	04-15-046
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132Z-115-180	PREP	04-22-125	139-05-300	NEW	05-01-112	173-224-090	AMD	04-15-046
132Z-115-180	AMD-P	05-01-178	139-05-915	PREP	04-05-064	173-300-020	AMD-X	04-11-067
132Z-115-190	PREP	04-22-125	139-05-915	AMD-P	04-08-130	173-300-020	AMD-W	04-24-066
132Z-115-190	AMD-P	05-01-178	139-05-915	AMD-S	04-16-112	173-300-030	AMD-X	04-11-067
132Z-115-200	PREP	04-22-125	139-05-915	AMD	05-01-114	173-300-030	AMD-W	04-24-066
132Z-115-200	AMD-P	05-01-178	139-10-210	PREP	04-06-057	173-300-050	AMD-X	04-11-067
132Z-115-210	PREP	04-22-125	139-10-210	AMD-P	04-09-069	173-300-050	AMD-W	04-24-066
132Z-115-220	PREP	04-22-125	139-10-210	AMD	04-13-071	173-300-060	AMD-X	04-11-067
132Z-115-230	PREP	04-22-125	139-10-210	PREP	04-15-143	173-300-060	AMD-W	04-24-066
132Z-115-240	NEW-P	05-01-178	139-10-240	PREP	04-15-143	173-300-070	AMD-X	04-11-067
132Z-133-010	PREP	04-22-125	139-10-240	AMD-P	04-19-048	173-300-070	AMD-W	04-24-066
132Z-133-010	AMD-P	05-01-178	139-10-240	AMD	05-01-110	173-300-075	NEW-X	04-11-067
132Z-134-010	PREP	04-22-125	139-10-245	NEW-P	04-19-049	173-300-075	NEW-W	04-24-066
132Z-134-010	AMD-P	05-01-178	139-10-245	NEW	05-01-111	173-300-080	AMD-X	04-11-067
132Z-276	PREP	04-22-125	173-26-105	REP-X	04-05-105	173-300-080	AMD-W	04-24-066
132Z-276-030	AMD-P	05-01-178	173-26-105	REP	04-10-068	173-300-090	AMD-X	04-11-067
132Z-276-070	AMD-P	05-01-178	173-175-010	AMD-P	04-09-109	173-300-090	AMD-W	04-24-066
132Z-276-120	AMD-P	05-01-178	173-175-010	AMD	04-16-122	173-300-100	AMD-X	04-11-067
136-11-010	PREP	04-24-018	173-175-020	AMD-P	04-09-109	173-300-100	AMD-W	04-24-066
136-11-020	PREP	04-24-018	173-175-020	AMD	04-16-122	173-300-110	AMD-X	04-11-067
136-11-030	PREP	04-24-018	173-175-030	AMD-P	04-09-109	173-300-110	AMD-W	04-24-066
136-11-040	PREP	04-24-018	173-175-030	AMD	04-16-122	173-300-120	AMD-X	04-11-067
136-11-050	PREP	04-24-018	173-175-070	REP-P	04-09-109	173-300-120	AMD-W	04-24-066
136-11-060	PREP	04-24-018	173-175-070	REP	04-16-122	173-300-130	AMD-X	04-11-067
136-28-010	AMD	04-05-001	173-175-230	AMD-P	04-09-109	173-300-130	AMD-W	04-24-066
136-130-040	AMD	04-05-001	173-175-230	AMD	04-16-122	173-300-140	AMD-X	04-11-067
136-130-060	AMD	04-05-001	173-175-250	AMD-P	04-09-109	173-300-140	AMD-W	04-24-066
136-130-070	AMD	04-05-001	173-175-250	AMD	04-16-122	173-303	PREP	04-04-101
137-28-260	AMD-P	04-05-076	173-175-360	AMD-P	04-09-109	173-303	AMD-C	04-19-072
137-28-260	AMD	04-07-163	173-175-360	AMD	04-16-122	173-303-010	AMD-P	04-14-094
137-59-010	NEW-P	04-16-103	173-175-370	AMD-P	04-09-109	173-303-010	AMD	04-24-065
137-59-020	NEW-P	04-16-103	173-175-370	AMD	04-16-122	173-303-030	AMD-P	04-14-094
137-59-030	NEW-P	04-16-103	173-175-390	AMD-P	04-09-109	173-303-030	AMD	04-24-065
137-59-040	NEW-P	04-16-103	173-175-390	AMD	04-16-122	173-303-040	AMD-P	04-14-094
137-59-050	NEW-P	04-16-103	173-175-500	AMD-P	04-09-109	173-303-040	AMD	04-24-065
137-59-060	NEW-P	04-16-103	173-175-500	AMD	04-16-122	173-303-045	AMD-P	04-14-094
137-59-070	NEW-P	04-16-103	173-175-510	AMD-P	04-09-109	173-303-045	AMD	04-24-065
137-59-080	NEW-P	04-16-103	173-175-510	AMD	04-16-122	173-303-060	AMD-P	04-14-094
139-01-100	AMD-P	04-02-040	173-175-520	AMD-P	04-09-109	173-303-060	AMD	04-24-065
139-01-100	AMD	04-07-146	173-175-520	AMD	04-16-122	173-303-070	AMD-P	04-14-094
139-02-020	PREP	04-23-016	173-175-610	AMD-P	04-09-109	173-303-070	AMD	04-24-065
139-02-030	PREP	04-23-016	173-175-610	AMD-W	04-22-080	173-303-071	AMD-P	04-14-094
139-02-040	PREP	04-18-014	173-175-620	AMD-P	04-09-109	173-303-071	AMD	04-24-065
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173-303-081	AMD-P	04-14-094	173-303-630	AMD	04-24-065	173-322-060	AMD-P	04-20-076
173-303-081	AMD	04-24-065	173-303-640	AMD-P	04-14-094	173-322-070	AMD-P	04-20-076
173-303-082	AMD-P	04-14-094	173-303-640	AMD	04-24-065	173-322-080	AMD-P	04-20-076
173-303-082	AMD	04-24-065	173-303-645	AMD-P	04-14-094	173-322-090	AMD-P	04-20-076
173-303-090	AMD-P	04-14-094	173-303-645	AMD	04-24-065	173-322-100	AMD-P	04-20-076
173-303-090	AMD	04-24-065	173-303-646	AMD-P	04-14-094	173-322-110	AMD-P	04-20-076
173-303-100	AMD-P	04-14-094	173-303-646	AMD	04-24-065	173-322-120	AMD-P	04-20-076
173-303-100	AMD	04-24-065	173-303-64610	NEW-P	04-14-094	173-322-130	NEW-P	04-20-076
173-303-104	AMD-P	04-14-094	173-303-64610	NEW	04-24-065	173-333	PREP	04-23-039
173-303-104	AMD	04-24-065	173-303-64620	NEW-P	04-14-094	173-350-100	AMD-P	05-01-235
173-303-110	AMD-P	04-14-094	173-303-64620	NEW	04-24-065	173-400	PREP-W	04-10-010
173-303-110	AMD	04-24-065	173-303-64630	NEW-P	04-14-094	173-400-030	AMD-P	04-20-105
173-303-120	AMD-P	04-14-094	173-303-64630	NEW	04-24-065	173-400-035	AMD-P	04-20-105
173-303-120	AMD	04-24-065	173-303-64640	NEW-P	04-14-094	173-400-040	AMD-P	04-20-105
173-303-161	AMD-P	04-14-094	173-303-64640	NEW	04-24-065	173-400-050	AMD-P	04-20-105
173-303-161	AMD	04-24-065	173-303-64650	NEW-P	04-14-094	173-400-060	AMD-P	04-20-105
173-303-170	AMD-P	04-14-094	173-303-64650	NEW	04-24-065	173-400-070	AMD-P	04-20-105
173-303-170	AMD	04-24-065	173-303-64660	NEW-P	04-14-094	173-400-075	AMD-P	04-20-105
173-303-190	AMD-P	04-14-094	173-303-64660	NEW	04-24-065	173-400-099	AMD-P	04-20-105
173-303-190	AMD	04-24-065	173-303-64670	NEW-P	04-14-094	173-400-100	AMD-P	04-20-105
173-303-200	AMD-P	04-14-094	173-303-64670	NEW	04-24-065	173-400-102	AMD-P	04-20-105
173-303-200	AMD	04-24-065	173-303-64680	NEW-P	04-14-094	173-400-104	AMD-P	04-20-105
173-303-201	AMD-P	04-14-094	173-303-64680	NEW	04-24-065	173-400-105	AMD-P	04-20-105
173-303-201	AMD	04-24-065	173-303-64690	NEW-P	04-14-094	173-400-107	AMD-P	04-20-105
173-303-210	AMD-P	04-14-094	173-303-64690	NEW	04-24-065	173-400-110	AMD-P	04-20-105
173-303-210	AMD	04-24-065	173-303-646910	NEW-P	04-14-094	173-400-112	AMD-P	04-20-105
173-303-220	AMD-P	04-14-094	173-303-646910	NEW	04-24-065	173-400-113	AMD-P	04-20-105
173-303-220	AMD	04-24-065	173-303-646920	NEW-P	04-14-094	173-400-115	AMD-P	04-20-105
173-303-230	AMD-P	04-14-094	173-303-646920	NEW	04-24-065	173-400-116	AMD-P	04-20-105
173-303-230	AMD	04-24-065	173-303-670	AMD-P	04-14-094	173-400-117	AMD-P	04-20-105
173-303-240	AMD-P	04-14-094	173-303-670	AMD	04-24-065	173-400-118	AMD-P	04-20-105
173-303-240	AMD	04-24-065	173-303-680	AMD-P	04-14-094	173-400-120	AMD-P	04-20-105
173-303-250	AMD-P	04-14-094	173-303-680	AMD	04-24-065	173-400-131	AMD-P	04-20-105
173-303-250	AMD	04-24-065	173-303-800	AMD-P	04-14-094	173-400-136	AMD-P	04-20-105
173-303-290	AMD-P	04-14-094	173-303-800	AMD	04-24-065	173-400-141	REP-P	04-20-105
173-303-290	AMD	04-24-065	173-303-802	AMD-P	04-14-094	173-400-151	AMD-P	04-20-105
173-303-300	AMD-P	04-14-094	173-303-802	AMD	04-24-065	173-400-171	AMD-P	04-20-105
173-303-300	AMD	04-24-065	173-303-803	AMD-P	04-14-094	173-400-175	NEW-P	04-20-105
173-303-320	AMD-P	04-14-094	173-303-803	AMD	04-24-065	173-400-200	AMD-P	04-20-105
173-303-320	AMD	04-24-065	173-303-805	AMD-P	04-14-094	173-400-560	NEW-P	04-20-105
173-303-370	AMD-P	04-14-094	173-303-805	AMD	04-24-065	173-400-700	NEW-P	04-20-105
173-303-370	AMD	04-24-065	173-303-806	AMD-P	04-14-094	173-400-710	NEW-P	04-20-105
173-303-380	AMD-P	04-14-094	173-303-806	AMD	04-24-065	173-400-720	NEW-P	04-20-105
173-303-380	AMD	04-24-065	173-303-807	AMD-P	04-14-094	173-400-730	NEW-P	04-20-105
173-303-390	AMD-P	04-14-094	173-303-807	AMD	04-24-065	173-400-740	NEW-P	04-20-105
173-303-390	AMD	04-24-065	173-303-810	AMD-P	04-14-094	173-400-750	NEW-P	04-20-105
173-303-395	AMD-P	04-14-094	173-303-810	AMD	04-24-065	173-405	PREP-W	04-10-010
173-303-395	AMD	04-24-065	173-303-811	NEW-P	04-14-094	173-407-010	NEW-P	04-21-070
173-303-400	AMD-P	04-14-094	173-303-811	NEW	04-24-065	173-407-010	NEW	05-01-237
173-303-400	AMD	04-24-065	173-303-830	AMD-P	04-14-094	173-407-020	NEW-P	04-21-070
173-303-505	AMD-P	04-14-094	173-303-830	AMD	04-24-065	173-407-020	NEW	05-01-237
173-303-505	AMD	04-24-065	173-303-841	NEW-P	04-14-094	173-407-030	NEW-P	04-21-070
173-303-510	AMD-P	04-14-094	173-303-841	NEW	04-24-065	173-407-030	NEW	05-01-237
173-303-510	AMD	04-24-065	173-303-910	AMD-P	04-14-094	173-407-040	NEW-P	04-21-070
173-303-515	AMD-P	04-14-094	173-303-910	AMD	04-24-065	173-407-040	NEW	05-01-237
173-303-515	AMD	04-24-065	173-303-960	AMD-P	04-14-094	173-407-050	NEW-P	04-21-070
173-303-525	AMD-P	04-14-094	173-303-960	AMD	04-24-065	173-407-050	NEW	05-01-237
173-303-525	AMD	04-24-065	173-303-9904	AMD-P	04-14-094	173-407-060	NEW-P	04-21-070
173-303-573	AMD-P	04-14-094	173-303-9904	AMD	04-24-065	173-407-060	NEW	05-01-237
173-303-573	AMD	04-24-065	173-303-9905	AMD-P	04-14-094	173-407-070	NEW-P	04-21-070
173-303-600	AMD-P	04-14-094	173-303-9905	AMD	04-24-065	173-407-070	NEW	05-01-237
173-303-600	AMD	04-24-065	173-322	PREP	04-13-124	173-407-080	NEW-P	04-21-070
173-303-610	AMD-P	04-14-094	173-322-010	AMD-P	04-20-076	173-407-080	NEW	05-01-237
173-303-610	AMD	04-24-065	173-322-020	AMD-P	04-20-076	173-407-090	NEW-P	04-21-070
173-303-620	AMD-P	04-14-094	173-322-030	AMD-P	04-20-076	173-407-090	NEW	05-01-237
173-303-620	AMD	04-24-065	173-322-040	AMD-P	04-20-076	173-410	PREP-W	04-10-010

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-430	PREP	04-13-125	180-16-220	PREP	04-09-066	180-51-035	AMD-P	04-15-043
173-433	PREP-W	04-10-010	180-16-220	AMD-P	04-18-106	180-51-035	AMD	04-20-093
173-434	PREP-W	04-10-010	180-16-220	AMD	04-23-008	180-51-050	AMD	04-04-093
173-503	PREP	04-06-027	180-16-225	AMD	04-04-093	180-51-050	AMD-P	04-15-043
173-503	PREP	04-23-042	180-16-225	AMD-P	04-18-106	180-51-050	AMD	04-20-093
173-503	PREP-W	05-01-019	180-16-225	AMD	04-23-008	180-51-053	NEW-P	04-15-043
173-517	PREP	04-07-185	180-16-227	AMD	04-04-093	180-51-053	NEW	04-20-093
173-518	PREP	04-07-129	180-18	PREP	04-12-114	180-51-061	AMD	04-04-092
173-531A	PREP	04-11-038	180-18-050	AMD	04-04-093	180-51-061	AMD-P	04-18-100
173-531A-060	AMD-P	05-01-140	180-18-055	AMD	04-04-093	180-51-061	AMD	04-23-004
173-532	PREP	04-08-061	180-18-055	AMD-P	04-18-103	180-51-063	REP-P	04-18-108
173-546	PREP	04-17-134	180-18-055	AMD	04-23-006	180-51-063	REP	04-23-010
173-563	PREP	04-11-038	180-18-090	NEW	04-04-093	180-51-064	REP-P	04-18-108
173-563-010	AMD-P	05-01-140	180-20	PREP	04-12-113	180-51-064	REP	04-23-010
173-563-020	AMD-P	05-01-140	180-20-009	AMD-P	04-04-087	180-52	PREP	04-12-108
173-565-100	NEW-P	05-01-140	180-20-009	AMD	04-08-055	180-55	PREP	04-12-108
173-565-110	NEW-P	05-01-140	180-20-021	NEW-P	04-04-087	180-55-005	AMD	04-04-093
173-565-120	NEW-P	05-01-140	180-20-021	NEW	04-08-055	180-55-015	AMD	04-04-093
173-565-140	NEW-P	05-01-140	180-20-101	AMD-P	04-04-087	180-55-020	AMD	04-04-093
173-565-150	NEW-P	05-01-140	180-20-101	AMD	04-08-055	180-55-034	AMD	04-04-093
173-565-160	NEW-P	05-01-140	180-20-111	AMD-P	04-04-087	180-55-034	REP-P	04-24-075
173-565-170	NEW-P	05-01-140	180-20-111	AMD	04-08-055	180-55-150	REP	04-04-093
173-565-200	NEW-P	05-01-140	180-22	PREP	04-12-112	180-56	PREP	04-12-108
173-565-210	NEW-P	05-01-140	180-24	PREP	04-12-112	180-57	PREP	04-09-061
173-565-215	NEW-P	05-01-140	180-24-225	NEW	04-04-091	180-57-070	AMD-P	04-18-109
173-565-220	NEW-P	05-01-140	180-25	PREP	04-12-111	180-57-070	AMD	04-22-059
173-565-230	NEW-P	05-01-140	180-26	PREP	04-12-111	180-72	PREP	04-09-063
173-565-300	NEW-P	05-01-140	180-27	PREP	04-12-111	180-72-040	AMD-P	04-15-043
173-565-310	NEW-P	05-01-140	180-27-100	PREP	04-10-086	180-72-040	AMD	04-20-093
173-565-320	NEW-P	05-01-140	180-27-100	AMD-P	04-18-107	180-72-045	REP-P	04-15-043
173-565-330	NEW-P	05-01-140	180-27-100	AMD	04-23-009	180-72-045	REP	04-20-093
173-565-340	NEW-P	05-01-140	180-27-120	PREP	04-12-116	180-72-045	AMD-P	04-15-043
173-565-342	NEW-P	05-01-140	180-27-120	AMD-P	04-18-107	180-72-050	AMD	04-20-093
173-565-344	NEW-P	05-01-140	180-27-120	AMD	04-23-009	180-72-055	REP-P	04-15-043
173-565-350	NEW-P	05-01-140	180-29	PREP	04-12-111	180-72-055	REP	04-20-093
173-565-352	NEW-P	05-01-140	180-31	PREP	04-12-111	180-72-060	AMD-P	04-15-043
173-565-354	NEW-P	05-01-140	180-32	PREP	04-12-111	180-72-060	AMD	04-20-093
173-565-360	NEW-P	05-01-140	180-33	PREP	04-12-111	180-72-065	REP-P	04-15-043
173-565-362	NEW-P	05-01-140	180-34	PREP	04-12-111	180-72-065	REP	04-20-093
173-565-364	NEW-P	05-01-140	180-36	PREP	04-12-111	180-77	PREP	04-08-056
173-565-370	NEW-P	05-01-140	180-37	PREP	04-12-110	180-77-120	AMD-P	04-18-101
173-565-372	NEW-P	05-01-140	180-38	PREP	04-12-110	180-77-120	AMD	04-23-005
173-565-380	NEW-P	05-01-140	180-39	PREP	04-12-110	180-77A	PREP	04-08-056
173-565-400	NEW-P	05-01-140	180-40	PREP	04-12-110	180-78A	PREP	04-08-056
173-565-410	NEW-P	05-01-140	180-41	PREP	04-12-110	180-78A-010	AMD-P	04-15-113
173-565-420	NEW-P	05-01-140	180-41	PREP	04-18-026	180-78A-010	AMD	04-21-038
173-565-430	NEW-P	05-01-140	180-43	PREP	04-12-110	180-78A-100	AMD	04-04-090
173-565-440	NEW-P	05-01-140	180-44	PREP	04-12-109	180-78A-100	AMD-P	04-15-113
173-565-450	NEW-P	05-01-140	180-46	PREP	04-09-065	180-78A-100	AMD	04-21-038
173-565-500	NEW-P	05-01-140	180-46-005	REP-W	04-07-081	180-78A-100	AMD-P	04-24-072
173-565-510	NEW-P	05-01-140	180-46-010	REP-W	04-07-081	180-78A-264	AMD-P	04-15-113
173-565-520	NEW-P	05-01-140	180-46-015	REP-W	04-07-081	180-78A-264	AMD	04-21-038
173-565-530	NEW-P	05-01-140	180-46-020	REP-W	04-07-081	180-78A-270	AMD	04-04-089
173-565-540	NEW-P	05-01-140	180-46-025	REP-W	04-07-081	180-78A-270	AMD-P	04-15-113
173-565-550	NEW-P	05-01-140	180-46-030	REP-W	04-07-081	180-78A-270	AMD	04-21-038
173-565-552	NEW-P	05-01-140	180-46-035	REP-W	04-07-081	180-78A-272	NEW-P	04-15-116
173-565-560	NEW-P	05-01-140	180-46-040	REP-W	04-07-081	180-78A-272	NEW	04-20-089
173-565-562	NEW-P	05-01-140	180-46-045	REP-W	04-07-081	180-78A-319	NEW-P	04-15-113
173-565-564	NEW-P	05-01-140	180-46-050	REP-W	04-07-081	180-78A-319	NEW	04-21-038
173-565-570	NEW-P	05-01-140	180-46-055	REP-W	04-07-081	180-78A-500	AMD-P	04-15-113
173-565-600	NEW-P	05-01-140	180-46-065	REP-W	04-07-081	180-78A-500	AMD	04-21-038
173-565-800	NEW-P	05-01-140	180-50	PREP	04-12-108	180-78A-507	AMD	04-04-010
173-700	PREP	04-15-045	180-50-300	AMD-P	04-04-086	180-78A-507	AMD-P	04-15-115
180-08	PREP	04-12-115	180-50-300	AMD-W	04-17-092	180-78A-507	AMD	04-21-039
180-10	PREP	04-12-115	180-50-320	AMD-P	04-04-086	180-78A-509	NEW-P	04-15-113
180-16	PREP	04-12-114	180-50-320	AMD-W	04-17-092	180-78A-509	NEW	04-21-038
180-16-220	AMD	04-04-093	180-51	PREP	04-09-062	180-78A-535	AMD-P	04-15-113

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 78A-535	AMD	04-21-038	180- 88-040	NEW-P	04-15-111	182- 12-119	REP-P	04-13-156
180- 78A-540	AMD-P	04-15-113	180- 88-040	NEW-E	04-18-102	182- 12-119	REP	04-18-039
180- 78A-540	AMD-P	04-18-104	180- 88-040	NEW-S	04-18-110	182- 12-121	AMD-P	04-13-156
180- 78A-540	AMD	04-21-038	180- 88-040	NEW	04-23-011	182- 12-121	AMD	04-18-039
180- 78A-540	AMD	04-24-074	180- 88-050	NEW-P	04-15-111	182- 12-123	NEW-P	04-13-156
180- 79A	PREP	04-08-056	180- 88-050	NEW-E	04-18-102	182- 12-123	NEW	04-18-039
180- 79A-006	AMD-P	04-15-117	180- 88-050	NEW-S	04-18-110	182- 12-124	REP-P	04-13-156
180- 79A-006	AMD	04-20-091	180- 88-050	NEW	04-23-011	182- 12-124	REP	04-18-039
180- 79A-030	AMD	04-04-011	180- 88-060	NEW-P	04-15-111	182- 12-128	NEW-P	04-13-156
180- 79A-030	AMD-P	04-24-073	180- 88-060	NEW-E	04-18-102	182- 12-128	NEW	04-18-039
180- 79A-117	AMD	04-04-088	180- 88-060	NEW-S	04-18-110	182- 12-131	NEW-P	04-13-156
180- 79A-140	PREP	04-04-084	180- 88-060	NEW	04-23-011	182- 12-131	NEW	04-18-039
180- 79A-140	AMD-P	04-15-042	180- 90	PREP	04-12-107	182- 12-132	REP-P	04-13-156
180- 79A-140	AMD	04-20-092	180- 95	PREP	04-12-106	182- 12-132	REP	04-18-039
180- 79A-145	AMD-P	04-15-114	180- 96	PREP	04-12-105	182- 12-133	NEW-P	04-13-156
180- 79A-145	AMD	04-21-040	180- 97	PREP	04-12-104	182- 12-133	NEW	04-18-039
180- 79A-206	AMD	04-04-011	181- 01	PREP	04-16-098	182- 12-136	NEW-P	04-13-156
180- 79A-213	AMD	04-04-011	181- 01-002	NEW-P	04-04-105	182- 12-136	NEW	04-18-039
180- 79A-221	AMD-P	04-15-114	181- 01-002	NEW	04-08-047	182- 12-138	NEW-P	04-13-156
180- 79A-221	AMD	04-21-040	181- 01-002	AMD-E	04-16-040	182- 12-138	NEW	04-18-039
180- 79A-223	AMD	04-04-012	181- 01-002	AMD-P	04-19-147	182- 12-141	NEW-P	04-13-156
180- 79A-226	AMD	04-04-011	181- 01-002	AMD	04-24-049	182- 12-141	NEW	04-18-039
180- 79A-226	AMD-P	04-15-114	181- 01-003	NEW-P	04-04-106	182- 12-145	REP-P	04-13-156
180- 79A-226	AMD	04-21-040	181- 01-003	NEW	04-08-048	182- 12-145	REP	04-18-039
180- 79A-231	PREP	04-04-084	181- 01-004	NEW-P	04-24-048	182- 12-146	NEW-P	04-13-156
180- 79A-231	AMD-P	04-15-118	182	PREP	04-07-079	182- 12-146	NEW	04-18-039
180- 79A-231	AMD	04-20-090	182- 08-015	AMD-P	04-13-156	182- 12-148	NEW-P	04-13-156
180- 79A-250	AMD-P	04-15-114	182- 08-015	AMD	04-18-039	182- 12-148	NEW	04-18-039
180- 79A-250	AMD	04-21-040	182- 08-095	REP-P	04-13-156	182- 12-171	NEW-P	04-13-156
180- 79A-257	AMD	04-04-009	182- 08-095	REP	04-18-039	182- 12-171	NEW	04-18-039
180- 79A-257	AMD	04-04-011	182- 08-120	AMD-P	04-13-156	182- 12-190	AMD-P	04-13-156
180- 79A-257	AMD-P	04-15-119	182- 08-125	REP-P	04-13-156	182- 12-190	AMD	04-18-039
180- 79A-257	AMD-E	04-15-121	182- 08-125	REP	04-18-039	182- 12-200	AMD-P	04-13-156
180- 79A-257	AMD	04-21-005	182- 08-160	REP-P	04-13-156	182- 12-200	AMD	04-18-039
180- 79A-257	AMD-P	04-24-071	182- 08-160	REP	04-18-039	182- 12-205	NEW-P	04-13-156
180- 81	PREP	04-08-056	182- 08-165	REP-P	04-13-156	182- 12-205	NEW	04-18-039
180- 82	PREP	04-08-056	182- 08-165	REP	04-18-039	182- 12-211	NEW-P	04-13-156
180- 82A	PREP	04-08-056	182- 08-175	REP-P	04-13-156	182- 12-211	NEW	04-18-039
180- 82A-204	AMD-E	04-15-041	182- 08-175	REP	04-18-039	182- 12-215	REP-P	04-13-156
180- 82A-204	AMD-E	04-18-099	182- 08-180	AMD-P	04-13-156	182- 12-215	REP	04-18-039
180- 82A-204	AMD-P	04-18-105	182- 08-180	AMD	04-18-039	182- 12-220	REP-P	04-13-156
180- 82A-204	AMD	04-23-007	182- 08-190	AMD-P	04-13-156	182- 12-220	REP	04-18-039
180- 83	PREP	04-08-056	182- 08-190	AMD	04-18-039	182- 12-230	REP-P	04-13-156
180- 85	PREP	04-08-056	182- 08-196	AMD-P	04-13-156	182- 12-230	REP	04-18-039
180- 85-025	AMD-P	04-15-112	182- 08-196	AMD	04-18-039	182- 12-250	NEW-P	04-13-156
180- 85-025	AMD	04-20-094	182- 08-200	AMD-P	04-13-156	182- 12-250	NEW	04-18-039
180- 85-033	AMD-P	04-15-112	182- 08-200	AMD	04-18-039	182- 12-260	NEW-P	04-13-156
180- 85-033	AMD	04-20-094	182- 08-210	REP-P	04-13-156	182- 12-260	NEW	04-18-039
180- 85-077	AMD-P	04-10-087	182- 08-210	REP	04-18-039	182- 12-265	NEW-P	04-13-156
180- 85-077	AMD	04-15-120	182- 08-230	NEW-P	04-13-156	182- 12-265	NEW	04-18-039
180- 85-105	AMD-P	04-04-085	182- 08-230	NEW	04-18-039	182- 12-270	NEW-P	04-13-156
180- 85-105	AMD	04-08-054	182- 12	PREP	04-07-080	182- 12-270	NEW	04-18-039
180- 86	PREP	04-08-056	182- 12-108	NEW-P	04-13-156	182- 16-040	PREP	04-07-079
180- 87	PREP	04-08-056	182- 12-108	NEW	04-18-039	182- 16-040	AMD-P	04-13-156
180- 88	PREP	04-09-064	182- 12-109	NEW-P	04-13-156	182- 16-050	AMD-P	04-13-156
180- 88-010	NEW-P	04-15-111	182- 12-109	NEW	04-18-039	182- 20-400	AMD	04-03-006
180- 88-010	NEW-E	04-18-102	182- 12-110	REP-P	04-13-156	182- 25-010	AMD-P	04-19-138
180- 88-010	NEW-S	04-18-110	182- 12-110	REP	04-18-039	182- 25-010	AMD	04-23-012
180- 88-010	NEW	04-23-011	182- 12-111	AMD-P	04-13-156	182- 25-030	AMD-P	04-19-138
180- 88-020	NEW-P	04-15-111	182- 12-111	AMD	04-18-039	182- 25-030	AMD	04-23-012
180- 88-020	NEW-E	04-18-102	182- 12-112	NEW-P	04-13-156	182- 25-040	AMD-X	04-11-039
180- 88-020	NEW-S	04-18-110	182- 12-112	NEW	04-18-039	182- 25-040	AMD	04-15-109
180- 88-020	NEW	04-23-011	182- 12-115	PREP	04-11-011	182- 25-040	AMD-P	04-19-138
180- 88-030	NEW-P	04-15-111	182- 12-117	REP-P	04-13-156	182- 25-040	AMD	04-23-012
180- 88-030	NEW-E	04-18-102	182- 12-117	REP	04-18-039	182- 25-080	AMD-P	04-19-138
180- 88-030	NEW-S	04-18-110	182- 12-118	REP-P	04-13-156	182- 25-080	AMD	04-23-012
180- 88-030	NEW	04-23-011	182- 12-118	REP	04-18-039	182- 25-090	AMD-P	04-19-138

Table

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
182- 25-090	AMD	04-23-012	192- 12-330	REP-E	04-10-071	192- 23-096	REP-E	04-19-016
182- 25-120	NEW-P	04-19-138	192- 12-330	REP-P	04-10-114	192- 23-096	REP	05-01-076
182- 25-120	NEW	04-23-012	192- 12-330	REP-E	04-19-016	192- 23-800	REP-E	04-02-039
182- 50-001	NEW	04-06-021	192- 12-330	REP	05-01-076	192- 23-800	REP-E	04-10-071
182- 50-005	NEW	04-06-021	192- 12-340	REP-E	04-02-039	192- 23-800	REP-P	04-10-114
182- 50-010	NEW	04-06-021	192- 12-340	REP-E	04-10-071	192- 23-800	REP-E	04-19-016
182- 50-015	NEW	04-06-021	192- 12-340	REP-P	04-10-114	192- 23-800	REP	05-01-076
182- 50-025	NEW	04-06-021	192- 12-340	REP-E	04-19-016	192- 23-810	REP-E	04-02-039
182- 50-030	NEW	04-06-021	192- 12-340	REP	05-01-076	192- 23-810	REP-E	04-10-071
182- 50-035	NEW	04-06-021	192- 16-009	AMD-E	04-02-039	192- 23-810	REP-P	04-10-114
182- 50-200	NEW	04-06-021	192- 16-009	AMD-E	04-10-071	192- 23-810	REP-E	04-19-016
192- 04-040	AMD-E	04-02-039	192- 16-009	AMD-P	04-10-114	192- 23-810	REP	05-01-076
192- 04-040	AMD-E	04-10-071	192- 16-009	AMD-E	04-19-016	192- 28-105	REP-E	04-02-039
192- 04-040	AMD-P	04-10-114	192- 16-009	AMD	05-01-076	192- 28-105	REP-E	04-10-071
192- 04-040	AMD-E	04-19-016	192- 16-015	AMD-E	04-02-039	192- 28-105	REP-P	04-10-114
192- 04-040	AMD	05-01-076	192- 16-015	AMD-E	04-10-071	192- 28-105	REP-E	04-19-016
192- 04-050	AMD-E	04-02-039	192- 16-015	AMD-P	04-10-114	192- 28-105	REP	05-01-076
192- 04-050	AMD-E	04-10-071	192- 16-015	AMD-E	04-19-016	192- 28-110	REP-E	04-02-039
192- 04-050	AMD-P	04-10-114	192- 16-015	AMD	05-01-076	192- 28-110	REP-E	04-10-071
192- 04-050	AMD-E	04-19-016	192- 16-016	AMD-E	04-02-039	192- 28-110	REP-P	04-10-114
192- 04-050	AMD	05-01-076	192- 16-016	AMD-E	04-10-071	192- 28-110	REP-E	04-19-016
192- 12-011	REP-E	04-02-039	192- 16-016	AMD-P	04-10-114	192- 28-110	REP	05-01-076
192- 12-011	REP-E	04-10-071	192- 16-016	AMD-E	04-19-016	192- 28-110	REP-E	04-02-039
192- 12-011	REP-P	04-10-114	192- 16-016	AMD	05-01-076	192- 28-115	REP-E	04-10-071
192- 12-011	REP-E	04-19-016	192- 16-019	REP-E	04-02-039	192- 28-115	REP-P	04-10-114
192- 12-011	REP	05-01-076	192- 16-019	REP-E	04-10-071	192- 28-115	REP-E	04-19-016
192- 12-012	REP-E	04-02-039	192- 16-019	REP-P	04-10-114	192- 28-115	REP	05-01-076
192- 12-012	REP-E	04-10-071	192- 16-019	REP-E	04-19-016	192- 28-120	REP-E	04-02-039
192- 12-012	REP-P	04-10-114	192- 16-019	REP	05-01-076	192- 28-120	REP-E	04-10-071
192- 12-012	REP-E	04-19-016	192- 16-023	REP-E	04-02-039	192- 28-120	REP-P	04-10-114
192- 12-012	REP	05-01-076	192- 16-023	REP-E	04-10-071	192- 28-120	REP-E	04-19-016
192- 12-020	REP-E	04-02-039	192- 16-023	REP-P	04-10-114	192- 28-120	REP	05-01-076
192- 12-020	REP-E	04-10-071	192- 16-023	REP-E	04-19-016	192- 33	PREP	04-15-034
192- 12-020	REP-P	04-10-114	192- 23-014	REP	05-01-076	192- 35-010	NEW-P	04-24-091
192- 12-020	REP-E	04-19-016	192- 23-014	REP-E	04-02-039	192- 35-020	NEW-P	04-24-091
192- 12-020	REP	05-01-076	192- 23-014	REP-E	04-10-071	192- 35-030	NEW-P	04-24-091
192- 12-180	REP-E	04-02-039	192- 23-014	REP-P	04-10-114	192- 35-040	NEW-P	04-24-091
192- 12-180	REP-E	04-10-071	192- 23-014	REP-E	04-19-016	192- 35-050	NEW-P	04-24-091
192- 12-180	REP-P	04-10-114	192- 23-014	REP	05-01-076	192- 35-060	NEW-P	04-24-091
192- 12-180	REP-E	04-19-016	192- 23-015	REP-E	04-02-039	192- 35-070	NEW-P	04-24-091
192- 12-180	REP	05-01-076	192- 23-015	REP-E	04-10-071	192- 35-080	NEW-P	04-24-091
192- 12-184	REP-E	04-02-039	192- 23-015	REP-P	04-10-114	192- 35-090	NEW-P	04-24-091
192- 12-184	REP-E	04-10-071	192- 23-015	REP-E	04-19-016	192- 35-100	NEW-P	04-24-091
192- 12-184	REP-P	04-10-114	192- 23-015	REP	05-01-076	192- 35-110	NEW-P	04-24-091
192- 12-184	REP-E	04-19-016	192- 23-016	REP-E	04-02-039	192- 35-120	NEW-P	04-24-091
192- 12-184	REP	05-01-076	192- 23-016	REP-E	04-10-071	192-100-010	NEW-E	04-02-039
192- 12-190	REP-E	04-02-039	192- 23-016	REP-P	04-10-114	192-100-010	NEW-E	04-10-071
192- 12-190	REP-E	04-10-071	192- 23-016	REP-E	04-19-016	192-100-010	NEW-P	04-10-114
192- 12-190	REP-P	04-10-114	192- 23-016	REP	05-01-076	192-100-010	NEW-E	04-19-016
192- 12-190	REP-E	04-19-016	192- 23-017	REP-E	04-02-039	192-100-010	NEW	05-01-076
192- 12-190	REP	05-01-076	192- 23-017	REP-E	04-10-071	192-100-020	NEW-E	04-02-039
192- 12-300	REP-E	04-02-039	192- 23-017	REP-P	04-10-114	192-100-020	NEW-P	04-10-114
192- 12-300	REP-E	04-10-071	192- 23-017	REP-E	04-19-016	192-100-020	NEW-E	04-19-016
192- 12-300	REP-P	04-10-114	192- 23-017	REP	05-01-076	192-100-020	NEW	05-01-076
192- 12-300	REP-E	04-19-016	192- 23-019	REP-E	04-02-039	192-100-030	NEW-E	04-02-039
192- 12-300	REP	05-01-076	192- 23-019	REP-E	04-10-071	192-100-030	NEW-P	04-10-114
192- 12-310	REP-E	04-02-039	192- 23-019	REP-P	04-10-114	192-100-030	NEW-E	04-19-016
192- 12-310	REP-E	04-10-071	192- 23-019	REP-E	04-19-016	192-100-030	NEW	05-01-076
192- 12-310	REP-P	04-10-114	192- 23-019	REP	05-01-076	192-100-035	NEW-P	04-10-114
192- 12-310	REP-E	04-19-016	192- 23-061	REP-E	04-02-039	192-100-035	NEW-E	04-19-016
192- 12-310	REP	05-01-076	192- 23-061	REP-E	04-10-071	192-100-035	NEW	05-01-076
192- 12-320	REP-E	04-02-039	192- 23-061	REP-P	04-10-114	192-110-200	NEW-E	04-02-039
192- 12-320	REP-E	04-10-071	192- 23-061	REP-E	04-19-016	192-110-200	NEW-P	04-10-114
192- 12-320	REP-P	04-10-114	192- 23-061	REP	05-01-076	192-110-200	NEW-E	04-19-016
192- 12-320	REP-E	04-19-016	192- 23-096	REP-E	04-02-039	192-110-200	NEW	05-01-076
192- 12-320	REP	05-01-076	192- 23-096	REP-E	04-10-071	192-110-210	NEW-E	04-02-039
192- 12-330	REP-E	04-02-039	192- 23-096	REP-P	04-10-114	192-110-210	NEW-E	04-10-071

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-200-005	NEW-E	04-19-016	192-320-075	NEW-E	04-02-039	196- 30	PREP	05-01-143
192-200-005	NEW	05-01-076	192-320-075	NEW-E	04-10-071	199- 08-300	NEW-E	04-10-002
192-200-010	NEW-E	04-02-039	192-320-075	NEW-P	04-10-113	199- 08-300	NEW-P	04-18-015
192-200-010	NEW-E	04-10-071	192-320-075	NEW-E	04-19-016	199- 08-305	NEW-E	04-10-002
192-200-010	NEW-P	04-10-114	192-320-075	NEW	04-23-058	199- 08-305	NEW-P	04-18-015
192-200-010	NEW-E	04-19-016	192-340-100	NEW-E	04-02-039	199- 08-310	NEW-E	04-10-002
192-200-010	NEW	05-01-076	192-340-100	NEW-E	04-10-071	199- 08-310	NEW-P	04-18-015
192-200-030	NEW-E	04-02-039	192-340-100	NEW-P	04-10-113	199- 08-315	NEW-E	04-10-002
192-200-030	NEW-E	04-10-071	192-340-100	NEW-E	04-19-016	199- 08-315	NEW-P	04-18-015
192-200-030	NEW-P	04-10-114	192-340-100	NEW-E	04-23-058	199- 08-320	NEW-E	04-10-002
192-200-030	NEW-E	04-19-016	196- 09	AMD	04-04-001	199- 08-320	NEW-P	04-18-015
192-200-030	NEW	05-01-076	196- 09	PREP	04-15-050	199- 08-325	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	196- 09-010	AMD	04-04-001	199- 08-325	NEW-P	04-18-015
192-220-010	NEW-E	04-10-071	196- 09-050	NEW	04-04-001	199- 08-335	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	196- 09-055	NEW	04-04-001	199- 08-335	NEW-P	04-18-015
192-220-010	NEW-E	04-19-016	196- 09-060	NEW	04-04-001	199- 08-340	NEW-E	04-10-002
192-220-010	NEW	05-01-076	196- 09-100	NEW	04-04-001	199- 08-340	NEW-P	04-18-015
192-220-020	NEW-E	04-02-039	196- 09-110	NEW	04-04-001	199- 08-350	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196- 09-120	NEW	04-04-001	199- 08-350	NEW-P	04-18-015
192-220-020	NEW-P	04-10-114	196- 12-005	NEW	04-04-001	199- 08-385	NEW-E	04-10-002
192-220-020	NEW-E	04-19-016	196- 12-010	AMD	04-04-001	199- 08-385	NEW-P	04-18-015
192-220-020	NEW	05-01-076	196- 12-020	AMD	04-04-001	199- 08-390	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196- 12-030	AMD	04-04-001	199- 08-390	NEW-P	04-18-015
192-220-030	NEW-E	04-10-071	196- 12-045	AMD	04-04-001	199- 08-395	NEW-E	04-10-002
192-220-030	NEW-P	04-10-114	196- 12-050	AMD	04-04-001	199- 08-395	NEW-P	04-18-015
192-220-030	NEW-E	04-19-016	196- 12-055	NEW	04-04-001	199- 08-400	NEW-E	04-10-002
192-220-030	NEW	05-01-076	196- 12-065	NEW	04-04-001	199- 08-400	NEW-P	04-18-015
192-230-100	NEW-E	04-02-039	196- 16-006	NEW	04-04-001	199- 08-405	NEW-E	04-10-002
192-230-100	NEW-E	04-10-071	196- 16-007	AMD	04-04-001	199- 08-405	NEW-P	04-18-015
192-230-100	NEW-P	04-10-114	196- 16-010	AMD	04-04-001	199- 08-410	NEW-E	04-10-002
192-230-100	NEW-E	04-19-016	196- 16-020	AMD	04-04-001	199- 08-410	NEW-P	04-18-015
192-230-100	NEW	05-01-076	196- 16-031	AMD	04-04-001	199- 08-415	NEW-E	04-10-002
192-240-035	AMD-E	04-02-039	196- 16-035	NEW	04-04-001	199- 08-415	NEW-P	04-18-015
192-240-035	AMD-E	04-10-071	196- 20-005	NEW-P	04-04-027	199- 08-420	NEW-E	04-10-002
192-240-035	AMD-P	04-10-114	196- 20-005	NEW	04-10-067	199- 08-420	NEW-P	04-18-015
192-240-035	AMD-E	04-19-016	196- 20-010	AMD-P	04-04-027	199- 08-425	NEW-E	04-10-002
192-240-035	AMD	05-01-076	196- 20-010	AMD	04-10-067	199- 08-425	NEW-P	04-18-015
192-240-040	AMD-E	04-02-039	196- 20-020	AMD-P	04-04-027	199- 08-426	NEW-E	04-10-002
192-240-040	AMD-E	04-10-071	196- 20-020	AMD	04-10-067	199- 08-426	NEW-P	04-18-015
192-240-040	AMD-P	04-10-114	196- 20-030	AMD-P	04-04-027	199- 08-427	NEW-E	04-10-002
192-240-040	AMD-E	04-19-016	196- 20-030	AMD	04-10-067	199- 08-427	NEW-P	04-18-015
192-240-040	AMD	05-01-076	196- 21-005	NEW	04-04-001	199- 08-428	NEW-E	04-10-002
192-300-050	AMD-E	04-02-039	196- 21-010	AMD	04-04-001	199- 08-428	NEW-P	04-18-015
192-300-050	AMD-E	04-10-071	196- 21-020	AMD	04-04-001	199- 08-429	NEW-E	04-10-002
192-300-050	AMD-P	04-10-113	196- 21-030	AMD	04-04-001	199- 08-429	NEW-P	04-18-015
192-300-050	AMD-E	04-19-016	196- 23	PREP	04-10-011	199- 08-430	NEW-E	04-10-002
192-300-050	AMD	04-23-058	196- 23-070	AMD	04-04-001	199- 08-430	NEW-P	04-18-015
192-310-010	AMD-E	04-02-039	196- 24-041	REP	04-04-001	199- 08-435	NEW-E	04-10-002
192-310-010	AMD-E	04-10-071	196- 24-080	REP	04-04-001	199- 08-435	NEW-P	04-18-015
192-310-010	AMD-P	04-10-113	196- 24-085	REP	04-04-001	199- 08-440	NEW-E	04-10-002
192-310-010	AMD-E	04-19-016	196- 24-100	REP	04-04-001	199- 08-440	NEW-P	04-18-015
192-310-010	AMD	04-23-058	196- 24-105	REP	04-04-001	199- 08-445	NEW-E	04-10-002
192-310-025	AMD-E	04-02-039	196- 24-110	REP-W	04-05-061	199- 08-445	NEW-P	04-18-015
192-310-025	AMD-E	04-10-071	196- 25-001	AMD	04-04-001	199- 08-450	NEW-E	04-10-002
192-310-025	AMD-P	04-10-113	196- 25-002	AMD-W	04-05-061	199- 08-450	NEW-P	04-18-015
192-310-025	AMD-E	04-19-016	196- 25-002	AMD-P	04-24-001	199- 08-455	NEW-E	04-10-002
192-310-025	AMD	04-23-058	196- 25-005	AMD	04-04-001	199- 08-455	NEW-P	04-18-015
192-310-030	AMD-E	04-02-039	196- 25-010	AMD	04-04-001	199- 08-460	NEW-E	04-10-002
192-310-030	AMD-E	04-10-071	196- 25-020	REP	04-04-001	199- 08-460	NEW-P	04-18-015
192-310-030	AMD-P	04-10-113	196- 25-030	REP	04-04-001	199- 08-465	NEW-E	04-10-002
192-310-030	AMD-E	04-19-016	196- 25-040	AMD-W	04-05-061	199- 08-465	NEW-P	04-18-015
192-310-030	AMD	04-23-058	196- 25-040	AMD-P	04-24-001	199- 08-470	NEW-E	04-10-002
192-320-070	AMD-E	04-02-039	196- 25-050	AMD	04-04-001	199- 08-470	NEW-P	04-18-015
192-320-070	AMD-E	04-10-071	196- 25-100	REP	04-04-001	199- 08-475	NEW-E	04-10-002
192-320-070	AMD-P	04-10-113	196- 26A	PREP	04-10-011	199- 08-475	NEW-P	04-18-015
192-320-070	AMD-E	04-19-016	196- 26A	PREP	04-15-079	199- 08-480	NEW-E	04-10-002
192-320-070	AMD	04-23-058	196- 27A-025	NEW-W	04-05-061	199- 08-480	NEW-P	04-18-015

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
199-08-485	NEW-E	04-10-002	208-680E-025	NEW-C	04-22-087	208-690-150	NEW	04-15-005
199-08-485	NEW-P	04-18-015	208-680F-020	AMD-P	04-19-158	208-690-160	NEW-E	04-07-182
199-08-490	NEW-E	04-10-002	208-680F-020	AMD-C	04-22-087	208-690-160	NEW-P	04-11-110
199-08-490	NEW-P	04-18-015	208-680G-050	AMD-P	04-19-157	208-690-160	NEW	04-15-005
199-08-495	NEW-E	04-10-002	208-680G-050	AMD-C	04-22-086	208-690-170	NEW-E	04-07-182
199-08-495	NEW-P	04-18-015	208-690-010	NEW-E	04-07-182	208-690-170	NEW-P	04-11-110
199-08-500	NEW-E	04-10-002	208-690-010	NEW-P	04-11-110	208-690-170	NEW	04-15-005
199-08-500	NEW-P	04-18-015	208-690-010	NEW	04-15-005	208-690-180	NEW-E	04-07-182
199-08-510	NEW-E	04-10-002	208-690-020	NEW-E	04-07-182	208-690-180	NEW-P	04-11-110
199-08-510	NEW-P	04-18-015	208-690-020	NEW-P	04-11-110	208-690-180	NEW	04-15-005
199-08-515	NEW-E	04-10-002	208-690-020	NEW	04-15-005	212-17-060	AMD-E	04-11-061
199-08-515	NEW-P	04-18-015	208-690-030	NEW-E	04-07-182	212-17-060	PREP	04-21-003
199-08-520	NEW-E	04-10-002	208-690-030	NEW-P	04-11-110	212-17-480	NEW-E	04-11-061
199-08-520	NEW-P	04-18-015	208-690-030	NEW	04-15-005	212-17-480	PREP	04-21-003
199-08-525	NEW-E	04-10-002	208-690-031	NEW-E	04-07-182	212-17-485	NEW-E	04-11-061
199-08-525	NEW-P	04-18-015	208-690-031	NEW-P	04-11-110	212-17-485	PREP	04-21-003
199-08-535	NEW-E	04-10-002	208-690-031	NEW-W	04-24-068	212-17-490	NEW-E	04-11-061
199-08-535	NEW-P	04-18-015	208-690-035	NEW-E	04-07-182	212-17-490	PREP	04-21-003
199-08-540	NEW-E	04-10-002	208-690-035	NEW-P	04-11-110	212-17-495	NEW-E	04-11-061
199-08-540	NEW-P	04-18-015	208-690-035	NEW	04-15-005	212-17-495	PREP	04-21-003
199-08-545	NEW-E	04-10-002	208-690-040	NEW-E	04-07-182	212-17-500	NEW-E	04-11-061
199-08-545	NEW-P	04-18-015	208-690-040	NEW-P	04-11-110	212-17-500	PREP	04-21-003
199-08-550	NEW-E	04-10-002	208-690-040	NEW	04-15-005	212-17-505	NEW-E	04-11-061
199-08-550	NEW-P	04-18-015	208-690-045	NEW-E	04-07-182	212-17-505	PREP	04-21-003
199-08-555	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110	212-17-510	NEW-E	04-11-061
199-08-555	NEW-P	04-18-015	208-690-045	NEW	04-15-005	212-17-510	PREP	04-21-003
199-08-565	NEW-E	04-10-002	208-690-050	NEW-E	04-07-182	212-17-515	NEW-E	04-11-061
199-08-565	NEW-P	04-18-015	208-690-050	NEW-P	04-11-110	212-17-515	PREP	04-21-003
199-08-570	NEW-E	04-10-002	208-690-050	NEW	04-15-005	212-17-520	NEW-E	04-11-061
199-08-570	NEW-P	04-18-015	208-690-060	NEW-E	04-07-182	212-17-520	PREP	04-21-003
199-08-580	NEW-E	04-10-002	208-690-060	NEW-P	04-11-110	212-17-525	NEW-E	04-11-061
199-08-580	NEW-P	04-18-015	208-690-060	NEW	04-15-005	212-17-525	PREP	04-21-003
204-74A	PREP	04-17-132	208-690-070	NEW-E	04-07-182	212-17-530	NEW-E	04-11-061
204-74A-040	AMD-P	04-21-021	208-690-070	NEW-P	04-11-110	212-17-530	PREP	04-21-003
204-74A-040	AMD	05-02-020	208-690-070	NEW	04-15-005	212-17-535	NEW-E	04-11-061
204-74A-050	AMD-P	04-21-021	208-690-075	NEW-E	04-07-182	212-17-535	PREP	04-21-003
204-74A-050	AMD	05-02-020	208-690-075	NEW-P	04-11-110	212-17-540	NEW-E	04-11-061
204-74A-060	AMD-P	04-21-021	208-690-075	NEW	04-15-005	212-17-540	PREP	04-21-003
204-74A-060	AMD	05-02-020	208-690-080	NEW-E	04-07-182	212-80	PREP	04-17-131
204-91A	PREP	04-10-054	208-690-080	NEW-P	04-11-110	212-80-001	AMD-P	04-24-009
204-91A-030	AMD-P	04-13-040	208-690-080	NEW	04-15-005	212-80-005	AMD-P	04-24-009
204-91A-030	AMD	04-20-021	208-690-090	NEW-E	04-07-182	212-80-010	AMD-P	04-24-009
204-91A-040	AMD-P	04-13-040	208-690-090	NEW-P	04-11-110	212-80-015	AMD-P	04-24-009
204-91A-040	AMD	04-20-021	208-690-090	NEW	04-15-005	212-80-018	NEW-P	04-24-009
204-91A-050	AMD-P	04-13-040	208-690-100	NEW-E	04-07-182	212-80-023	RECOD-P	04-24-009
204-91A-050	AMD	04-20-021	208-690-100	NEW-P	04-11-110	212-80-025	AMD-P	04-24-009
204-91A-060	AMD-P	04-13-040	208-690-100	NEW	04-15-005	212-80-025	DECOD-P	04-24-009
204-91A-060	AMD	04-20-021	208-690-110	NEW-E	04-07-182	212-80-028	RECOD-P	04-24-009
204-91A-070	AMD-P	04-13-040	208-690-110	NEW-P	04-11-110	212-80-030	AMD-P	04-24-009
204-91A-070	AMD	04-20-021	208-690-110	NEW	04-15-005	212-80-030	DECOD-P	04-24-009
204-91A-080	AMD-P	04-13-040	208-690-112	NEW-E	04-07-182	212-80-033	RECOD-P	04-24-009
204-91A-080	AMD	04-20-021	208-690-112	NEW-P	04-11-110	212-80-035	AMD-P	04-24-009
204-91A-090	AMD-P	04-13-040	208-690-112	NEW	04-15-005	212-80-035	DECOD-P	04-24-009
204-91A-090	AMD	04-20-021	208-690-115	NEW-E	04-07-182	212-80-038	RECOD-P	04-24-009
204-91A-120	AMD-P	04-13-040	208-690-115	NEW-P	04-11-110	212-80-040	AMD-P	04-24-009
204-91A-120	AMD	04-20-021	208-690-115	NEW	04-15-005	212-80-040	DECOD-P	04-24-009
204-91A-130	AMD-P	04-13-040	208-690-120	NEW-E	04-07-182	212-80-043	RECOD-P	04-24-009
204-91A-130	AMD	04-20-021	208-690-120	NEW-P	04-11-110	212-80-045	AMD-P	04-24-009
204-91A-140	AMD-P	04-13-040	208-690-120	NEW	04-15-005	212-80-045	DECOD-P	04-24-009
204-91A-140	AMD	04-20-021	208-690-130	NEW-E	04-07-182	212-80-048	NEW-P	04-24-009
204-91A-170	AMD-P	04-13-040	208-690-130	NEW-P	04-11-110	212-80-050	AMD-P	04-24-009
204-91A-170	AMD	04-20-021	208-690-130	NEW	04-15-005	212-80-050	DECOD-P	04-24-009
204-96-010	AMD	04-07-012	208-690-140	NEW-E	04-07-182	212-80-053	RECOD-P	04-24-009
208-620	PREP	04-24-078	208-690-140	NEW-P	04-11-110	212-80-055	AMD-P	04-24-009
208-680A-040	AMD-P	04-19-158	208-690-140	NEW	04-15-005	212-80-055	DECOD-P	04-24-009
208-680A-040	AMD-C	04-22-087	208-690-150	NEW-E	04-07-182	212-80-058	RECOD-P	04-24-009
208-680E-025	NEW-P	04-19-158	208-690-150	NEW-P	04-11-110	212-80-060	AMD-P	04-24-009

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
212- 80-060	DECOD-P	04-24-009	212- 80-255	NEW-P	04-24-009	220- 32-05100P	REP-E	04-04-053
212- 80-063	RECOD-P	04-24-009	212- 80-260	NEW-P	04-24-009	220- 32-05100Q	NEW-E	04-04-053
212- 80-065	AMD-P	04-24-009	212- 80-265	NEW-P	04-24-009	220- 32-05100Q	REP-E	04-04-053
212- 80-065	DECOD-P	04-24-009	220- 12-020	AMD	04-07-009	220- 32-05100Q	REP-E	04-07-027
212- 80-070	AMD-P	04-24-009	220- 16-007	NEW-P	05-01-229	220- 32-05100R	NEW-E	04-07-027
212- 80-070	DECOD-P	04-24-009	220- 16-270	AMD	04-07-009	220- 32-05100R	REP-E	04-07-027
212- 80-073	RECOD-P	04-24-009	220- 16-470	AMD-X	04-12-073	220- 32-05100S	NEW-E	04-10-064
212- 80-075	AMD-P	04-24-009	220- 16-470	AMD	04-16-126	220- 32-05100S	REP-E	04-10-064
212- 80-075	DECOD-P	04-24-009	220- 16-47000B	NEW-E	04-10-034	220- 32-05100T	NEW-E	04-11-022
212- 80-078	RECOD-P	04-24-009	220- 16-550	AMD	04-07-009	220- 32-05100T	REP-E	04-11-022
212- 80-080	AMD-P	04-24-009	220- 16-800	NEW	04-07-009	220- 32-05100T	REP-E	04-11-074
212- 80-080	DECOD-P	04-24-009	220- 16-800	NEW-W	04-14-085	220- 32-05100U	NEW-E	04-11-074
212- 80-083	RECOD-P	04-24-009	220- 16-810	NEW	04-07-009	220- 32-05100U	REP-E	04-11-074
212- 80-085	AMD-P	04-24-009	220- 16-810	NEW-W	04-14-085	220- 32-05100U	REP-E	04-12-021
212- 80-085	DECOD-P	04-24-009	220- 16-820	NEW-W	04-14-085	220- 32-05100V	NEW-E	04-12-021
212- 80-088	RECOD-P	04-24-009	220- 16-820	NEW-X	05-01-233	220- 32-05100V	REP-E	04-12-021
212- 80-090	AMD-P	04-24-009	220- 16-830	NEW-W	04-14-085	220- 32-05100	NEW-E	04-13-065
212- 80-090	DECOD-P	04-24-009	220- 16-830	NEW-X	05-01-233	220- 32-05100	REP-E	04-13-117
212- 80-093	RECOD-P	04-24-009	220- 16-840	NEW-W	04-14-085	220- 32-05100X	NEW-E	04-13-117
212- 80-095	AMD-P	04-24-009	220- 16-840	NEW-X	05-01-233	220- 32-05100X	REP-E	04-13-117
212- 80-095	DECOD-P	04-24-009	220- 16-850	NEW-W	04-14-085	220- 32-05100X	REP-E	04-14-046
212- 80-098	RECOD-P	04-24-009	220- 16-850	NEW-X	05-01-233	220- 32-05100Y	NEW-E	04-14-046
212- 80-100	DECOD-P	04-24-009	220- 16-860	NEW-X	05-01-233	220- 32-05100Y	REP-E	04-14-046
212- 80-103	RECOD-P	04-24-009	220- 16-870	NEW-X	05-01-233	220- 32-05100Y	REP-E	04-15-051
212- 80-105	AMD-P	04-24-009	220- 20-013	NEW-P	04-21-056	220- 32-05100Z	NEW-E	04-15-051
212- 80-105	DECOD-P	04-24-009	220- 20-013	NEW	05-01-132	220- 32-05100Z	REP-E	04-15-051
212- 80-108	RECOD-P	04-24-009	220- 20-05100A	NEW-E	05-02-028	220- 32-05100Z	REP-E	04-15-133
212- 80-110	AMD-P	04-24-009	220- 20-05100A	REP-E	05-02-028	220- 32-06000B	NEW-E	04-10-064
212- 80-113	RECOD-P	04-24-009	220- 20-056	REP	04-10-108	220- 32-06000B	REP-E	04-10-064
212- 80-115	AMD-P	04-24-009	220- 20-080	AMD	04-08-025	220- 33-01000A	NEW-E	04-08-011
212- 80-115	DECOD-P	04-24-009	220- 20-100	AMD-W	04-14-085	220- 33-01000A	REP-E	04-08-026
212- 80-118	RECOD-P	04-24-009	220- 20-100	AMD-X	05-01-233	220- 33-01000B	NEW-E	04-08-026
212- 80-120	AMD-P	04-24-009	220- 22-40000F	NEW-E	04-13-024	220- 33-01000B	REP-E	04-09-021
212- 80-120	DECOD-P	04-24-009	220- 24-04000L	NEW-E	04-10-001	220- 33-01000C	NEW-E	04-09-021
212- 80-123	RECOD-P	04-24-009	220- 24-04000L	REP-E	04-10-001	220- 33-01000C	REP-E	04-11-001
212- 80-125	AMD-P	04-24-009	220- 24-04000L	REP-E	04-11-010	220- 33-01000D	NEW-E	04-11-075
212- 80-125	DECOD-P	04-24-009	220- 24-04000	NEW-E	04-11-052	220- 33-01000D	REP-E	04-11-075
212- 80-128	RECOD-P	04-24-009	220- 24-04000	REP-E	04-11-052	220- 33-01000E	NEW-E	04-14-048
212- 80-130	AMD-P	04-24-009	220- 24-04000N	NEW-E	04-12-011	220- 33-01000E	REP-E	04-14-048
212- 80-130	DECOD-P	04-24-009	220- 24-04000N	REP-E	04-12-011	220- 33-01000F	NEW-E	04-16-067
212- 80-133	NEW-P	04-24-009	220- 24-04000P	NEW-E	04-14-009	220- 33-01000F	REP-E	04-16-067
212- 80-135	AMD-P	04-24-009	220- 24-04000P	REP-E	04-14-009	220- 33-01000F	REP-E	04-17-069
212- 80-135	DECOD-P	04-24-009	220- 24-04000Q	NEW-E	04-14-092	220- 33-01000G	NEW-E	04-17-091
212- 80-138	NEW-P	04-24-009	220- 24-04000Q	REP-E	04-14-092	220- 33-01000G	REP-E	04-17-091
212- 80-140	NEW-P	04-24-009	220- 24-04000Q	REP-E	04-15-086	220- 33-01000H	NEW-E	04-18-007
212- 80-145	NEW-P	04-24-009	220- 24-04000R	NEW-E	04-15-086	220- 33-01000H	REP-E	04-18-007
212- 80-150	NEW-P	04-24-009	220- 24-04000R	REP-E	04-18-022	220- 33-01000I	NEW-E	04-18-020
212- 80-155	NEW-P	04-24-009	220- 24-04000S	NEW-E	04-18-022	220- 33-01000I	REP-E	04-18-020
212- 80-160	NEW-P	04-24-009	220- 24-04000S	REP-E	04-19-023	220- 33-01000J	NEW-E	04-18-037
212- 80-165	NEW-P	04-24-009	220- 24-04000S	REP-E	04-19-023	220- 33-01000J	REP-E	04-19-083
212- 80-170	NEW-P	04-24-009	220- 24-04000T	NEW-E	04-19-023	220- 33-01000K	NEW-E	04-19-083
212- 80-175	NEW-P	04-24-009	220- 24-04000T	REP-E	04-19-023	220- 33-01000K	REP-E	04-20-003
212- 80-180	NEW-P	04-24-009	220- 32-05100A	NEW-E	04-15-133	220- 33-01000L	NEW-E	04-20-003
212- 80-185	NEW-P	04-24-009	220- 32-05100A	REP-E	04-15-133	220- 33-01000L	REP-E	04-20-015
212- 80-190	NEW-P	04-24-009	220- 32-05100B	NEW-E	04-18-016	220- 33-01000	NEW-E	04-20-015
212- 80-195	NEW-P	04-24-009	220- 32-05100B	REP-E	04-19-084	220- 33-01000	REP-E	04-20-040
212- 80-200	RECOD-P	04-24-009	220- 32-05100C	NEW-E	04-19-084	220- 33-01000N	NEW-E	04-20-040
212- 80-205	RECOD-P	04-24-009	220- 32-05100C	REP-E	04-20-014	220- 33-01000N	REP-E	04-20-064
212- 80-210	NEW-P	04-24-009	220- 32-05100D	NEW-E	04-20-014	220- 33-01000P	NEW-E	04-20-064
212- 80-215	NEW-P	04-24-009	220- 32-05100D	REP-E	04-20-063	220- 33-01000P	REP-E	04-21-075
212- 80-220	NEW-P	04-24-009	220- 32-05100E	NEW-E	04-20-063	220- 33-01000Q	REP-E	04-04-071
212- 80-225	NEW-P	04-24-009	220- 32-05100E	REP-E	04-21-020	220- 33-01000Q	NEW-E	04-21-075
212- 80-230	NEW-P	04-24-009	220- 32-05100F	NEW-E	04-21-020	220- 33-01000Q	REP-E	05-02-003
212- 80-235	NEW-P	04-24-009	220- 32-05100F	REP-E	04-22-063	220- 33-01000R	NEW-E	04-04-071
212- 80-240	NEW-P	04-24-009	220- 32-05100G	NEW-E	04-22-063	220- 33-01000R	REP-E	04-04-071
212- 80-245	NEW-P	04-24-009	220- 32-05100P	NEW-E	04-03-075	220- 33-01000R	NEW-E	05-02-003
212- 80-250	NEW-P	04-24-009	220- 32-05100P	REP-E	04-03-075	220- 33-01000R	REP-E	05-02-003

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-33-01000S	NEW-E	04-06-002	220-47-31100Y	REP-E	04-23-056	220-49-020	AMD	04-17-098
220-33-01000S	REP-E	04-06-002	220-47-31100Z	NEW-E	04-23-056	220-49-02000P	NEW-E	04-05-056
220-33-01000S	REP-E	04-06-059	220-47-31100Z	REP-E	04-24-008	220-49-02000P	REP-E	04-13-055
220-33-01000T	NEW-E	04-06-059	220-47-325	AMD-X	04-12-129	220-49-02000Q	NEW-E	04-13-055
220-33-01000T	REP-E	04-07-008	220-47-325	AMD	04-16-125	220-49-023	AMD-P	04-13-163
220-33-01000U	NEW-E	04-07-008	220-47-401	AMD-X	04-12-129	220-49-023	AMD	04-17-089
220-33-01000U	REP-E	04-07-028	220-47-401	AMD	04-16-125	220-49-056	AMD-P	04-13-005
220-33-01000V	NEW-E	04-07-028	220-47-411	AMD-X	04-12-129	220-49-056	AMD	04-17-098
220-33-01000V	REP-E	04-07-050	220-47-411	AMD	04-16-125	220-49-05600C	NEW-E	04-05-056
220-33-01000	NEW-E	04-07-050	220-47-41100A	NEW-E	04-23-056	220-49-05600C	REP-E	04-13-055
220-33-01000	REP-E	04-07-078	220-47-41100A	REP-E	04-24-008	220-49-05600D	NEW-E	04-13-055
220-33-01000X	NEW-E	04-07-078	220-47-41100B	NEW-E	04-24-008	220-52-018	AMD-P	05-01-234
220-33-01000X	REP-E	04-07-118	220-47-41100V	NEW-E	04-21-018	220-52-020	AMD-P	05-01-234
220-33-01000Y	NEW-E	04-07-118	220-47-41100V	REP-E	04-21-018	220-52-030	AMD-P	05-01-156
220-33-01000Y	REP-E	04-07-169	220-47-41100V	REP-E	04-22-018	220-52-03000U	NEW-E	04-11-051
220-33-01000Z	NEW-E	04-07-169	220-47-41100	NEW-E	04-22-018	220-52-03000U	REP-E	04-11-051
220-33-01000Z	REP-E	04-08-011	220-47-41100	REP-E	04-22-018	220-52-03000V	NEW-E	04-14-004
220-33-03000U	NEW-E	04-09-018	220-47-41100	REP-E	04-22-022	220-52-03000V	REP-E	04-14-004
220-33-03000U	REP-E	04-09-018	220-47-41100X	NEW-E	04-22-022	220-52-03000	NEW-E	04-16-031
220-33-04000U	REP-E	04-07-117	220-47-41100X	REP-E	04-22-022	220-52-03000	REP-E	04-16-031
220-33-04000V	NEW-E	04-07-117	220-47-41100Y	NEW-E	04-22-062	220-52-03000	REP-E	04-16-127
220-33-04000V	REP-E	04-07-117	220-47-41100Y	REP-E	04-22-062	220-52-03000	REP-E	04-17-055
220-33-04000	NEW-E	05-01-176A	220-47-41100Y	REP-E	04-23-014	220-52-03000X	NEW-E	04-16-127
220-33-04000	REP-E	05-01-176A	220-47-41100Z	NEW-E	04-23-014	220-52-03000X	REP-E	04-17-055
220-33-070	NEW-W	04-10-074	220-47-41100Z	REP-E	04-23-014	220-52-03000Y	NEW-E	04-18-052
220-36-023	AMD-X	04-11-109	220-47-41100Z	REP-E	04-23-056	220-52-03000Y	REP-E	04-18-052
220-36-023	AMD	04-16-013	220-47-428	AMD-X	04-12-129	220-52-04000A	NEW-E	04-13-024
220-40-027	AMD-X	04-11-109	220-47-428	AMD	04-16-125	220-52-04000A	REP-E	04-13-024
220-40-027	AMD	04-16-013	220-47-430	REP-X	04-12-129	220-52-04000B	NEW-E	04-13-060
220-40-02700E	NEW-E	04-19-059	220-47-430	REP	04-16-125	220-52-04000B	REP-E	04-13-060
220-40-02700E	REP-E	04-19-059	220-47-601	NEW-E	04-16-030	220-52-04000C	NEW-E	04-19-082
220-40-02700E	REP-E	04-20-016	220-47-601	REP-E	04-16-049	220-52-04000C	REP-E	04-20-034
220-40-02700F	NEW-E	04-20-016	220-47-602	NEW-E	04-16-049	220-52-04000D	NEW-E	04-20-034
220-40-02700F	REP-E	04-20-016	220-47-602	REP-E	04-16-072	220-52-04000D	REP-E	04-22-002
220-44-05000A	NEW-E	04-03-010C	220-47-603	NEW-E	04-16-072	220-52-04000E	NEW-E	04-22-002
220-44-05000A	REP-E	04-12-012	220-47-603	REP-E	04-17-028	220-52-04000E	REP-E	04-23-083
220-44-05000B	NEW-E	04-12-012	220-47-604	NEW-E	04-17-028	220-52-04000F	NEW-E	04-23-083
220-44-05000B	REP-E	04-21-002	220-47-604	REP-E	04-18-008	220-52-04000G	NEW-E	04-24-034
220-44-05000C	NEW-E	04-21-002	220-47-605	NEW-E	04-18-008	220-52-04000U	REP-E	04-05-007
220-44-05000C	REP-E	05-02-027	220-47-605	REP-E	04-18-084	220-52-04000V	NEW-E	04-05-007
220-44-05000D	NEW-E	05-02-027	220-47-606	NEW-E	04-18-084	220-52-04000V	REP-E	04-05-014
220-44-05000Z	REP-E	04-03-010C	220-47-606	REP-E	04-19-066	220-52-04000	NEW-E	04-05-014
220-47-301	AMD-X	04-12-129	220-47-606	REP-E	04-19-066	220-52-04000	REP-E	04-06-003
220-47-301	AMD	04-16-125	220-47-607	NEW-E	04-19-066	220-52-04000X	NEW-E	04-06-003
220-47-302	AMD-X	04-12-129	220-47-607	REP-E	04-20-011	220-52-04000X	REP-E	04-07-013
220-47-302	AMD	04-16-125	220-47-608	NEW-E	04-20-011	220-52-04000Y	NEW-E	04-07-013
220-47-303	AMD-X	04-12-129	220-47-608	REP-E	04-20-011	220-52-04000Y	NEW-E	04-07-013
220-47-303	AMD	04-16-125	220-48-01500T	NEW-E	04-07-029	220-52-04000Y	REP-E	04-07-019
220-47-307	AMD-X	04-12-129	220-48-01500T	REP-E	04-14-047	220-52-04000Z	NEW-E	04-07-019
220-47-307	AMD	04-16-125	220-48-01500U	NEW-E	04-14-047	220-52-04600D	REP-E	04-03-049
220-47-311	AMD-X	04-12-129	220-48-029	AMD-P	04-13-005	220-52-04600F	REP-E	04-05-007
220-47-311	AMD	04-16-125	220-48-029	AMD	04-17-098	220-52-04600G	NEW-E	04-03-049
220-47-31100A	NEW-E	04-24-008	220-48-02900D	NEW-E	04-05-056	220-52-04600G	REP-E	04-06-042
220-47-31100T	NEW-E	04-21-044	220-48-02900D	REP-E	04-13-055	220-52-04600H	NEW-E	04-05-007
220-47-31100T	REP-E	04-21-044	220-48-02900E	NEW-E	04-13-055	220-52-04600H	REP-E	04-06-013
220-47-31100U	NEW-E	04-22-018	220-48-02900F	NEW-E	04-14-007	220-52-04600I	NEW-E	04-06-013
220-47-31100U	REP-E	04-22-018	220-48-032	AMD-P	04-13-005	220-52-04600I	REP-E	04-07-013
220-47-31100V	NEW-E	04-22-022	220-48-032	AMD	04-17-098	220-52-04600J	NEW-E	04-06-042
220-47-31100V	REP-E	04-22-022	220-48-03200C	NEW-E	04-05-056	220-52-04600J	REP-E	04-08-038
220-47-31100	NEW-E	04-22-062	220-48-03200C	REP-E	04-13-055	220-52-04600K	NEW-E	04-07-013
220-47-31100	REP-E	04-22-062	220-48-03200D	NEW-E	04-13-055	220-52-04600K	REP-E	04-07-042
220-47-31100	REP-E	04-23-001	220-48-03200E	NEW-E	04-14-007	220-52-04600L	NEW-E	04-07-042
220-47-31100X	NEW-E	04-23-001	220-48-062	AMD-P	04-13-005	220-52-04600L	REP-E	04-13-024
220-47-31100X	REP-E	04-23-001	220-48-062	AMD	04-17-098	220-52-04600	NEW-E	04-08-038
220-47-31100X	REP-E	04-23-014	220-48-06200C	NEW-E	04-05-056	220-52-04600	REP-E	04-08-038
220-47-31100Y	NEW-E	04-23-014	220-48-06200C	REP-E	04-13-055	220-52-04600N	NEW-E	04-13-024
220-47-31100Y	REP-E	04-23-014	220-48-06200D	NEW-E	04-13-055	220-52-04600N	REP-E	04-13-024
			220-49-020	AMD-P	04-13-005	220-52-04600P	NEW-E	04-13-060

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 52-04600P	REP-E	04-13-060	220- 52-07100K	NEW-E	04-20-007	220- 56-25500L	NEW-E	04-10-043
220- 52-04600Q	NEW-E	04-19-082	220- 52-07100K	REP-E	04-20-047	220- 56-25500L	REP-E	04-12-002
220- 52-04600Q	REP-E	04-21-045	220- 52-073	AMD-P	04-13-033	220- 56-25500	NEW-E	04-12-002
220- 52-04600R	NEW-E	04-21-045	220- 52-073	AMD	04-17-096	220- 56-25500	REP-E	04-12-032
220- 52-04600S	NEW-E	04-24-032	220- 52-07300J	REP-E	04-03-010B	220- 56-25500N	NEW-E	04-12-032
220- 52-04600S	REP-E	04-24-032	220- 52-07300K	NEW-E	04-03-010B	220- 56-25500N	REP-E	04-13-026
220- 52-04600S	REP-E	05-01-087	220- 52-07300K	REP-E	04-03-074	220- 56-25500P	NEW-E	04-13-026
220- 52-04600T	NEW-E	04-24-033	220- 52-07300L	NEW-E	04-03-074	220- 56-25500P	REP-E	04-14-024
220- 52-04600U	NEW-E	05-01-087	220- 52-07300L	REP-E	04-06-012	220- 56-25500Q	NEW-E	04-14-024
220- 52-04600U	REP-E	05-02-002	220- 52-07300	NEW-E	04-20-006	220- 56-25500Q	REP-E	04-16-004
220- 52-04600V	NEW-E	05-02-002	220- 52-07300	REP-E	05-01-067	220- 56-25500R	NEW-E	04-16-004
220- 52-04600	NEW-E	05-02-028	220- 52-07300	REP-E	05-01-078	220- 56-25500R	REP-E	04-16-004
220- 52-05100A	NEW-E	04-16-048	220- 52-07300N	NEW-E	05-01-067	220- 56-26500A	NEW-E	04-23-071
220- 52-05100A	REP-E	04-16-073	220- 52-07300N	REP-E	05-01-078	220- 56-267	AMD-P	04-13-005
220- 52-05100B	NEW-E	04-16-073	220- 52-07300P	NEW-E	05-01-078	220- 56-267	AMD	04-17-098
220- 52-05100B	REP-E	04-16-089	220- 52-07300P	REP-E	05-02-023	220- 56-26700B	NEW-E	04-05-057
220- 52-05100C	NEW-E	04-16-089	220- 52-07300Q	NEW-E	05-02-023	220- 56-26700B	REP-E	04-13-056
220- 52-05100C	REP-E	04-17-004	220- 55-061	NEW-P	04-05-068	220- 56-26700C	NEW-E	04-13-056
220- 52-05100D	NEW-E	04-17-004	220- 55-061	NEW	04-08-063	220- 56-270	AMD-P	04-13-005
220- 52-05100D	REP-E	04-17-014	220- 55-115	AMD-P	04-13-061	220- 56-270	AMD	04-17-098
220- 52-05100E	NEW-E	04-17-014	220- 55-115	AMD	04-17-097	220- 56-27000R	REP-E	04-07-116
220- 52-05100E	REP-E	04-17-055	220- 56-100	AMD-W	04-05-060	220- 56-27000R	REP-E	04-07-123
220- 52-05100F	NEW-E	04-17-055	220- 56-100	AMD	04-07-009	220- 56-27000S	NEW-E	04-05-057
220- 52-05100F	REP-E	04-17-095	220- 56-100	AMD-X	04-11-119	220- 56-27000S	REP-E	04-13-056
220- 52-05100G	NEW-E	04-17-095	220- 56-100	AMD	04-24-030	220- 56-27000T	NEW-E	04-07-116
220- 52-05100G	REP-E	04-18-131	220- 56-10000C	NEW-E	04-10-034	220- 56-27000T	REP-E	04-07-116
220- 52-05100H	NEW-E	04-18-131	220- 56-115	AMD	04-07-009	220- 56-27000T	REP-E	04-07-123
220- 52-05100H	REP-E	04-19-096	220- 56-115	AMD-P	04-19-117	220- 56-27000U	NEW-E	04-07-123
220- 52-05100I	NEW-E	04-19-096	220- 56-118	NEW	04-07-009	220- 56-27000U	REP-E	04-07-123
220- 52-05100I	REP-E	04-21-030	220- 56-118	AMD-P	04-19-117	220- 56-27000V	NEW-E	04-13-056
220- 52-05100J	NEW-E	04-21-030	220- 56-123	AMD-X	04-11-119	220- 56-27000	NEW-E	05-01-177
220- 52-05100J	REP-E	04-22-048	220- 56-123	AMD	04-24-030	220- 56-27000	REP-E	05-01-177
220- 52-05100P	NEW-E	04-09-007	220- 56-128	AMD-X	04-11-119	220- 56-282	AMD	04-07-009
220- 52-05100P	REP-E	04-10-025	220- 56-128	AMD-P	04-13-005	220- 56-282	AMD-P	04-19-117
220- 52-05100Q	NEW-E	04-10-025	220- 56-128	AMD	04-17-098	220- 56-28200G	NEW-E	05-01-228
220- 52-05100Q	REP-E	04-11-044	220- 56-128	AMD-P	04-19-117	220- 56-310	AMD	04-07-009
220- 52-05100R	NEW-E	04-11-044	220- 56-128	AMD	04-24-030	220- 56-310	AMD-P	04-13-023
220- 52-05100R	REP-E	04-13-007	220- 56-12800H	NEW-E	04-10-034	220- 56-310	AMD	04-17-088
220- 52-05100S	NEW-E	04-13-007	220- 56-129	AMD-P	04-19-117	220- 56-310	AMD-P	04-19-117
220- 52-05100S	REP-E	04-13-027	220- 56-130	AMD-P	04-19-117	220- 56-31000V	NEW-E	04-18-041
220- 52-05100T	NEW-E	04-13-027	220- 56-150	AMD	04-07-009	220- 56-315	AMD	04-07-009
220- 52-05100T	REP-E	04-13-082	220- 56-156	AMD-P	04-19-064	220- 56-315	AMD-P	04-19-117
220- 52-05100U	NEW-E	04-13-082	220- 56-175	AMD	04-10-033	220- 56-320	AMD-P	04-19-117
220- 52-05100U	REP-E	04-14-058	220- 56-180	AMD-X	04-11-119	220- 56-325	AMD	04-07-009
220- 52-05100V	NEW-E	04-14-058	220- 56-180	AMD	04-24-030	220- 56-325	AMD-P	04-19-117
220- 52-05100V	REP-E	04-15-024	220- 56-18000C	NEW-E	04-10-034	220- 56-32500K	NEW-E	04-09-020
220- 52-05100	NEW-E	04-15-024	220- 56-195	AMD-X	04-11-119	220- 56-32500K	REP-E	04-09-052
220- 52-05100	REP-E	04-15-087	220- 56-195	AMD	04-24-030	220- 56-32500L	NEW-E	04-09-052
220- 52-05100X	NEW-E	04-15-087	220- 56-19500	NEW-E	04-10-034	220- 56-32500L	REP-E	04-09-102
220- 52-05100X	REP-E	04-15-132	220- 56-215	AMD	04-07-009	220- 56-32500	NEW-E	04-09-102
220- 52-05100Y	NEW-E	04-15-132	220- 56-232	NEW-W	04-10-077	220- 56-32500	REP-E	04-10-028
220- 52-05100Y	REP-E	04-16-022	220- 56-235	AMD	04-07-009	220- 56-32500N	NEW-E	04-10-028
220- 52-05100Z	NEW-E	04-16-022	220- 56-235	AMD-W	04-10-073	220- 56-32500N	REP-E	04-11-014
220- 52-05100Z	REP-E	04-16-048	220- 56-235	AMD-P	04-13-005	220- 56-32500P	NEW-E	04-11-014
220- 52-07100D	NEW-E	04-03-031	220- 56-235	AMD	04-17-098	220- 56-32500P	REP-E	04-11-077
220- 52-07100D	REP-E	04-05-008	220- 56-23500S	NEW-E	04-05-057	220- 56-32500Q	NEW-E	04-11-077
220- 52-07100E	NEW-E	04-05-008	220- 56-23500S	REP-E	04-13-056	220- 56-32500Q	REP-E	04-12-036
220- 52-07100E	REP-E	04-05-045	220- 56-23500T	NEW-E	04-07-006	220- 56-32500R	NEW-E	04-12-036
220- 52-07100F	NEW-E	04-05-045	220- 56-23500T	REP-E	04-07-006	220- 56-32500R	REP-E	04-12-061
220- 52-07100F	REP-E	04-06-041	220- 56-23500U	NEW-E	04-13-056	220- 56-32500S	NEW-E	04-12-061
220- 52-07100G	NEW-E	04-06-041	220- 56-250	AMD	04-07-009	220- 56-32500S	REP-E	04-13-034
220- 52-07100H	NEW-E	04-14-093	220- 56-250	AMD-W	04-10-073	220- 56-32500T	NEW-E	04-13-034
220- 52-07100H	REP-E	04-16-012	220- 56-25000F	NEW-E	04-07-005	220- 56-32500T	REP-E	04-13-093
220- 52-07100I	NEW-E	04-16-012	220- 56-25000G	NEW-E	04-10-042	220- 56-32500U	NEW-E	04-13-093
220- 52-07100I	REP-E	04-17-071	220- 56-25000G	REP-E	04-10-042	220- 56-32500U	REP-E	04-15-023
220- 52-07100J	NEW-E	04-17-071	220- 56-25500K	NEW-E	04-10-027	220- 56-32500V	NEW-E	04-15-023
220- 52-07100J	REP-E	04-20-007	220- 56-25500K	REP-E	04-10-043	220- 56-32500V	REP-E	04-21-016

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220-56-326	AMD-P	04-19-117	220-69-236	AMD	04-17-096	220-72-09000C	NEW-E	04-08-037
220-56-330	AMD	04-07-009	220-69-236	AMD-P	04-19-117	220-72-092	REP-P	04-21-072
220-56-330	AMD-P	04-19-117	220-69-240	AMD-P	04-13-033	220-72-092	REP	05-01-113
220-56-33000J	NEW-E	04-13-004	220-69-240	AMD-P	04-13-193	220-88B-030	AMD	04-05-027
220-56-33000J	REP-E	04-13-028	220-69-240	AMD	04-17-096	220-88B-040	AMD	04-05-027
220-56-33000K	NEW-E	04-13-008	220-69-240	AMD-P	05-01-229	220-88C-030	AMD-P	04-07-186
220-56-33000K	REP-E	04-18-072	220-69-241	AMD	04-05-028	220-88C-030	AMD	04-10-035
220-56-33000L	NEW-E	04-13-066	220-69-241	AMD-P	04-13-193	220-88C-03000	NEW-E	04-10-041
220-56-33000L	REP-E	04-13-066	220-69-241	AMD	04-17-096	220-88C-040	AMD-P	04-07-186
220-56-33000	NEW-E	04-18-072	220-69-241	AMD-P	05-01-229	220-88C-040	AMD	04-10-035
220-56-33000	REP-E	04-19-065	220-69-242	AMD-P	04-13-193	220-88C-04000	NEW-E	04-10-041
220-56-33000N	NEW-E	04-19-065	220-69-242	AMD	04-17-096	220-88C-04000	NEW-E	04-23-072
220-56-33000N	REP-E	05-01-117	220-69-243	AMD-P	04-13-193	220-88C-04000	REP-E	04-23-072
220-56-33000N	REP-E	05-01-118	220-69-243	AMD	04-17-096	220-88D-010	NEW-P	05-01-234
220-56-33000P	NEW-E	05-01-117	220-69-250	AMD-P	04-13-193	220-88D-020	NEW-P	05-01-234
220-56-33000P	NEW-E	05-01-118	220-69-250	AMD	04-17-096	220-88D-030	NEW-P	05-01-234
220-56-335	AMD	04-07-009	220-69-254	AMD-P	04-13-193	220-88D-040	NEW-P	05-01-234
220-56-350	AMD	04-07-009	220-69-254	AMD	04-17-096	220-88D-050	NEW-P	05-01-234
220-56-350	AMD-P	04-19-117	220-69-260	AMD-P	04-13-193	220-100-110	AMD-X	04-09-046
220-56-35000Q	NEW-E	04-03-010A	220-69-260	AMD	04-17-096	220-100-110	AMD	04-14-006
220-56-35000Q	REP-E	04-06-035	220-69-262	REP-P	04-13-193	220-110-035	PREP	04-04-008
220-56-35000R	NEW-E	04-06-035	220-69-262	REP	04-17-096	220-110-035	AMD-P	04-08-064
220-56-35000R	REP-E	04-07-043	220-69-262	REP	04-17-096	220-110-035	AMD-C	04-17-013
220-56-35000S	NEW-E	04-07-043	220-69-264	AMD-P	04-13-193	220-110-035	AMD	04-23-062
220-56-35000S	REP-E	04-09-006	220-69-264	AMD	04-17-096	220-120-010	REP-P	04-13-141
220-56-35000T	NEW-E	04-09-006	220-69-26401	AMD-P	04-13-193	220-120-010	REP	04-18-051
220-56-35000U	NEW-E	05-01-131	220-69-26401	AMD	04-17-096	220-120-020	REP-P	04-13-141
220-56-36000A	NEW-E	04-10-070	220-69-26401A	NEW-E	05-01-157	220-120-020	REP	04-18-051
220-56-36000A	REP-E	04-10-070	220-69-270	AMD-P	04-19-097	220-120-030	REP-P	04-13-141
220-56-36000B	NEW-E	04-21-019	220-69-270	AMD	04-13-193	220-120-030	REP	04-18-051
220-56-36000B	REP-E	04-21-019	220-69-274	AMD-P	04-17-096	220-120-040	REP-P	04-13-141
220-56-36000C	NEW-E	04-23-013	220-69-274	AMD	04-17-096	220-120-040	REP	04-18-051
220-56-36000C	REP-E	04-23-013	220-69-280	AMD-P	04-13-193	220-120-050	REP-P	04-13-141
220-56-36000D	NEW-E	05-01-029	220-69-280	AMD	04-17-096	220-120-050	REP	04-18-051
220-56-36000D	REP-E	05-01-029	220-69-280	AMD-P	05-01-229	220-120-060	REP-P	04-13-141
220-56-36000	NEW-E	04-03-048	220-69-28000A	NEW-E	04-19-097	220-120-060	REP	04-18-051
220-56-36000	REP-E	04-03-048	220-69-300	AMD-P	04-13-193	220-120-070	REP-P	04-13-141
220-56-36000X	NEW-E	04-05-100	220-69-300	AMD	04-17-096	220-120-070	REP	04-18-051
220-56-36000X	REP-E	04-05-100	220-69-310	NEW-P	05-01-229	220-120-080	REP-P	04-13-141
220-56-36000Y	NEW-E	04-07-097	220-72-002	REP-P	04-21-072	220-120-080	REP	04-18-051
220-56-36000Y	REP-E	04-07-097	220-72-002	REP	05-01-113	220-120-090	REP-P	04-13-141
220-56-36000Z	NEW-E	04-09-058	220-72-01000B	NEW-E	04-08-037	220-120-090	REP	04-18-051
220-56-36000Z	REP-E	04-09-058	220-72-011	AMD-P	04-05-069	220-120-100	REP-P	04-13-141
220-56-370	REP	04-07-009	220-72-011	AMD-W	04-18-074	220-120-100	REP	04-18-051
220-56-380	AMD	04-07-009	220-72-011	AMD-P	04-21-072	220-125-010	AMD	04-05-026
220-56-380	AMD-P	04-19-117	220-72-011	AMD	05-01-113	220-130-04000	NEW-E	04-16-047
220-56-38000G	NEW-E	04-03-010A	220-72-070	REP-P	04-21-072	222	PREP	04-23-097
220-56-38000H	NEW-E	05-01-131	220-72-070	REP	05-01-113	222-08-010	AMD	04-05-122
220-56-390	AMD-P	04-13-005	220-72-073	REP-P	04-21-072	222-08-020	AMD	04-05-122
220-56-390	AMD	04-17-098	220-72-073	REP	05-01-113	222-08-020	DECOD	04-05-122
220-56-39000B	NEW-E	04-05-057	220-72-076	AMD-P	04-21-072	222-08-030	AMD	04-05-122
220-56-39000B	REP-E	04-13-056	220-72-076	AMD	05-01-113	222-08-030	DECOD	04-05-122
220-56-39000C	NEW-E	04-13-056	220-72-079	REP-P	04-21-072	222-08-035	DECOD	04-05-122
220-56-410	AMD-P	04-13-005	220-72-079	REP	05-01-113	222-08-040	AMD	04-05-122
220-56-410	AMD	04-17-098	220-72-085	REP-P	04-21-072	222-08-050	NEW	04-05-122
220-56-41000A	NEW-E	04-05-057	220-72-085	REP	05-01-113	222-08-060	NEW	04-05-122
220-56-41000A	REP-E	04-13-056	220-72-087	REP-P	04-21-072	222-08-070	NEW	04-05-122
220-56-41000B	NEW-E	04-13-056	220-72-087	REP	05-01-113	222-08-080	NEW	04-05-122
220-69-210	AMD-P	04-13-193	220-72-089	AMD-P	04-05-069	222-08-090	NEW	04-05-122
220-69-210	AMD	04-17-096	220-72-089	AMD-W	04-18-074	222-08-100	NEW	04-05-122
220-69-215	AMD-P	04-13-193	220-72-089	AMD-P	04-21-072	222-08-120	NEW	04-05-122
220-69-215	AMD	04-17-096	220-72-089	AMD	05-01-113	222-08-130	NEW	04-05-122
220-69-220	AMD-P	04-13-193	220-72-08900C	NEW-E	04-08-037	222-08-140	RECOD	04-05-122
220-69-220	AMD	04-17-096	220-72-090	AMD-P	04-05-069	222-08-150	RECOD	04-05-122
220-69-23402	AMD-P	04-13-193	220-72-090	AMD-W	04-18-074	222-08-160	RECOD	04-05-122
220-69-23402	AMD	04-17-096	220-72-090	REP-P	04-21-072	222-08-160	AMD-P	04-24-088
220-69-236	AMD-P	04-13-193	220-72-090	REP	05-01-113	222-12-010	AMD-P	04-24-088

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222- 12-090	AMD	04-05-087	232- 12-014	AMD	04-11-036	232- 28-337	AMD	04-11-036
222- 12-090	AMD-P	04-24-088	232- 12-019	AMD	04-07-009	232- 28-33700B	NEW-E	04-19-025
222- 16-010	AMD	04-05-087	232- 12-021	AMD-E	04-17-060	232- 28-341	AMD-P	04-05-112
222- 16-010	AMD-P	04-24-088	232- 12-021	AMD-P	04-21-095	232- 28-341	AMD	04-11-036
222- 22-010	AMD-P	04-24-088	232- 12-02100A	NEW-E	05-01-176	232- 28-341	AMD-P	04-13-169
222- 22-020	AMD-P	04-24-088	232- 12-047	AMD-P	04-05-106	232- 28-341	AMD	04-21-036
222- 22-045	NEW-P	04-24-088	232- 12-047	AMD	04-11-036	232- 28-351	AMD-P	04-05-107
222- 22-050	AMD-P	04-24-088	232- 12-054	AMD-P	04-05-106	232- 28-351	AMD	04-11-036
222- 22-060	AMD-P	04-24-088	232- 12-054	AMD	04-11-036	232- 28-35100B	NEW-E	04-22-004
222- 22-070	AMD-P	04-24-088	232- 12-064	AMD-P	04-05-099	232- 28-352	AMD-P	04-05-108
222- 22-080	AMD-P	04-24-088	232- 12-064	AMD	04-11-036	232- 28-352	AMD	04-11-036
222- 22-090	AMD-P	04-24-088	232- 12-06800B	NEW-E	04-19-058	232- 28-35200C	NEW-E	04-22-004
230- 02-030	AMD-X	04-12-038	232- 12-129	AMD-P	04-21-096	232- 28-427	REP-P	04-13-171
230- 02-030	AMD	04-17-066	232- 12-168	AMD	04-07-009	232- 28-427	REP	04-17-061
230- 02-035	AMD-X	04-12-038	232- 12-224	REP-P	04-13-038	232- 28-428	NEW-P	04-13-171
230- 02-035	AMD	04-17-066	232- 12-224	REP-C	04-17-081	232- 28-428	NEW	04-17-061
230- 02-205	AMD-P	04-15-049	232- 12-224	REP	04-23-040	232- 28-515	AMD-P	04-13-166
230- 02-205	AMD	04-19-069	232- 12-243	AMD-P	04-13-165	232- 28-515	AMD	04-17-061
230- 02-205	AMD-P	04-20-107	232- 12-243	AMD	04-21-036	232- 28-619	AMD	04-07-009
230- 04-124	AMD-W	04-05-059	232- 12-271	AMD-P	04-05-099	232- 28-619	AMD-X	04-11-069
230- 04-192	REP-P	04-05-078	232- 12-271	AMD	04-11-036	232- 28-619	AMD-X	04-11-119
230- 04-192	REP	04-09-028	232- 12-275	AMD-P	04-13-167	232- 28-619	AMD-P	04-13-094
230- 04-196	REP-P	04-05-078	232- 12-275	AMD	04-20-020	232- 28-619	AMD	04-16-046
230- 04-196	REP	04-09-028	232- 12-31500K	REP-E	04-08-065	232- 28-619	AMD	04-19-012
230- 04-208	NEW-P	04-17-124	232- 12-31500L	NEW-E	04-08-065	232- 28-619	AMD-P	04-19-117
230- 04-208	NEW	04-24-036	232- 12-31500L	REP-E	04-08-065	232- 28-619	AMD-X	04-22-121
230- 12-045	AMD-P	04-07-103	232- 12-31500	NEW-E	05-01-093	232- 28-61900A	NEW-E	04-09-103
230- 12-045	AMD	04-11-091	232- 12-619	AMD	04-07-009	232- 28-61900A	REP-E	04-09-103
230- 12-330	AMD-P	04-11-090	232- 12-619	AMD-X	04-11-119	232- 28-61900A	REP-E	04-11-003
230- 12-330	AMD-W	04-24-067	232- 12-619	AMD-P	04-13-094	232- 28-61900A	NEW-E	04-15-022
230- 12-340	AMD-P	04-11-090	232- 12-619	AMD	04-19-012	232- 28-61900A	NEW-E	05-01-228
230- 12-340	AMD-W	04-24-067	232- 12-619	AMD-P	04-19-117	232- 28-61900A	REP-E	05-01-228
230- 20-059	AMD	04-07-102	232- 12-619	AMD-W	04-24-069	232- 28-61900B	NEW-E	04-10-005
230- 30-033	AMD-P	04-09-088	232- 12-61900V	NEW-E	04-10-034	232- 28-61900B	REP-E	04-10-005
230- 30-033	AMD	04-15-047	232- 12-828	AMD-P	04-05-106	232- 28-61900B	REP-E	04-10-036
230- 30-033	AMD-P	04-19-093	232- 12-828	AMD	04-11-036	232- 28-61900B	NEW-E	04-15-044
230- 30-072	AMD-P	04-02-045	232- 16-270	REP-P	04-13-168	232- 28-61900B	REP-E	04-15-044
230- 30-072	AMD-W	04-15-108	232- 16-270	REP	04-17-061	232- 28-61900C	NEW-E	04-10-034
230- 40-070	PREP	04-04-061	232- 16-610	NEW-P	04-13-168	232- 28-61900C	REP-E	04-13-069
230- 40-070	AMD-P	04-07-147	232- 16-610	NEW	04-17-061	232- 28-61900C	NEW-E	04-15-146
230- 40-070	AMD-P	04-09-087	232- 16-740	AMD-P	04-13-168	232- 28-61900C	REP-E	04-15-146
230- 40-070	AMD	04-11-092	232- 16-740	AMD	04-17-061	232- 28-61900D	NEW-E	04-10-036
230- 40-070	AMD	04-17-125	232- 28-248	AMD-P	04-05-115	232- 28-61900D	REP-E	04-10-036
230- 40-120	AMD-C	04-04-036	232- 28-248	AMD	04-11-036	232- 28-61900D	REP-E	04-11-002
230- 40-120	AMD	04-06-005	232- 28-248	AMD-P	04-21-100	232- 28-61900D	NEW-E	04-16-005
230- 40-120	AMD-W	04-07-051	232- 28-26600A	NEW-E	04-19-020	232- 28-61900D	REP-E	04-16-069
230- 40-120	AMD-P	04-15-048	232- 28-271	AMD	04-03-026	232- 28-61900E	NEW-E	04-10-063
230- 40-120	AMD	04-19-068	232- 28-271	AMD-P	04-21-101	232- 28-61900E	REP-E	04-12-060
230- 40-554	AMD-P	04-19-095	232- 28-272	AMD-P	04-05-109	232- 28-61900E	NEW-E	04-16-011
230- 40-554	AMD	04-24-039	232- 28-272	AMD	04-11-036	232- 28-61900E	REP-E	04-18-032
230- 40-610	AMD-P	04-19-094	232- 28-272	AMD-P	04-13-165	232- 28-61900F	REP-E	04-07-004
230- 40-610	AMD-P	04-20-106	232- 28-272	AMD	04-21-036	232- 28-61900F	NEW-E	04-11-002
230- 40-610	AMD	04-24-038	232- 28-273	AMD-P	04-05-111	232- 28-61900F	REP-E	04-11-073
230- 40-625	AMD-P	04-11-089	232- 28-273	AMD	04-11-036	232- 28-61900F	NEW-E	04-16-021
230- 40-625	AMD	04-19-070	232- 28-282	AMD-P	04-05-111	232- 28-61900F	REP-E	04-18-085
230- 40-625	AMD	04-19-137	232- 28-282	AMD	04-11-036	232- 28-61900G	NEW-E	04-03-047
230- 40-823	AMD	04-06-058	232- 28-284	NEW-P	04-21-097	232- 28-61900G	REP-E	04-03-047
230- 40-825	AMD-P	04-11-089	232- 28-285	NEW-P	04-13-170	232- 28-61900G	REP-E	04-04-028
230- 40-825	AMD-P	04-19-021	232- 28-285	NEW	04-21-036	232- 28-61900G	NEW-E	04-11-003
230- 40-825	AMD	04-19-070	232- 28-291	AMD-P	04-21-099	232- 28-61900G	REP-E	04-11-003
230- 40-825	AMD	04-19-137	232- 28-29100B	NEW-E	04-19-011	232- 28-61900G	NEW-E	04-16-023
230- 40-825	AMD	05-01-023A	232- 28-333	AMD-P	04-05-113	232- 28-61900G	REP-E	04-17-136
232- 12-004	AMD-P	04-05-099	232- 28-333	AMD-W	04-18-075	232- 28-61900H	NEW-E	04-04-028
232- 12-004	AMD	04-11-036	232- 28-333	AMD-P	04-21-098	232- 28-61900H	REP-E	04-04-028
232- 12-005	NEW-P	04-05-099	232- 28-335	AMD-P	04-05-114	232- 28-61900H	REP-E	04-05-032
232- 12-005	NEW	04-11-036	232- 28-335	AMD	04-11-036	232- 28-61900H	NEW-E	04-11-021

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-61900H	REP-E	04-11-021	232-28-61900U	NEW-E	04-09-047	236-22-020	DECOD-P	04-20-084
232-28-61900H	NEW-E	04-16-069	232-28-61900U	REP-E	04-14-059	236-22-030	AMD-P	04-20-084
232-28-61900H	REP-E	04-19-006	232-28-61900U	NEW-E	04-20-082	236-22-030	DECOD-P	04-20-084
232-28-61900I	NEW-E	04-04-060	232-28-61900U	REP-E	04-20-082	236-22-031	AMD-P	04-20-084
232-28-61900I	NEW-E	04-11-050	232-28-61900V	NEW-E	04-09-019	236-22-031	DECOD-P	04-20-084
232-28-61900I	REP-E	04-11-050	232-28-61900V	REP-E	04-09-019	236-22-032	DECOD-P	04-20-084
232-28-61900I	NEW-E	04-16-041	232-28-61900V	NEW-E	04-21-017	236-22-033	DECOD-P	04-20-084
232-28-61900I	REP-E	04-16-041	232-28-61900V	REP-E	04-21-017	236-22-034	AMD-P	04-20-084
232-28-61900J	NEW-E	04-05-015	232-28-61900	NEW-E	04-09-023	236-22-034	DECOD-P	04-20-084
232-28-61900J	REP-E	04-05-015	232-28-61900	REP-E	04-09-023	236-22-035	DECOD-P	04-20-084
232-28-61900J	NEW-E	04-11-076	232-28-61900	REP-E	04-09-103	236-22-036	AMD-P	04-20-084
232-28-61900J	REP-E	04-11-076	232-28-61900	NEW-E	04-14-057	236-22-036	DECOD-P	04-20-084
232-28-61900J	NEW-E	04-16-068	232-28-61900	NEW-E	04-22-061	236-22-037	AMD-P	04-20-084
232-28-61900K	NEW-E	04-05-033	232-28-61900	REP-E	04-22-061	236-22-037	DECOD-P	04-20-084
232-28-61900K	REP-E	04-05-033	232-28-61900X	NEW-E	04-09-022	236-22-038	AMD-P	04-20-084
232-28-61900K	REP-E	04-07-026	232-28-61900X	REP-E	04-09-022	236-22-038	DECOD-P	04-20-084
232-28-61900K	NEW-E	04-12-013	232-28-61900X	NEW-E	04-14-059	236-22-040	DECOD-P	04-20-084
232-28-61900K	REP-E	04-12-013	232-28-61900X	NEW-E	04-15-022	236-22-050	AMD-P	04-20-084
232-28-61900K	NEW-E	04-17-070	232-28-61900X	REP-E	04-15-022	236-22-050	DECOD-P	04-20-084
232-28-61900K	REP-E	04-17-070	232-28-61900Y	NEW-E	04-22-064	236-22-060	AMD-P	04-20-084
232-28-61900L	NEW-E	04-05-048	232-28-61900Y	NEW-E	04-09-048	236-22-060	DECOD-P	04-20-084
232-28-61900L	REP-E	04-05-048	232-28-61900Y	REP-E	04-11-072	236-22-070	AMD-P	04-20-084
232-28-61900L	NEW-E	04-12-033	232-28-61900Y	NEW-E	04-14-049	236-22-070	DECOD-P	04-20-084
232-28-61900L	REP-E	04-12-033	232-28-61900Y	REP-E	04-16-005	236-22-070	DECOD-P	04-20-084
232-28-61900L	NEW-E	04-17-137	232-28-61900Y	NEW-E	04-24-063	236-22-080	AMD-P	04-20-084
232-28-61900L	REP-E	04-17-137	232-28-61900Z	NEW-E	04-09-049	236-22-080	DECOD-P	04-20-084
232-28-61900	NEW-E	04-07-007	232-28-61900Z	REP-E	04-09-049	236-22-100	AMD-P	04-20-084
232-28-61900	REP-E	04-07-007	232-28-61900Z	REP-E	04-10-005	236-22-100	DECOD-P	04-20-084
232-28-61900	NEW-E	04-12-060	232-28-61900Z	NEW-E	04-14-091	236-22-200	AMD-P	04-20-084
232-28-61900	REP-E	04-14-049	232-28-61900Z	NEW-E	05-01-088	236-22-200	DECOD-P	04-20-084
232-28-61900	NEW-E	04-19-006	232-28-61900Z	REP-E	05-01-088	236-22-210	AMD-P	04-20-084
232-28-61900	REP-E	04-19-118	232-28-620	AMD-X	04-11-079	236-22-210	DECOD-P	04-20-084
232-28-61900N	NEW-E	04-07-004	232-28-620	AMD	04-16-006	236-51-001	NEW	04-07-104
232-28-61900N	REP-E	04-07-004	232-28-62000P	NEW-E	04-10-034	236-51-005	NEW	04-07-104
232-28-61900N	NEW-E	04-13-035	232-28-62000P	REP-E	04-13-142	236-51-006	NEW	04-07-104
232-28-61900N	REP-E	04-13-035	232-28-62000Q	NEW-E	04-13-142	236-51-010	NEW	04-07-104
232-28-61900N	NEW-E	04-19-063	232-28-62000Q	REP-E	04-15-110	236-51-100	NEW	04-07-104
232-28-61900P	NEW-E	04-07-026	232-28-62000R	NEW-E	04-15-110	236-51-110	NEW	04-07-104
232-28-61900P	REP-E	04-07-026	232-28-62000R	REP-E	04-17-059	236-51-115	NEW	04-07-104
232-28-61900P	REP-E	04-09-049	232-28-62000S	NEW-E	04-17-059	236-51-120	NEW	04-07-104
232-28-61900P	NEW-E	04-13-054	232-28-62000S	REP-E	04-18-021	236-51-200	NEW	04-07-104
232-28-61900P	REP-E	04-13-054	232-28-62000T	NEW-E	04-18-021	236-51-205	NEW	04-07-104
232-28-61900P	NEW-E	04-19-118	232-28-62000T	REP-E	04-18-021	236-51-210	NEW	04-07-104
232-28-61900P	REP-E	04-20-039	232-28-62000T	REP-E	04-18-053	236-51-215	NEW	04-07-104
232-28-61900Q	NEW-E	04-07-067	232-28-62000U	NEW-E	04-18-053	236-51-220	NEW	04-07-104
232-28-61900Q	REP-E	04-07-067	232-28-62000U	REP-E	04-18-053	236-51-225	NEW	04-07-104
232-28-61900Q	NEW-E	04-13-064	232-28-62000V	NEW-E	04-19-014	236-51-300	NEW	04-07-104
232-28-61900Q	REP-E	04-13-164	232-28-62000V	NEW-E	04-19-014	236-51-302	NEW	04-07-104
232-28-61900Q	NEW-E	04-20-039	232-28-62000V	REP-E	04-19-014	236-51-305	NEW	04-07-104
232-28-61900R	NEW-E	04-08-005	232-28-62000V	REP-E	04-19-035	236-51-306	NEW	04-07-104
232-28-61900R	REP-E	04-08-005	232-28-62000	NEW-E	04-19-035	236-51-310	NEW	04-07-104
232-28-61900R	REP-E	04-08-013	232-28-62000	REP-E	04-19-035	236-51-320	NEW	04-07-104
232-28-61900R	NEW-E	04-13-069	232-28-621	AMD-X	04-11-079	236-51-400	NEW	04-07-104
232-28-61900R	REP-E	04-16-021	232-28-621	AMD	04-16-006	236-51-405	NEW	04-07-104
232-28-61900R	NEW-E	04-20-036	232-28-62100N	NEW-E	04-10-034	236-51-410	NEW	04-07-104
232-28-61900R	REP-E	04-20-046	232-28-62100N	REP-E	04-13-068	236-51-500	NEW	04-07-104
232-28-61900S	NEW-E	04-08-013	232-28-62100P	NEW-E	04-13-068	236-51-502	NEW	04-07-104
232-28-61900S	NEW-E	04-13-164	232-28-62100P	REP-E	04-17-005	236-51-505	NEW	04-07-104
232-28-61900S	REP-E	04-14-008	232-28-62100Q	NEW-E	04-17-005	236-51-510	NEW	04-07-104
232-28-61900S	NEW-E	04-20-038	232-28-62100Q	REP-E	04-17-005	236-51-515	NEW	04-07-104
232-28-61900S	REP-E	04-20-038	236-12-290	AMD-P	04-05-101	236-51-600	NEW	04-07-104
232-28-61900T	NEW-E	04-08-049	236-12-290	AMD	04-18-064	236-51-605	NEW	04-07-104
232-28-61900T	REP-E	04-08-049	236-12-470	PREP	04-10-112	236-51-610	NEW	04-07-104
232-28-61900T	NEW-E	04-14-008	236-12-470	AMD-P	04-19-057	236-51-615	NEW	04-07-104
232-28-61900T	REP-E	04-14-091	236-22-010	AMD	04-24-080	236-51-620	NEW	04-07-104
232-28-61900T	NEW-E	04-20-046	236-22-010	AMD-P	04-20-084	236-51-700	NEW	04-07-104
232-28-61900T	REP-E	04-24-063	236-22-020	DECOD-P	04-20-084	236-51-710	NEW	04-07-104
				AMD-P	04-20-084	236-51-715	NEW	04-07-104

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
236-51-720	NEW	04-07-104	246-215-030	REP	04-22-111	246-215-240	AMD-P	04-16-109
236-51-725	NEW	04-07-104	246-215-031	NEW-P	04-16-109	246-215-240	AMD	04-22-111
236-51-730	NEW	04-07-104	246-215-031	NEW	04-22-111	246-215-250	REP-P	04-16-109
236-51-735	NEW	04-07-104	246-215-040	REP-P	04-16-109	246-215-250	REP	04-22-111
236-51-740	NEW	04-07-104	246-215-040	REP	04-22-111	246-215-251	NEW-P	04-16-109
236-51-745	NEW	04-07-104	246-215-041	NEW-P	04-16-109	246-215-251	NEW	04-22-111
242-02-210	AMD-P	04-18-111	246-215-041	NEW	04-22-111	246-215-260	AMD-P	04-16-109
242-02-210	AMD	04-21-046	246-215-050	REP-P	04-16-109	246-215-260	AMD	04-22-111
242-02-230	AMD-P	04-18-111	246-215-050	REP	04-22-111	246-215-270	REP-P	04-16-109
242-02-230	AMD	04-21-046	246-215-051	NEW-P	04-16-109	246-215-270	REP	04-22-111
242-02-240	AMD-P	04-18-111	246-215-051	NEW	04-22-111	246-215-280	AMD-P	04-16-109
242-02-240	AMD	04-21-046	246-215-060	REP-P	04-16-109	246-215-280	AMD	04-22-111
242-02-250	AMD-P	04-18-111	246-215-060	REP	04-22-111	246-215-290	AMD-P	04-16-109
242-02-250	AMD	04-21-046	246-215-061	NEW-P	04-16-109	246-215-290	AMD	04-22-111
242-02-270	AMD-P	04-18-111	246-215-061	NEW	04-22-111	246-215-300	AMD-P	04-16-109
242-02-270	AMD	04-21-046	246-215-070	REP-P	04-16-109	246-215-300	AMD	04-22-111
242-02-280	AMD-P	04-18-111	246-215-070	REP	04-22-111	246-215-311	NEW-P	04-16-109
242-02-280	AMD	04-21-046	246-215-071	NEW-P	04-16-109	246-215-311	NEW	04-22-111
242-02-310	AMD-P	04-18-111	246-215-071	NEW	04-22-111	246-217-010	PREP-W	04-06-020
242-02-310	AMD	04-21-046	246-215-080	REP-P	04-16-109	246-217-010	AMD-P	04-09-056
242-02-320	AMD-P	04-18-111	246-215-080	REP	04-22-111	246-217-010	AMD-C	04-11-097
242-02-320	AMD	04-21-046	246-215-081	NEW-P	04-16-109	246-217-010	AMD	04-16-100
242-02-340	AMD-P	04-18-111	246-215-081	NEW	04-22-111	246-217-015	PREP-W	04-06-020
242-02-340	AMD	04-21-046	246-215-090	REP-P	04-16-109	246-220-010	AMD-P	04-19-159
242-02-52001	AMD-P	04-18-111	246-215-090	REP	04-22-111	246-220-010	AMD	04-23-093
242-02-52001	AMD	04-21-046	246-215-091	NEW-P	04-16-109	246-221-010	AMD-P	04-19-159
242-02-893	AMD-P	04-18-111	246-215-091	NEW	04-22-111	246-221-010	AMD	04-23-093
242-02-893	AMD	04-21-046	246-215-100	REP-P	04-16-109	246-232-020	AMD	04-04-055
246-01	PREP	04-06-043	246-215-100	REP	04-22-111	246-232-040	AMD	04-04-055
246-08	PREP	04-06-043	246-215-110	REP-P	04-16-109	246-232-050	AMD	04-04-055
246-50	PREP	04-23-089	246-215-110	REP	04-22-111	246-232-060	AMD	04-04-055
246-50-001	AMD-W	04-02-066	246-215-120	REP-P	04-16-109	246-233-001	AMD	04-04-055
246-50-005	NEW-W	04-02-066	246-215-120	REP	04-22-111	246-233-005	NEW	04-04-055
246-50-010	AMD-W	04-02-066	246-215-121	NEW-P	04-16-109	246-233-015	NEW	04-04-055
246-50-020	AMD-W	04-02-066	246-215-121	NEW	04-22-111	246-233-020	AMD	04-04-055
246-50-030	AMD-W	04-02-066	246-215-130	REP-P	04-16-109	246-233-025	NEW	04-04-055
246-50-035	NEW-W	04-02-066	246-215-130	REP	04-22-111	246-233-030	NEW	04-04-055
246-50-040	REP-W	04-02-066	246-215-131	NEW-P	04-16-109	246-233-035	NEW	04-04-055
246-50-990	AMD-W	04-02-066	246-215-131	NEW	04-22-111	246-233-040	NEW	04-04-055
246-100-166	PREP	04-15-148	246-215-140	REP-P	04-16-109	246-235-093	AMD	04-04-055
246-101-015	PREP	04-12-119	246-215-140	REP	04-22-111	246-235-095	AMD	04-04-055
246-101-015	AMD-P	04-20-067	246-215-141	NEW-P	04-16-109	246-235-097	AMD	04-04-055
246-101-101	PREP	04-12-119	246-215-141	NEW	04-22-111	246-239	PREP	04-18-092
246-101-101	AMD-E	04-16-099	246-215-150	REP-P	04-16-109	246-239-080	AMD	04-04-055
246-101-101	AMD-P	04-20-067	246-215-150	REP	04-22-111	246-247-010	AMD-P	04-07-180
246-101-201	PREP	04-12-119	246-215-151	NEW-P	04-16-109	246-247-010	AMD	04-18-094
246-101-201	AMD-E	04-16-099	246-215-151	NEW	04-22-111	246-247-040	AMD-P	04-07-180
246-101-201	AMD-P	04-20-067	246-215-160	REP-P	04-16-109	246-247-040	AMD	04-18-094
246-101-301	PREP	04-12-119	246-215-160	REP	04-22-111	246-247-045	NEW-P	04-07-180
246-101-301	AMD-E	04-16-099	246-215-170	REP-P	04-16-109	246-247-045	NEW	04-18-094
246-101-301	AMD-P	04-20-067	246-215-170	REP	04-22-111	246-247-075	AMD-W	04-02-067
246-140-001	NEW-P	04-24-084	246-215-180	REP-P	04-16-109	246-247-075	AMD-P	04-07-180
246-140-010	NEW-P	04-24-084	246-215-180	REP	04-22-111	246-247-075	AMD	04-18-094
246-140-020	NEW-P	04-24-084	246-215-181	NEW-P	04-16-109	246-247-080	AMD-P	04-07-180
246-215-001	AMD-P	04-16-109	246-215-181	NEW	04-22-111	246-247-080	AMD	04-18-094
246-215-001	AMD	04-22-111	246-215-190	REP-P	04-16-109	246-247-085	AMD-P	04-07-180
246-215-005	NEW-P	04-16-109	246-215-190	REP	04-22-111	246-247-085	AMD	04-18-094
246-215-005	NEW	04-22-111	246-215-191	NEW-P	04-16-109	246-247-110	AMD-W	04-02-067
246-215-010	REP-P	04-16-109	246-215-191	NEW	04-22-111	246-247-110	AMD-P	04-07-180
246-215-010	REP	04-22-111	246-215-200	AMD-P	04-16-109	246-247-110	AMD	04-18-094
246-215-011	NEW-P	04-16-109	246-215-200	AMD	04-22-111	246-247-120	AMD-W	04-02-067
246-215-011	NEW	04-22-111	246-215-210	AMD-P	04-16-109	246-247-120	AMD-P	04-07-180
246-215-020	REP-P	04-16-109	246-215-210	AMD	04-22-111	246-247-120	AMD	04-18-094
246-215-020	REP	04-22-111	246-215-220	AMD-P	04-16-109	246-247-130	AMD-W	04-02-067
246-215-021	NEW-P	04-16-109	246-215-220	AMD	04-22-111	246-247-130	AMD-P	04-07-180
246-215-021	NEW	04-22-111	246-215-230	REP-P	04-16-109	246-247-130	AMD	04-18-094
246-215-030	REP-P	04-16-109	246-215-230	REP	04-22-111	246-254-053	AMD-P	04-07-181

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246-254-070	AMD-P	04-07-175	246-260-141	NEW	04-18-096	246-292-090	AMD-P	05-01-095
246-254-070	AMD	04-12-124	246-260-150	REP-P	04-08-099	246-292-100	AMD-P	05-01-095
246-254-080	AMD-P	04-07-175	246-260-150	REP	04-18-096	246-292-160	AMD-P	04-06-046
246-254-080	AMD	04-12-124	246-260-151	NEW-P	04-08-099	246-292-160	AMD-C	04-10-013
246-254-090	AMD	04-04-055	246-260-151	NEW	04-18-096	246-292-160	AMD	04-12-123
246-254-090	AMD-P	04-07-175	246-260-160	REP-P	04-08-099	246-294	PREP	04-15-147
246-254-090	AMD	04-12-124	246-260-160	REP	04-18-096	246-294-001	AMD	04-06-047
246-254-100	AMD-P	04-07-175	246-260-170	REP-P	04-08-099	246-294-010	AMD	04-06-047
246-254-100	AMD	04-12-124	246-260-170	REP	04-18-096	246-294-020	AMD	04-06-047
246-254-120	AMD-P	04-07-175	246-260-171	NEW-P	04-08-099	246-294-030	AMD	04-06-047
246-254-120	AMD	04-12-124	246-260-171	NEW	04-18-096	246-294-040	AMD	04-06-047
246-260	AMD-C	04-12-118	246-260-181	NEW-P	04-08-099	246-294-050	AMD	04-06-047
246-260-001	AMD-P	04-08-099	246-260-181	NEW	04-18-096	246-294-060	AMD	04-06-047
246-260-001	AMD	04-18-096	246-260-191	NEW-P	04-08-099	246-294-070	AMD	04-06-047
246-260-010	AMD-P	04-08-099	246-260-191	NEW	04-18-096	246-294-080	AMD	04-06-047
246-260-010	AMD	04-18-096	246-260-200	REP-P	04-08-099	246-294-090	AMD	04-06-047
246-260-020	REP-P	04-08-099	246-260-200	REP	04-18-096	246-310-010	AMD-X	04-10-014
246-260-020	REP	04-18-096	246-260-201	NEW-P	04-08-099	246-310-010	PREP	04-15-150
246-260-021	NEW-P	04-08-099	246-260-201	NEW	04-18-096	246-310-010	AMD	04-17-054
246-260-021	NEW	04-18-096	246-260-210	REP-P	04-08-099	246-310-132	REP-P	04-11-099
246-260-030	REP-P	04-08-099	246-260-210	REP	04-18-096	246-310-132	REP-C	04-24-017
246-260-030	REP	04-18-096	246-260-211	NEW-P	04-08-099	246-310-210	PREP	04-15-150
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246-260-031	NEW	04-18-096	246-260-220	REP-P	04-08-099	246-310-230	PREP	04-15-150
246-260-040	REP-P	04-08-099	246-260-220	REP	04-18-096	246-310-240	PREP	04-15-150
246-260-040	REP	04-18-096	246-260-221	NEW-P	04-08-099	246-310-261	AMD-P	04-11-099
246-260-041	NEW-P	04-08-099	246-260-221	NEW	04-18-096	246-310-261	AMD-C	04-24-017
246-260-041	NEW	04-18-096	246-260-230	REP-P	04-08-099	246-310-262	AMD-P	04-11-099
246-260-050	REP-P	04-08-099	246-260-230	REP	04-18-096	246-310-262	AMD-C	04-24-017
246-260-050	REP	04-18-096	246-260-240	REP-P	04-08-099	246-310-263	NEW-P	04-11-099
246-260-051	NEW-P	04-08-099	246-260-240	REP	04-18-096	246-310-263	NEW	04-24-016
246-260-051	NEW	04-18-096	246-260-250	REP-P	04-08-099	246-310-280	PREP	04-15-150
246-260-060	REP-P	04-08-099	246-260-250	REP	04-18-096	246-310-990	AMD-P	04-11-099
246-260-060	REP	04-18-096	246-260-260	REP-P	04-08-099	246-310-990	AMD-C	04-24-017
246-260-061	NEW-P	04-08-099	246-260-260	REP	04-18-096	246-320-010	AMD	04-11-057
246-260-061	NEW	04-18-096	246-260-999	NEW-P	04-08-099	246-320-370	NEW	04-11-057
246-260-070	REP-P	04-08-099	246-260-999	NEW	04-18-096	246-320-990	AMD-P	04-13-161
246-260-070	REP	04-18-096	246-260-99901	NEW-P	04-08-099	246-320-990	AMD	04-19-141
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246-260-071	NEW	04-18-096	246-260-99902	NEW-P	04-08-099	246-322-990	AMD	04-19-141
246-260-080	REP-P	04-08-099	246-260-99902	NEW	04-18-096	246-323-990	AMD-P	04-14-066
246-260-080	REP	04-18-096	246-272B	PREP	04-03-010	246-323-990	AMD	04-19-140
246-260-081	NEW-P	04-08-099	246-282-990	AMD-P	04-11-098	246-324-990	AMD-P	04-13-161
246-260-081	NEW	04-18-096	246-282-990	AMD	04-15-154	246-324-990	AMD	04-19-141
246-260-090	REP-P	04-08-099	246-290	PREP	04-06-044	246-325-990	AMD-P	04-13-161
246-260-090	REP	04-18-096	246-290	PREP	05-01-096	246-325-990	AMD	04-19-141
246-260-091	NEW-P	04-08-099	246-290-010	AMD	04-04-056	246-326-990	AMD-P	04-13-161
246-260-091	NEW	04-18-096	246-290-025	AMD	04-04-056	246-326-990	AMD	04-19-141
246-260-100	REP-P	04-08-099	246-290-130	AMD	04-04-056	246-329-990	AMD-P	04-13-161
246-260-100	REP	04-18-096	246-290-300	AMD	04-04-056	246-329-990	AMD	04-19-141
246-260-101	NEW-P	04-08-099	246-290-310	AMD	04-04-056	246-335-990	PREP	04-09-054
246-260-101	NEW	04-18-096	246-290-320	AMD	04-04-056	246-335-990	AMD-P	04-13-160
246-260-110	REP-P	04-08-099	246-290-480	AMD	04-04-056	246-335-990	AMD	04-19-142
246-260-110	REP	04-18-096	246-290-601	AMD	04-04-056	246-338-010	AMD-X	04-22-114
246-260-111	NEW-P	04-08-099	246-290-630	AMD	04-04-056	246-338-028	AMD-X	04-22-114
246-260-111	NEW	04-18-096	246-290-660	AMD	04-04-056	246-338-040	AMD-X	04-22-114
246-260-120	REP-P	04-08-099	246-290-664	AMD	04-04-056	246-338-050	AMD-X	04-22-114
246-260-120	REP	04-18-096	246-290-666	AMD	04-04-056	246-338-060	AMD-X	04-22-114
246-260-121	NEW-P	04-08-099	246-290-72010	AMD	04-04-056	246-338-070	AMD-X	04-22-114
246-260-121	NEW	04-18-096	246-290-72012	AMD	04-04-056	246-338-080	AMD-X	04-22-114
246-260-130	REP-P	04-08-099	246-290-990	AMD-P	04-06-046	246-338-090	AMD-X	04-22-114
246-260-130	REP	04-18-096	246-290-990	AMD-C	04-10-013	246-360	AMD-C	04-16-101
246-260-131	NEW-P	04-08-099	246-290-990	AMD	04-12-123	246-360-001	AMD-P	04-12-117
246-260-131	NEW	04-18-096	246-292	PREP	04-13-051	246-360-001	AMD	04-24-002
246-260-140	REP-P	04-08-099	246-292-010	AMD-P	05-01-095	246-360-010	AMD-P	04-12-117
246-260-140	REP	04-18-096	246-292-031	NEW-P	05-01-095	246-360-010	AMD	04-24-002

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246-360-020	AMD	04-24-002	246-817-135	PREP	04-08-096	246-840-850	AMD	04-13-053
246-360-030	AMD-P	04-12-117	246-817-180	PREP	04-15-151	246-840-860	AMD-E	04-05-043
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246-360-035	NEW-P	04-12-117	246-817-560	PREP	04-09-055	246-840-860	AMD	04-13-053
246-360-035	NEW	04-24-002	246-828-030	REP	04-02-068	246-840-870	AMD-E	04-05-043
246-360-040	AMD-P	04-12-117	246-828-045	AMD	04-02-068	246-840-870	AMD-P	04-09-057
246-360-040	AMD	04-24-002	246-828-055	REP	04-02-068	246-840-870	AMD	04-13-053
246-360-050	AMD-P	04-12-117	246-828-061	REP	04-02-068	246-840-880	AMD-E	04-05-043
246-360-050	AMD	04-24-002	246-828-070	REP	04-02-068	246-840-880	AMD-P	04-09-057
246-360-070	AMD-P	04-12-117	246-828-075	AMD	04-02-068	246-840-880	AMD	04-13-053
246-360-070	AMD	04-24-002	246-828-090	AMD	04-02-068	246-840-890	AMD-E	04-05-043
246-360-080	AMD-P	04-12-117	246-828-095	AMD	04-02-068	246-840-890	AMD-P	04-09-057
246-360-080	AMD	04-24-002	246-828-100	AMD	04-02-068	246-840-890	AMD	04-13-053
246-360-090	AMD-P	04-12-117	246-828-105	AMD	04-02-068	246-840-900	REP-E	04-05-043
246-360-090	AMD	04-24-002	246-828-220	AMD	04-02-068	246-840-900	AMD-P	04-09-057
246-360-100	AMD-P	04-12-117	246-828-270	AMD	04-02-068	246-840-900	AMD	04-13-053
246-360-100	AMD	04-24-002	246-828-290	AMD	04-02-068	246-840-905	NEW-P	04-09-057
246-360-110	AMD-P	04-12-117	246-828-320	AMD	04-02-068	246-840-905	NEW	04-13-053
246-360-110	AMD	04-24-002	246-828-330	AMD	04-02-068	246-840-910	AMD-E	04-06-009
246-360-120	AMD-P	04-12-117	246-828-350	AMD	04-02-068	246-840-910	AMD-P	04-10-078
246-360-120	AMD	04-24-002	246-828-500	AMD	04-02-068	246-840-910	AMD	04-14-065
246-360-130	AMD-P	04-12-117	246-828-500	PREP	04-13-050	246-840-920	PREP	04-21-079
246-360-130	AMD	04-24-002	246-828-510	PREP	04-13-050	246-840-930	AMD-E	04-06-009
246-360-140	AMD-P	04-12-117	246-828-530	PREP	04-13-050	246-840-930	AMD-P	04-10-078
246-360-140	AMD	04-24-002	246-828-550	AMD	04-02-068	246-840-930	AMD	04-14-065
246-360-150	AMD-P	04-12-117	246-828-550	PREP	04-13-050	246-840-940	AMD-E	04-06-009
246-360-150	AMD	04-24-002	246-828-990	AMD	04-02-068	246-840-940	AMD-P	04-10-078
246-360-160	AMD-P	04-12-117	246-834-250	AMD-P	04-24-086	246-840-940	AMD	04-14-065
246-360-160	AMD	04-24-002	246-834-990	AMD-P	04-15-152	246-840-990	AMD	04-04-054
246-360-180	AMD-P	04-12-117	246-834-990	AMD	04-22-113	246-841-405	AMD-E	04-06-008
246-360-180	AMD	04-24-002	246-840-010	AMD-E	04-05-043	246-841-405	AMD-P	04-10-079
246-360-200	AMD-P	04-12-117	246-840-010	AMD-P	04-09-057	246-841-405	AMD	04-14-064
246-360-200	AMD	04-24-002	246-840-010	AMD	04-13-053	246-847	PREP	04-11-094
246-360-220	NEW-P	04-12-117	246-840-010	PREP	04-21-079	246-847-080	PREP	04-11-096
246-360-220	NEW	04-24-002	246-840-020	PREP	04-21-079	246-847-115	PREP	04-11-096
246-360-230	NEW-P	04-12-117	246-840-030	PREP	04-21-079	246-847-190	PREP	04-11-095
246-360-230	NEW	04-24-002	246-840-040	PREP	04-21-079	246-851-160	REP-P	04-15-153
246-360-500	AMD-P	04-12-117	246-840-050	PREP	04-21-079	246-851-160	REP	04-21-077
246-360-500	AMD	04-24-002	246-840-060	PREP	04-21-079	246-851-170	AMD-P	04-15-153
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246-366	PREP	04-20-050	246-840-505	AMD-P	04-24-085	246-851-580	NEW	04-12-127
246-802-060	PREP	04-15-149	246-840-510	AMD-P	04-24-085	246-851-590	NEW-P	04-06-045
246-808-190	PREP	04-02-064	246-840-515	NEW-P	04-24-085	246-851-590	NEW	04-12-127
246-808-535	PREP	04-02-064	246-840-520	AMD-P	04-24-085	246-851-600	NEW	04-05-004
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246-809	PREP	04-17-053	246-840-530	AMD-P	04-24-085	246-851-610	NEW	04-12-127
246-809-610	AMD	04-06-010	246-840-535	AMD-P	04-24-085	246-852-010	PREP	05-01-017
246-809-620	AMD	04-06-010	246-840-545	AMD-P	04-24-085	246-852-020	PREP	05-01-017
246-809-630	AMD	04-06-010	246-840-548	NEW-P	04-24-085	246-865-060	PREP	04-21-078
246-809-700	NEW	04-06-011	246-840-550	AMD-P	04-24-085	246-865-060	AMD-E	04-23-092
246-809-710	NEW	04-06-011	246-840-555	AMD-P	04-24-085	246-869-095	REP-X	04-22-120
246-809-720	NEW	04-06-011	246-840-560	AMD-P	04-24-085	246-873-090	PREP-W	04-07-010
246-812	PREP	04-12-120	246-840-565	PREP	04-21-079	246-887-160	AMD-X	04-03-105
246-815-020	AMD-P	04-12-122	246-840-565	AMD-P	04-24-085	246-887-160	AMD	04-13-162
246-815-020	AMD	04-20-049	246-840-570	AMD-P	04-24-085	246-888-010	AMD-P	04-08-097
246-815-050	AMD-P	04-12-122	246-840-575	AMD-P	04-24-085	246-888-010	AMD	04-18-095
246-815-050	AMD	04-20-049	246-840-700	AMD-E	04-06-009	246-888-020	AMD-P	04-08-097
246-815-100	AMD-P	04-12-122	246-840-700	AMD-P	04-10-078	246-888-020	AMD	04-18-095
246-815-100	AMD	04-20-049	246-840-700	AMD	04-14-065	246-888-030	AMD-P	04-08-097
246-815-110	AMD-P	04-12-122	246-840-760	PREP	04-21-079	246-888-030	AMD	04-18-095
246-815-110	AMD	04-20-049	246-840-840	AMD-E	04-05-043	246-888-040	RECOD-P	04-08-097
246-815-115	AMD-P	04-12-122	246-840-840	AMD-P	04-09-057	246-888-040	REP-P	04-08-097
246-815-115	AMD	04-20-049	246-840-840	AMD	04-13-053	246-888-040	REP	04-18-095
246-815-990	AMD-P	04-18-093	246-840-850	AMD-E	04-05-043	246-888-045	RECOD	04-18-095

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246-888-050	RECOD-P	04-08-097	246-915-280	AMD-P	04-03-107	246-976-010	AMD-X	04-18-097
246-888-050	DECOD	04-18-095	246-915-280	AMD	04-08-100	246-976-010	AMD	05-01-221
246-888-050	RECOD	04-18-095	246-918-120	AMD-P	04-05-044	246-976-161	AMD	04-08-103
246-888-060	DECOD-P	04-08-097	246-918-120	AMD	04-11-100	246-976-171	AMD	04-08-103
246-888-060	RECOD-P	04-08-097	246-919	PREP	05-01-097	246-976-930	AMD	04-08-103
246-888-060	DECOD	04-18-095	246-919	PREP-W	05-01-222	246-976-935	AMD-P	04-07-179
246-888-060	RECOD	04-18-095	246-919-110	AMD	04-04-067	246-976-935	AMD	04-12-126
246-888-070	AMD-P	04-08-097	246-919-320	AMD	04-04-067	250-20-041	AMD-P	04-03-108
246-888-070	DECOD-P	04-08-097	246-919-330	AMD-W	04-04-078	250-20-041	AMD	04-08-060
246-888-070	RECOD-P	04-08-097	246-919-330	AMD-P	04-22-112	250-65	PREP	04-08-059
246-888-070	AMD	04-18-095	246-919-360	AMD	04-04-067	250-65	AMD-P	04-16-077
246-888-070	DECOD	04-18-095	246-919-480	PREP	04-03-106	250-65	AMD-E	04-16-078
246-888-070	RECOD	04-18-095	246-919-600	REP-X	05-01-098	250-65	AMD	04-22-058
246-888-080	DECOD-P	04-08-097	246-924-040	PREP	04-17-130	250-65-061	NEW-E	04-16-078
246-888-080	RECOD-P	04-08-097	246-924-060	PREP	04-17-130	250-65-062	NEW-E	04-16-078
246-888-080	DECOD	04-18-095	246-924-070	PREP	04-17-130	250-65-063	NEW-E	04-16-078
246-888-080	RECOD	04-18-095	246-924-080	PREP	04-17-130	250-65-064	NEW-E	04-16-078
246-888-080	DECOD-P	04-08-097	246-924-090	PREP	04-17-130	250-65-070	NEW-P	04-16-077
246-888-080	RECOD-P	04-08-097	246-924-095	PREP	04-17-130	250-65-070	NEW	04-22-058
246-888-080	DECOD	04-18-095	246-924-100	PREP	04-17-130	250-65-080	NEW-P	04-16-077
246-888-080	RECOD	04-18-095	246-924-150	PREP	04-17-130	250-65-080	NEW	04-22-058
246-888-080	DECOD-P	04-08-097	246-924-160	PREP	04-17-130	250-65-090	NEW-P	04-16-077
246-888-080	RECOD-P	04-08-097	246-924-351	PREP	04-20-048	250-65-090	NEW	04-22-058
246-888-080	DECOD	04-18-095	246-924-352	PREP	04-20-048	250-65-100	NEW-P	04-16-077
246-888-080	RECOD	04-18-095	246-924-353	PREP	04-20-048	250-65-100	NEW	04-22-058
246-888-080	DECOD-P	04-08-097	246-924-354	PREP	04-20-048	250-65-110	NEW-P	04-16-077
246-888-080	RECOD-P	04-08-097	246-924-355	PREP	04-20-048	250-65-110	NEW	04-22-058
246-888-080	DECOD	04-18-095	246-924-356	PREP	04-20-048	250-65-120	NEW-P	04-16-077
246-888-080	RECOD	04-18-095	246-924-357	PREP	04-20-048	250-65-120	NEW	04-22-058
246-888-090	DECOD-P	04-08-097	246-924-358	PREP	04-20-048	250-65-130	NEW-P	04-16-077
246-888-090	RECOD-P	04-08-097	246-924-359	PREP	04-20-048	250-65-130	NEW	04-22-058
246-888-090	DECOD	04-18-095	246-924-361	PREP	04-20-048	251-01-160	AMD-P	04-11-115
246-888-090	RECOD	04-18-095	246-924-363	PREP	04-20-048	251-01-160	AMD	04-15-020
246-888-090	DECOD-P	04-08-097	246-924-364	PREP	04-20-048	251-01-201	AMD-P	04-11-115
246-888-090	RECOD-P	04-08-097	246-924-365	PREP	04-20-048	251-01-201	AMD	04-15-020
246-888-090	DECOD	04-18-095	246-924-366	PREP	04-20-048	251-01-305	AMD-P	04-11-115
246-888-090	RECOD	04-18-095	246-924-367	PREP	04-20-048	251-01-305	AMD	04-15-020
246-889-050	PREP	04-18-091	246-924-480	PREP	04-17-130	251-01-310	AMD-P	04-11-115
246-915-010	AMD-P	04-08-046	246-924-510	NEW-P	04-08-098	251-01-310	AMD	04-15-020
246-915-010	AMD	04-13-052	246-924-510	NEW-W	04-21-071	251-01-382	AMD-P	04-11-115
246-915-040	PREP	04-07-195	246-924-515	NEW-P	04-08-098	251-01-382	AMD	04-15-020
246-915-040	AMD-P	04-20-051	246-924-515	NEW-W	04-21-071	251-04-030	AMD-P	04-11-115
246-915-050	PREP	04-07-178	246-930-010	PREP-W	04-10-012	251-04-030	AMD	04-15-020
246-915-050	AMD-P	04-20-068	246-930-010	PREP	04-13-158	251-04-050	REP-P	04-11-115
246-915-078	AMD-P	04-08-046	246-930-020	AMD-X	04-23-091	251-04-050	REP	04-15-020
246-915-078	AMD	04-13-052	246-930-030	PREP-W	04-10-012	251-04-060	AMD-P	04-11-115
246-915-085	AMD-P	04-03-104	246-930-040	PREP-W	04-10-012	251-04-060	AMD	04-15-020
246-915-085	AMD	04-08-101	246-930-040	PREP	04-13-159	251-04-070	AMD-P	04-11-115
246-915-100	PREP	04-07-173	246-930-050	PREP-W	04-10-012	251-04-070	AMD	04-15-020
246-915-100	AMD-P	04-20-053	246-930-050	PREP	04-13-159	251-04-160	AMD-P	04-11-115
246-915-105	PREP	04-07-174	246-930-060	PREP	04-13-158	251-04-160	AMD	04-15-020
246-915-105	NEW-P	04-20-070	246-930-075	PREP-W	04-10-012	251-04-170	AMD-P	04-11-115
246-915-120	PREP	04-07-176	246-930-075	PREP	04-13-159	251-04-170	AMD	04-15-020
246-915-140	AMD-P	04-08-046	246-930-200	PREP-W	04-10-012	251-05-040	AMD-P	04-11-115
246-915-140	AMD	04-13-052	246-930-200	AMD-X	04-23-091	251-05-040	AMD	04-15-020
246-915-150	REP-X	04-20-052	246-930-220	AMD-X	04-23-091	251-06-010	AMD-P	04-11-115
246-915-160	AMD-P	04-08-046	246-930-301	AMD-X	04-23-091	251-06-010	AMD	04-15-020
246-915-160	AMD	04-13-052	246-930-310	PREP-W	04-10-012	251-06-020	AMD-P	04-11-115
246-915-170	REP-X	04-20-052	246-930-320	PREP-W	04-10-012	251-06-020	AMD	04-15-020
246-915-180	PREP	04-07-177	246-930-320	PREP	04-13-158	251-06-070	AMD-P	05-01-241
246-915-180	AMD-P	04-20-069	246-930-330	PREP-W	04-10-012	251-06-072	NEW-P	05-01-241
246-915-182	NEW-P	04-03-119	246-930-330	PREP	04-13-159	251-06-090	AMD-P	04-11-115
246-915-182	NEW	04-08-102	246-930-410	PREP-W	04-10-012	251-06-090	AMD	04-15-020
246-915-210	AMD-P	04-03-107	246-930-431	AMD-X	04-23-091	251-07-100	AMD-P	04-11-115
246-915-210	AMD	04-08-100	246-930-490	AMD-X	04-23-091	251-07-100	AMD	04-15-020
246-915-220	AMD-P	04-03-107	246-930-990	AMD-X	04-23-091	251-08-005	AMD-P	04-11-115
246-915-220	AMD	04-08-100						
246-915-230	AMD-P	04-03-107						
246-915-230	AMD	04-08-100						
246-915-240	AMD-P	04-03-107						
246-915-240	AMD	04-08-100						
246-915-250	AMD-P	04-03-107						
246-915-250	AMD	04-08-100						
246-915-260	AMD-P	04-03-107						
246-915-260	AMD	04-08-100						
246-915-270	AMD-P	04-03-107						

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251- 08-005	AMD	04-15-020	251- 30-040	REP	04-11-045	260- 08	PREP	04-22-007
251- 08-007	AMD-P	04-11-115	251- 30-050	REP-P	04-07-188	260- 08-005	AMD-P	05-01-211
251- 08-007	AMD	04-15-020	251- 30-050	REP	04-11-045	260- 08-600	REP	04-05-089
251- 08-031	AMD-P	04-11-115	251- 30-055	AMD-P	04-07-188	260- 08-610	REP	04-05-089
251- 08-031	AMD	04-15-020	251- 30-055	AMD	04-11-045	260- 08-620	AMD	04-05-089
251- 08-070	AMD-P	04-11-115	251- 30-057	AMD-P	04-07-188	260- 08-630	AMD	04-05-089
251- 08-070	AMD	04-15-020	251- 30-057	AMD	04-11-045	260- 08-640	REP	04-05-089
251- 08-100	AMD-E	04-16-054	251- 30-060	REP-P	04-07-188	260- 08-650	AMD	04-05-089
251- 08-100	AMD-P	04-16-114	251- 30-060	REP	04-11-045	260- 08-660	AMD	04-05-089
251- 08-100	AMD	04-19-027	257- 01-020	NEW-P	04-15-131	260- 08-670	REP-P	05-01-211
251- 08-112	AMD-P	04-11-115	257- 01-020	NEW	04-20-110	260- 08-671	NEW-P	05-01-211
251- 08-112	AMD	04-15-020	257- 01-040	NEW-P	04-15-131	260- 08-673	NEW-P	05-01-211
251- 08-160	AMD-P	04-11-115	257- 01-040	NEW	04-20-110	260- 08-675	NEW-P	05-01-211
251- 08-160	AMD	04-15-020	257- 01-060	NEW-P	04-15-131	260- 08-677	NEW-P	05-01-211
251- 09-080	AMD-P	04-11-115	257- 01-060	NEW	04-20-110	260- 08-680	REP-P	05-01-211
251- 09-080	AMD	04-15-020	257- 02-020	NEW-P	04-15-131	260- 08-690	REP-P	05-01-211
251- 09-090	AMD-P	04-11-115	257- 02-020	NEW	04-20-110	260- 08-700	REP-P	05-01-211
251- 09-090	AMD	04-15-020	257- 02-040	NEW-P	04-15-131	260- 08-710	REP-P	05-01-211
251- 09-094	AMD-P	04-11-115	257- 02-040	NEW	04-20-110	260- 08-720	REP-P	05-01-211
251- 09-094	AMD	04-15-020	257- 02-060	NEW-P	04-15-131	260- 08-730	REP-P	05-01-211
251- 09-100	AMD-P	04-11-115	257- 02-060	NEW	04-20-110	260- 08-740	REP-P	05-01-211
251- 09-100	AMD	04-15-020	257- 02-080	NEW-P	04-15-131	260- 08-750	REP-P	05-01-211
251- 10-025	AMD-E	04-16-054	257- 02-080	NEW	04-20-110	260- 08-760	REP-P	05-01-211
251- 10-025	AMD-P	04-16-114	257- 02-100	NEW-P	04-15-131	260- 08-770	REP-P	05-01-211
251- 10-025	AMD	04-19-027	257- 02-100	NEW	04-20-110	260- 08-780	REP-P	05-01-211
251- 14-015	NEW-W	04-07-187	257- 02-120	NEW-P	04-15-131	260- 08-790	REP-P	05-01-211
251- 19-070	AMD-P	04-11-115	257- 02-120	NEW	04-20-110	260- 08-800	REP-P	05-01-211
251- 19-070	AMD	04-15-020	257- 02-140	NEW-P	04-15-131	260- 08-810	REP-P	05-01-211
251- 19-140	AMD-P	04-11-115	257- 02-140	NEW	04-20-110	260- 08-820	REP-P	05-01-211
251- 19-140	AMD	04-15-020	257- 02-160	NEW-P	04-15-131	260- 08-830	REP-P	05-01-211
251- 22-060	AMD-E	04-16-054	257- 02-160	NEW	04-20-110	260- 12-160	PREP	04-22-008
251- 22-060	AMD-P	04-16-114	257- 02-180	NEW-P	04-15-131	260- 12-160	REP-P	05-01-214
251- 22-060	AMD	04-19-027	257- 02-180	NEW	04-20-110	260- 14-010	AMD	04-05-090
251- 22-165	AMD-P	04-11-115	257- 02-200	NEW-P	04-15-131	260- 14-040	AMD-E	04-11-056
251- 22-165	AMD	04-15-020	257- 02-200	NEW	04-20-110	260- 14-040	AMD-P	04-18-098
251- 22-200	AMD-E	04-16-054	257- 05-020	NEW-P	04-17-138	260- 14-040	AMD-E	04-19-030
251- 22-200	AMD-P	04-16-114	257- 05-020	NEW	05-01-158	260- 14-040	AMD	04-21-053
251- 22-200	AMD	04-19-027	257- 05-040	NEW-P	04-17-138	260- 14-050	PREP	04-10-047
251- 22-240	AMD-P	04-11-115	257- 05-040	NEW	05-01-158	260- 14-050	AMD-P	04-16-035
251- 22-240	AMD	04-15-020	257- 05-060	NEW-P	04-17-138	260- 14-050	AMD	04-19-046
251- 23-010	AMD-P	04-11-115	257- 05-060	NEW	05-01-158	260- 16-065	NEW	04-05-091
251- 23-010	AMD	04-15-020	257- 05-080	NEW-P	04-17-138	260- 24-510	AMD-P	04-07-144
251- 24-010	AMD-P	04-11-115	257- 05-080	NEW	05-01-158	260- 24-510	AMD-E	04-09-053
251- 24-010	AMD	04-15-020	257- 05-100	NEW-P	04-17-138	260- 24-510	AMD-W	04-10-006
251- 30-010	AMD-P	04-07-188	257- 05-100	NEW	05-01-158	260- 24-510	AMD-P	04-14-101
251- 30-010	DECOD-P	04-07-188	257- 05-120	NEW-P	04-17-138	260- 24-510	AMD-E	04-15-038
251- 30-010	RECOD-P	04-07-188	257- 05-120	NEW	05-01-158	260- 24-510	AMD	04-17-082
251- 30-010	AMD	04-11-045	257- 05-130	NEW-P	04-17-138	260- 24-510	PREP	04-21-008
251- 30-010	DECOD	04-11-045	257- 05-130	NEW	05-01-158	260- 24-510	PREP	04-22-016
251- 30-010	RECOD	04-11-045	257- 05-132	NEW-P	04-17-138	260- 24-510	PREP-W	04-22-027
251- 30-020	AMD-P	04-07-188	257- 05-132	NEW	05-01-158	260- 24-510	PREP	04-24-023
251- 30-020	DECOD-P	04-07-188	257- 05-134	NEW-P	04-17-138	260- 24-650	AMD-P	04-04-045
251- 30-020	RECOD-P	04-07-188	257- 05-134	NEW	05-01-158	260- 24-650	AMD	04-07-074
251- 30-020	AMD	04-11-045	257- 05-140	NEW-P	04-17-138	260- 24-650	PREP	04-22-009
251- 30-020	DECOD	04-11-045	257- 05-140	NEW	05-01-158	260- 28-020	AMD-P	04-20-035
251- 30-020	RECOD	04-11-045	257- 05-160	NEW-P	04-17-138	260- 28-020	AMD	04-24-019
251- 30-030	AMD-P	04-07-188	257- 05-160	NEW	05-01-158	260- 28-140	REP	04-05-092
251- 30-030	DECOD-P	04-07-188	257- 05-180	NEW-P	04-17-138	260- 32-200	PREP	04-10-007
251- 30-030	RECOD-P	04-07-188	257- 05-180	NEW	05-01-158	260- 32-200	REP-P	04-16-033
251- 30-030	AMD	04-11-045	257- 05-200	NEW-P	04-17-138	260- 32-200	REP	04-19-044
251- 30-030	DECOD	04-11-045	257- 05-200	NEW	05-01-158	260- 34	PREP	04-22-010
251- 30-030	RECOD	04-11-045	257- 05-220	NEW-P	04-17-138	260- 34	PREP-W	04-22-027
251- 30-032	NEW-P	04-07-188	257- 05-220	NEW	05-01-158	260- 34	PREP	04-22-029
251- 30-032	NEW	04-11-045	257- 05-240	NEW-P	04-17-138	260- 34	PREP	04-24-041
251- 30-034	NEW-P	04-07-188	257- 05-240	NEW	05-01-158	260- 36	PREP	04-22-028
251- 30-034	NEW	04-11-045	260	PREP	04-08-057	260- 36-020	AMD-P	04-20-035
251- 30-040	REP-P	04-07-188	260	PREP	04-16-111	260- 36-020	AMD	04-24-019

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260- 36-030	AMD-P	04-11-071	260- 49-070	NEW-P	04-18-098	284- 03-020	AMD-P	04-11-107
260- 36-030	AMD	04-15-039	260- 49-070	NEW-E	04-19-030	284- 03-020	AMD	04-15-157
260- 36-030	AMD-P	04-20-035	260- 49-070	NEW	04-21-053	284- 03-025	NEW-P	04-11-107
260- 36-030	AMD	04-24-019	260- 49-080	NEW-E	04-11-056	284- 03-025	NEW	04-15-157
260- 36-040	AMD-P	04-20-035	260- 49-080	NEW-P	04-18-098	284- 03-030	AMD-P	04-11-107
260- 36-040	AMD	04-24-019	260- 49-080	NEW-E	04-19-030	284- 03-030	AMD	04-15-157
260- 36-080	AMD-P	04-20-035	260- 49-080	NEW	04-21-053	284- 03-035	NEW-P	04-11-107
260- 36-080	AMD	04-24-019	260- 49-090	NEW-E	04-11-056	284- 03-035	NEW	04-15-157
260- 36-085	NEW-P	04-20-035	260- 49-090	NEW-P	04-18-098	284- 03-040	AMD-P	04-11-107
260- 36-085	NEW	04-24-019	260- 49-090	NEW-E	04-19-030	284- 03-040	AMD	04-15-157
260- 36-085	AMD-X	04-24-079	260- 49-090	NEW	04-21-053	284- 03-045	NEW-P	04-11-107
260- 36-090	REP-P	04-20-035	260- 49-100	NEW-E	04-11-056	284- 03-045	NEW	04-15-157
260- 36-090	REP	04-24-019	260- 49-100	NEW-P	04-18-098	284- 03-050	AMD-P	04-11-107
260- 36-100	AMD-P	04-20-035	260- 49-100	NEW-E	04-19-030	284- 03-050	AMD	04-15-157
260- 36-100	AMD	04-24-019	260- 49-100	NEW	04-21-053	284- 03-055	NEW-P	04-11-107
260- 36-120	AMD-P	04-04-046	260- 56-030	PREP	04-22-012	284- 03-055	NEW	04-15-157
260- 36-120	AMD	04-07-075	260- 56-030	REP-P	05-01-213	284- 03-060	AMD-P	04-11-107
260- 36-120	PREP	04-22-008	260- 60-300	AMD-P	04-20-035	284- 03-060	AMD	04-15-157
260- 36-120	AMD-P	05-01-214	260- 60-300	AMD	04-24-019	284- 03-065	NEW-P	04-11-107
260- 36-180	PREP	04-22-011	260- 60-350	AMD	04-05-093	284- 03-065	NEW	04-15-157
260- 36-200	PREP	05-01-154	260- 60-360	AMD	04-05-093	284- 03-070	AMD-P	04-11-107
260- 40-100	AMD-P	04-05-088	260- 70	PREP	04-22-014	284- 03-070	AMD	04-15-157
260- 40-100	AMD	04-09-026	260- 70-545	NEW	04-05-094	284- 03-075	NEW-P	04-11-107
260- 40-160	AMD-P	04-04-047	260- 70-630	AMD	04-05-095	284- 03-075	NEW	04-15-157
260- 40-160	AMD	04-07-076	260- 72	PREP	04-22-013	284- 03-080	REP-P	04-11-107
260- 48	PREP	04-10-048	260- 72-020	AMD-P	04-18-098	284- 03-080	REP	04-15-157
260- 48-620	AMD-P	04-04-048	260- 72-020	AMD	04-21-053	284- 03-090	REP-P	04-11-107
260- 48-620	AMD	04-07-077	260- 72-030	REP-P	04-18-098	284- 03-090	REP	04-15-157
260- 48-700	AMD-E	04-11-056	260- 72-030	REP	04-21-053	284- 03-100	AMD-P	04-11-107
260- 48-700	AMD-P	04-18-098	260- 75	PREP	04-10-049	284- 03-100	AMD	04-15-157
260- 48-700	AMD-E	04-19-030	260- 75	PREP	04-22-015	284- 03-105	NEW-P	04-11-107
260- 48-700	AMD	04-21-053	260- 75-020	AMD-P	04-16-034	284- 03-105	NEW	04-15-157
260- 48-710	AMD-P	04-18-098	260- 75-020	AMD	04-19-045	284- 03-110	REP-P	04-11-107
260- 48-710	AMD	04-21-053	260- 75-030	AMD-P	04-16-034	284- 03-110	REP	04-15-157
260- 48-720	AMD-P	04-18-098	260- 75-030	AMD	04-19-045	284- 03-120	REP-P	04-11-107
260- 48-720	AMD	04-21-053	260- 75-030	AMD-P	05-01-212	284- 03-120	REP	04-15-157
260- 48-890	AMD-P	04-04-048	260- 75-040	NEW-P	05-01-212	284- 03-130	REP-P	04-11-107
260- 48-890	AMD	04-07-077	260- 84	PREP	04-21-008	284- 03-130	REP	04-15-157
260- 48-900	AMD-P	04-04-048	260- 84	PREP	04-22-016	284- 03-140	REP-P	04-11-107
260- 48-900	AMD	04-07-077	260- 84	PREP-W	04-22-027	284- 03-140	REP	04-15-157
260- 48-910	AMD-P	04-04-048	260- 88	PREP	04-10-015	284- 03-990	REP-P	04-11-107
260- 48-910	AMD	04-07-077	260- 88-010	AMD	04-05-096	284- 03-990	REP	04-15-157
260- 49-010	NEW-E	04-11-056	260- 88-010	AMD-P	04-16-036	284- 03-99001	REP-P	04-11-107
260- 49-010	NEW-P	04-18-098	260- 88-010	AMD	04-19-047	284- 03-99001	REP	04-15-157
260- 49-010	NEW-E	04-19-030	260- 88-010	REP-P	05-01-211	284- 13-580	AMD-X	04-19-143
260- 49-010	NEW	04-21-053	263- 12-01501	AMD-P	04-11-117	284- 17-200	PREP	04-15-155
260- 49-020	NEW-E	04-11-056	263- 12-01501	AMD-S	04-16-008	284- 17-210	PREP	04-15-155
260- 49-020	NEW-P	04-18-098	263- 12-01501	AMD-W	04-16-096	284- 17-220	PREP	04-15-155
260- 49-020	NEW-E	04-19-030	263- 12-01501	AMD	04-16-097	284- 17-230	PREP	04-15-155
260- 49-020	NEW	04-21-053	263- 12-01501	AMD-P	04-19-081	284- 17-235	PREP	04-15-155
260- 49-030	NEW-E	04-11-056	263- 12-01501	AMD	04-22-047	284- 17-240	PREP	04-15-155
260- 49-030	NEW-P	04-18-098	263- 12-020	AMD-P	04-11-117	284- 17-250	PREP	04-15-155
260- 49-030	NEW-E	04-19-030	263- 12-020	AMD	04-16-009	284- 17-260	PREP	04-15-155
260- 49-030	NEW	04-21-053	263- 12-050	AMD-P	04-11-117	284- 17-270	PREP	04-15-155
260- 49-040	NEW-E	04-11-056	263- 12-050	AMD	04-16-009	284- 17-275	PREP	04-15-155
260- 49-040	NEW-P	04-18-098	263- 12-106	NEW-P	04-11-117	284- 17-280	PREP	04-15-155
260- 49-040	NEW-E	04-19-030	263- 12-106	NEW	04-16-009	284- 17-290	PREP	04-15-155
260- 49-040	NEW	04-21-053	263- 12-117	AMD-P	04-11-117	284- 17-300	PREP	04-15-155
260- 49-050	NEW-E	04-11-056	263- 12-117	AMD	04-16-009	284- 17-320	PREP	04-15-155
260- 49-050	NEW-P	04-18-098	284- 03	AMD-P	04-11-107	284- 17B-005	NEW-P	04-15-156
260- 49-050	NEW-E	04-19-030	284- 03	AMD	04-15-157	284- 17B-005	NEW	04-22-045
260- 49-050	NEW	04-21-053	284- 03-005	NEW-P	04-11-107	284- 17B-010	NEW-P	04-15-156
260- 49-060	NEW-E	04-11-056	284- 03-005	NEW	04-15-157	284- 17B-010	NEW	04-22-045
260- 49-060	NEW-P	04-18-098	284- 03-010	AMD-P	04-11-107	284- 17B-015	NEW-P	04-15-156
260- 49-060	NEW-E	04-19-030	284- 03-010	AMD	04-15-157	284- 17B-015	NEW	04-22-045
260- 49-060	NEW	04-21-053	284- 03-015	NEW-P	04-11-107	284- 17B-020	NEW-P	04-15-156
260- 49-070	NEW-E	04-11-056	284- 03-015	NEW	04-15-157	284- 17B-020	NEW	04-22-045

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284- 17B-025	NEW-P	04-15-156	284- 34-170	NEW-P	04-23-073	286- 26-100	AMD-P	04-20-098
284- 17B-025	NEW	04-22-045	284- 34-180	NEW-P	04-23-073	286- 26-100	AMD	05-01-030
284- 17B-030	NEW-P	04-15-156	284- 34-190	NEW-P	04-23-073	286- 26-105	NEW-P	04-20-098
284- 17B-030	NEW	04-22-045	284- 34-200	NEW-P	04-23-073	286- 26-105	NEW	05-01-030
284- 17B-035	NEW-P	04-15-156	284- 34-210	NEW-P	04-23-073	286- 42-010	NEW-P	04-20-097
284- 17B-035	NEW	04-22-045	284- 34-220	NEW-P	04-23-073	286- 42-010	NEW	05-01-030
284- 17B-040	NEW-P	04-15-156	284- 34-230	NEW-P	04-23-073	286- 42-020	NEW-P	04-20-097
284- 17B-040	NEW	04-22-045	284- 34-240	NEW-P	04-23-073	286- 42-020	NEW	05-01-030
284- 17B-045	NEW-P	04-15-156	284- 34-250	NEW-P	04-23-073	286- 42-030	NEW-P	04-20-097
284- 17B-045	NEW	04-22-045	284- 34-260	NEW-P	04-23-073	286- 42-030	NEW	05-01-030
284- 17B-050	NEW-P	04-15-156	284- 43	PREP	04-17-126	286- 42-040	NEW-P	04-20-097
284- 17B-050	NEW	04-22-045	284- 43-900	REP-X	04-24-099	286- 42-040	NEW	05-01-030
284- 17B-055	NEW-P	04-15-156	284- 43-905	AMD-X	04-24-099	286- 42-050	NEW-P	04-20-097
284- 17B-055	NEW	04-22-045	284- 43-910	AMD-X	04-24-099	286- 42-050	NEW	05-01-030
284- 17B-060	NEW-P	04-15-156	284- 43-915	AMD-X	04-24-099	286- 42-060	NEW-P	04-20-097
284- 17B-060	NEW	04-22-045	284- 43-920	AMD-X	04-24-099	286- 42-060	NEW	05-01-030
284- 17B-065	NEW-P	04-15-156	284- 43-925	AMD-X	04-24-099	286- 42-070	NEW-P	04-20-097
284- 17B-065	NEW	04-22-045	284- 43-930	AMD-X	04-24-099	286- 42-080	NEW-P	04-20-097
284- 17B-070	NEW-P	04-15-156	284- 43-935	AMD-X	04-24-099	286- 42-080	NEW	05-01-030
284- 17B-070	NEW	04-22-045	284- 43-940	AMD-X	04-24-099	286- 42-090	NEW-P	04-20-097
284- 17B-075	NEW-P	04-15-156	284- 43-945	AMD-X	04-24-099	286- 42-090	NEW	05-01-030
284- 17B-075	NEW	04-22-045	284- 43-950	AMD-X	04-24-099	287- 01-030	AMD	04-03-114
284- 17B-080	NEW-P	04-15-156	284- 43-955	REP-X	04-24-099	287- 02-030	AMD	04-03-114
284- 17B-080	NEW	04-22-045	284- 49-010	AMD-X	04-21-054	287- 02-130	AMD	04-03-114
284- 24A	PREP	04-11-108	284- 49-020	REP-X	04-21-054	288- 02-010	NEW-X	04-14-019
284- 24A-005	AMD-P	04-17-127	284- 49-050	REP-X	04-21-054	288- 02-010	NEW	04-19-032
284- 24A-005	AMD-P	04-22-089	284- 49-100	REP-X	04-21-054	288- 02-020	NEW-X	04-14-019
284- 24A-005	AMD	05-02-026	284- 49-115	REP-X	04-21-054	288- 02-020	NEW	04-19-032
284- 24A-010	AMD-P	04-17-127	284- 49-300	REP-X	04-21-054	288- 02-030	NEW-X	04-14-019
284- 24A-010	AMD-P	04-22-089	284- 49-330	REP-X	04-21-054	288- 02-030	NEW	04-19-032
284- 24A-010	AMD	05-02-026	284- 49-500	REP-X	04-21-054	292- 10-040	AMD-X	04-12-005
284- 24A-011	NEW-P	04-22-089	284- 49-510	REP-X	04-21-054	292- 10-040	AMD	05-01-021
284- 24A-011	NEW	05-02-026	284- 49-520	REP-X	04-21-054	292-110-060	AMD-P	04-12-077
284- 24A-012	NEW-P	04-22-089	284- 49-900	REP-X	04-21-054	292-110-060	AMD	04-18-019
284- 24A-012	NEW	05-02-026	284- 49-999	REP-X	04-21-054	296- 05	PREP	04-15-134
284- 24A-032	NEW-P	04-22-089	284- 53-005	AMD-P	04-17-128	296- 05	PREP	04-22-108
284- 24A-032	NEW	05-02-026	284- 53-005	AMD	04-22-051	296- 05-007	AMD-P	04-04-014
284- 24A-033	NEW-P	04-17-127	284- 53-010	AMD-P	04-17-128	296- 05-007	AMD	04-10-032
284- 24A-033	NEW-P	04-22-089	284- 53-010	AMD	04-22-051	296- 05-008	NEW-P	04-04-014
284- 24A-033	NEW	05-02-026	284- 58-260	REP-P	04-22-089	296- 05-008	NEW	04-10-032
284- 24A-045	AMD-P	04-17-127	284- 66	PREP	04-22-050	296- 05-303	AMD-P	04-22-109
284- 24A-045	AMD-P	04-22-089	284- 74-400	NEW	04-04-070	296- 06	PREP	04-23-079
284- 24A-045	AMD	05-02-026	284- 74-410	NEW	04-04-070	296- 06-170	REP-X	04-22-084
284- 24A-050	AMD-P	04-17-127	284- 74-420	NEW	04-04-070	296- 14	PREP	04-23-080
284- 24A-050	AMD-P	04-22-089	284- 74-430	NEW	04-04-070	296- 14-400	AMD-E	04-13-063
284- 24A-050	AMD	05-02-026	284- 74-440	NEW	04-04-070	296- 14-400	PREP	04-13-131
284- 24A-055	AMD-P	04-17-127	284- 74-450	NEW	04-04-070	296- 14-400	AMD-P	04-17-093
284- 24A-055	AMD-P	04-22-089	284- 74-460	NEW	04-04-070	296- 14-400	AMD-E	04-21-032
284- 24A-055	AMD	05-02-026	286- 04-010	AMD-P	04-20-097	296- 14-400	AMD	04-22-085
284- 24A-065	AMD-P	04-17-127	286- 04-010	AMD	05-01-030	296- 14-4121	NEW-P	04-14-082
284- 24A-065	AMD-P	04-22-089	286- 04-090	AMD-P	04-20-097	296- 14-4121	NEW	04-20-024
284- 24A-065	AMD	05-02-026	286- 04-090	AMD	05-01-030	296- 14-4122	NEW-P	04-14-082
284- 34-010	REP-P	04-23-073	286- 13-010	AMD-P	04-20-097	296- 14-4122	NEW	04-20-024
284- 34-020	REP-P	04-23-073	286- 13-010	AMD	05-01-030	296- 14-4123	NEW-P	04-14-082
284- 34-030	REP-P	04-23-073	286- 13-040	AMD-P	04-20-098	296- 14-4123	NEW	04-20-024
284- 34-040	REP-P	04-23-073	286- 13-040	AMD	05-01-030	296- 14-4124	NEW-P	04-14-082
284- 34-050	REP-P	04-23-073	286- 26-020	AMD-P	04-20-098	296- 14-4124	NEW	04-20-024
284- 34-060	REP-P	04-23-073	286- 26-020	AMD	05-01-030	296- 14-4125	NEW-P	04-14-082
284- 34-070	REP-P	04-23-073	286- 26-080	AMD-P	04-20-098	296- 14-4125	NEW	04-20-024
284- 34-100	NEW-P	04-23-073	286- 26-080	AMD	05-01-030	296- 14-4126	NEW-P	04-14-082
284- 34-105	NEW-P	04-23-073	286- 26-083	NEW-P	04-20-098	296- 14-4126	NEW	04-20-024
284- 34-110	NEW-P	04-23-073	286- 26-083	NEW	05-01-030	296- 14-4127	NEW-P	04-14-082
284- 34-120	NEW-P	04-23-073	286- 26-085	NEW-P	04-20-098	296- 14-4127	NEW	04-20-024
284- 34-130	NEW-P	04-23-073	286- 26-085	NEW	05-01-030	296- 14-4128	NEW-P	04-14-082
284- 34-140	NEW-P	04-23-073	286- 26-090	AMD-P	04-20-098	296- 14-4128	NEW	04-20-024
284- 34-150	NEW-P	04-23-073	286- 26-090	AMD	05-01-030	296- 14-4129	NEW-P	04-14-082
284- 34-160	NEW-P	04-23-073	286- 26-095	NEW-P	04-20-098	296- 14-4129	NEW	04-20-024

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-16	PREP	04-15-103	296-17-64999	AMD-P	04-13-128	296-20-2010	NEW	04-04-029
296-16-010	REP-P	04-19-106	296-17-64999	AMD	04-18-025	296-20-2015	NEW	04-04-029
296-16-010	REP	05-01-105	296-17-67701	NEW-P	04-07-122	296-20-2020	NEW-W	04-10-072
296-16-100	NEW-P	04-19-106	296-17-67701	NEW	04-13-017	296-20-2025	NEW	04-04-029
296-16-100	NEW	05-01-105	296-17-72202	AMD-P	04-13-128	296-20-2030	NEW	04-04-029
296-16-110	NEW-P	04-19-106	296-17-72202	AMD	04-18-025	296-20-210	REP	04-04-029
296-16-110	NEW	05-01-105	296-17-855	AMD-P	04-19-033	296-23-220	AMD-P	04-05-075
296-16-115	NEW-P	04-19-106	296-17-855	AMD	04-24-025	296-23-220	AMD	04-09-100
296-16-115	NEW	05-01-105	296-17-870	AMD-P	04-07-121	296-23-220	PREP	05-01-167
296-16-120	NEW-P	04-19-106	296-17-870	AMD	04-10-045	296-23-230	AMD-P	04-05-075
296-16-120	NEW	05-01-105	296-17-875	AMD-P	04-19-033	296-23-230	AMD	04-09-100
296-16-130	NEW-P	04-19-106	296-17-875	AMD	04-24-025	296-23-230	PREP	05-01-167
296-16-130	NEW	05-01-105	296-17-880	AMD-P	04-19-033	296-23-240	AMD-E	04-13-063
296-16-140	NEW-P	04-19-106	296-17-880	AMD	04-24-025	296-23-240	PREP	04-13-131
296-16-140	NEW	05-01-105	296-17-885	AMD-P	04-19-033	296-23-240	AMD-P	04-17-093
296-16-150	NEW-P	04-19-106	296-17-885	AMD	04-24-025	296-23-240	AMD-E	04-21-032
296-16-150	NEW	05-01-105	296-17-890	AMD-P	04-19-033	296-23-240	AMD	04-22-085
296-16-160	NEW-P	04-19-106	296-17-890	AMD	04-24-025	296-23-241	NEW-E	04-13-063
296-16-160	NEW	05-01-105	296-17-895	AMD-P	04-07-122	296-23-241	PREP	04-13-131
296-16-170	NEW-P	04-19-106	296-17-895	AMD	04-13-017	296-23-241	NEW-P	04-17-093
296-16-170	NEW	05-01-105	296-17-895	AMD-P	04-19-033	296-23-241	NEW-E	04-21-032
296-17	PREP	04-04-098	296-17-895	AMD	04-24-025	296-23-241	NEW	04-22-085
296-17	PREP	04-04-100	296-17-89502	AMD-P	04-19-055	296-23-255	REP	04-04-029
296-17	PREP	04-09-098	296-17-89502	AMD	04-24-025	296-23-260	REP	04-04-029
296-17	PREP	04-13-130	296-17-90492	AMD-P	04-19-033	296-23-265	REP	04-04-029
296-17	PREP	04-22-122	296-17-90492	AMD	04-24-025	296-23-26501	REP	04-04-029
296-17-31002	AMD-P	04-13-128	296-17-920	AMD-P	04-19-055	296-23-26502	REP	04-04-029
296-17-31002	AMD	04-18-025	296-17-920	AMD	04-24-025	296-23-26503	REP	04-04-029
296-17-31004	AMD-P	04-14-081	296-19A-210	AMD-S	04-03-035	296-23-26504	REP	04-04-029
296-17-31004	AMD	04-20-023	296-19A-210	AMD	04-08-045	296-23-26505	REP	04-04-029
296-17-310041	NEW-P	04-14-081	296-19A-480	AMD-S	04-03-035	296-23-26506	REP	04-04-029
296-17-310042	NEW-P	04-14-081	296-19A-480	AMD	04-08-045	296-23-267	REP	04-04-029
296-17-310043	NEW-P	04-14-081	296-20-010	PREP	05-01-168	296-23-270	REP	04-04-029
296-17-310044	NEW-P	04-14-081	296-20-01002	AMD-P	04-03-082	296-23-302	NEW	04-04-029
296-17-310045	NEW-P	04-14-081	296-20-01002	AMD	04-08-040	296-23-307	NEW	04-04-029
296-17-310046	NEW-P	04-14-081	296-20-01002	AMD-E	04-13-063	296-23-312	NEW	04-04-029
296-17-310047	NEW-P	04-14-081	296-20-01002	PREP	04-13-131	296-23-317	NEW	04-04-029
296-17-31009	AMD-P	04-13-128	296-20-01002	AMD-P	04-17-093	296-23-322	NEW	04-04-029
296-17-31009	AMD	04-18-025	296-20-01002	AMD-E	04-21-032	296-23-327	NEW	04-04-029
296-17-31013	AMD-P	04-07-122	296-20-01002	AMD	04-22-085	296-23-332	NEW	04-04-029
296-17-31013	AMD	04-13-017	296-20-01501	AMD-E	04-13-063	296-23-337	NEW	04-04-029
296-17-31013	AMD-P	04-13-128	296-20-01501	PREP	04-13-131	296-23-342	NEW	04-04-029
296-17-31013	AMD-P	04-14-081	296-20-01501	AMD-P	04-17-093	296-23-347	NEW	04-04-029
296-17-31013	AMD	04-18-025	296-20-01501	AMD-E	04-21-032	296-23-352	NEW	04-04-029
296-17-31013	AMD	04-20-023	296-20-01501	AMD	04-22-085	296-23-357	NEW	04-04-029
296-17-31014	AMD-P	04-13-128	296-20-01502	NEW-E	04-13-063	296-23-362	NEW	04-04-029
296-17-31014	AMD	04-18-025	296-20-01502	PREP	04-13-131	296-23-367	NEW	04-04-029
296-17-31024	AMD-P	04-13-128	296-20-01502	NEW-P	04-17-093	296-23-372	NEW	04-04-029
296-17-31024	AMD	04-18-025	296-20-01502	NEW-E	04-21-032	296-23-377	NEW	04-04-029
296-17-31025	AMD-P	04-13-128	296-20-01502	NEW	04-22-085	296-23-381	NEW	04-04-029
296-17-31025	AMD	04-18-025	296-20-02704	AMD-P	04-03-082	296-23-382	NEW	04-04-029
296-17-31030	NEW-P	04-14-081	296-20-02704	AMD	04-08-040	296-23-387	NEW	04-04-029
296-17-31030	NEW	04-20-023	296-20-02705	AMD-P	04-03-082	296-23-392	NEW	04-04-029
296-17-31031	NEW-P	04-14-081	296-20-02705	AMD	04-08-040	296-24	PREP	04-05-074
296-17-31032	NEW-P	04-14-081	296-20-03011	AMD-P	04-03-082	296-24	PREP	04-06-078
296-17-31033	NEW-P	04-14-081	296-20-03011	AMD	04-08-040	296-24	PREP	04-07-154
296-17-517	AMD-P	04-14-081	296-20-03012	AMD-P	04-03-082	296-24	PREP	04-07-157
296-17-517	AMD	04-20-023	296-20-03012	AMD	04-08-040	296-24	PREP	04-08-090
296-17-52002	AMD-P	04-14-081	296-20-06101	AMD-E	04-13-063	296-24	PREP	04-11-062
296-17-52002	AMD	04-20-023	296-20-06101	PREP	04-13-131	296-24	PREP-W	04-18-044
296-17-52102	AMD-P	04-14-081	296-20-06101	AMD-P	04-17-093	296-24-012	AMD	04-07-161
296-17-52102	AMD	04-20-023	296-20-06101	AMD-E	04-21-032	296-24-110	REP-P	04-03-102
296-17-52150	AMD-P	04-14-081	296-20-06101	AMD	04-22-085	296-24-110	REP	04-15-105
296-17-52150	AMD	04-20-023	296-20-135	AMD-P	04-05-075	296-24-11001	REP-P	04-03-102
296-17-527	AMD-P	04-13-128	296-20-135	AMD	04-09-100	296-24-11001	REP	04-15-105
296-17-527	AMD	04-18-025	296-20-135	PREP	05-01-167	296-24-11003	REP-P	04-03-102
296-17-644	AMD-W	04-06-060	296-20-200	AMD	04-04-029	296-24-11003	REP	04-15-105

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296-24-20699	REP-P	04-03-085	296-24-33009	AMD-X	04-12-069	296-37-570	AMD	04-18-078
296-24-20699	REP	04-14-028	296-24-33009	AMD	04-18-080	296-37-575	AMD	04-10-026
296-24-20700	REP-P	04-03-085	296-24-37013	AMD-X	04-12-069	296-37-595	NEW-X	04-11-065
296-24-20700	REP	04-14-028	296-24-37013	AMD	04-18-080	296-37-595	NEW	04-18-078
296-24-20710	REP-P	04-03-085	296-24-47511	AMD-P	04-08-039	296-45-125	AMD	04-07-160
296-24-20710	REP	04-14-028	296-24-47511	AMD	04-19-051	296-45-175	AMD-P	04-03-102
296-24-20720	REP-P	04-03-085	296-24-56527	AMD	04-07-161	296-45-175	AMD	04-15-105
296-24-20720	REP	04-14-028	296-24-58513	AMD-X	04-20-080	296-46B	PREP	04-20-077
296-24-20730	REP-P	04-03-085	296-24-58515	AMD-X	04-20-080	296-46B-010	AMD-P	04-08-088
296-24-20730	REP	04-14-028	296-24-58517	AMD-X	04-20-080	296-46B-010	AMD	04-12-049
296-24-21701	REP-P	04-12-071	296-24-61703	AMD	04-07-161	296-46B-020	AMD-P	04-08-088
296-24-21701	REP	04-20-079	296-24-63399	AMD	04-07-161	296-46B-020	AMD	04-12-049
296-24-21703	REP-P	04-12-071	296-24-67509	PREP	04-07-155	296-46B-030	AMD-P	04-08-088
296-24-21703	REP	04-20-079	296-24-67515	AMD-X	04-20-080	296-46B-030	AMD	04-12-049
296-24-21705	REP-P	04-12-071	296-24-67517	AMD-X	04-20-080	296-46B-110	AMD-P	04-08-088
296-24-21705	REP	04-20-079	296-24-69003	AMD-P	04-03-085	296-46B-110	AMD	04-12-049
296-24-21707	REP-P	04-12-071	296-24-69003	AMD	04-14-028	296-46B-210	AMD-P	04-08-088
296-24-21707	REP	04-20-079	296-24-71515	AMD-X	04-20-080	296-46B-210	AMD	04-12-049
296-24-21709	REP-P	04-12-071	296-24-71519	AMD-X	04-20-080	296-46B-250	AMD-P	04-08-088
296-24-21709	REP	04-20-079	296-24-75011	AMD	04-07-161	296-46B-250	AMD	04-12-049
296-24-21711	REP-P	04-12-071	296-24-860	REP-P	04-14-027	296-46B-300	AMD-P	04-08-088
296-24-21711	REP	04-20-079	296-24-860	REP	05-01-054	296-46B-300	AMD	04-12-049
296-24-21713	REP-P	04-12-071	296-24-86005	REP-P	04-14-027	296-46B-314	AMD-P	04-08-088
296-24-21713	REP	04-20-079	296-24-86005	REP	05-01-054	296-46B-314	AMD	04-12-049
296-24-230	REP-P	04-08-039	296-24-86010	REP-P	04-14-027	296-46B-334	AMD-P	04-08-088
296-24-230	REP	04-19-051	296-24-86010	REP	05-01-054	296-46B-334	AMD	04-12-049
296-24-23001	REP-P	04-08-039	296-24-86015	REP-P	04-14-027	296-46B-410	AMD-P	04-08-088
296-24-23001	REP	04-19-051	296-24-86015	REP	05-01-054	296-46B-410	AMD	04-12-049
296-24-23003	REP-P	04-08-039	296-24-86020	REP-P	04-14-027	296-46B-430	AMD-P	04-08-088
296-24-23003	REP	04-19-051	296-24-86020	REP	05-01-054	296-46B-430	AMD	04-12-049
296-24-23005	REP-P	04-08-039	296-24-861	REP-P	04-14-027	296-46B-900	AMD-P	04-08-088
296-24-23005	REP	04-19-051	296-24-861	REP	05-01-054	296-46B-900	AMD	04-12-049
296-24-23007	REP-P	04-08-039	296-24-86105	REP-P	04-14-027	296-46B-900	PREP	04-14-088
296-24-23007	REP	04-19-051	296-24-86105	REP	05-01-054	296-46B-900	AMD-E	04-16-076
296-24-23009	REP-P	04-08-039	296-24-86110	REP-P	04-14-027	296-46B-900	AMD-P	04-17-094
296-24-23009	REP	04-19-051	296-24-86110	REP	05-01-054	296-46B-900	AMD	04-21-086
296-24-23011	REP-P	04-08-039	296-24-86115	REP-P	04-14-027	296-46B-905	AMD-P	04-08-088
296-24-23011	REP	04-19-051	296-24-86115	REP	05-01-054	296-46B-905	AMD	04-12-049
296-24-23013	REP-P	04-08-039	296-24-86120	REP-P	04-14-027	296-46B-905	PREP	04-14-088
296-24-23013	REP	04-19-051	296-24-86120	REP	05-01-054	296-46B-905	AMD-P	04-17-094
296-24-23015	REP-P	04-08-039	296-24-86125	REP-P	04-14-027	296-46B-905	AMD	04-21-086
296-24-23015	REP	04-19-051	296-24-86125	REP	05-01-054	296-46B-910	AMD-P	04-08-088
296-24-23017	REP-P	04-08-039	296-24-86130	REP-P	04-14-027	296-46B-910	AMD	04-12-049
296-24-23017	REP	04-19-051	296-24-86130	REP	05-01-054	296-46B-910	AMD-P	04-08-088
296-24-23019	REP-P	04-08-039	296-24-88020	AMD-P	04-03-085	296-46B-911	AMD	04-12-049
296-24-23019	REP	04-19-051	296-24-88020	AMD	04-14-028	296-46B-911	AMD-P	04-08-088
296-24-23021	REP-P	04-08-039	296-24-90003	AMD-P	04-03-085	296-46B-915	AMD	04-12-049
296-24-23021	REP	04-19-051	296-24-90003	AMD	04-14-028	296-46B-915	PREP	04-14-088
296-24-23023	REP-P	04-08-039	296-24-95603	AMD	04-07-161	296-46B-915	AMD-P	04-17-094
296-24-23023	REP	04-19-051	296-24-975	AMD-P	04-03-102	296-46B-915	AMD	04-21-086
296-24-23025	REP-P	04-08-039	296-24-975	AMD	04-15-105	296-46B-920	AMD-P	04-08-088
296-24-23025	REP	04-19-051	296-24-980	AMD-X	04-12-069	296-46B-920	AMD	04-12-049
296-24-23027	REP-P	04-08-039	296-24-980	AMD	04-18-080	296-46B-925	AMD-P	04-08-088
296-24-23027	REP	04-19-051	296-30-081	PREP	04-04-099	296-46B-925	AMD	04-12-049
296-24-23029	REP-P	04-08-039	296-30-081	AMD-P	04-08-091	296-46B-925	PREP	04-14-088
296-24-23029	REP	04-19-051	296-30-081	AMD	04-14-069	296-46B-925	AMD-P	04-17-094
296-24-23031	REP-P	04-08-039	296-30-090	AMD-P	04-17-093	296-46B-925	AMD	04-21-086
296-24-23031	REP	04-19-051	296-30-090	AMD-E	04-18-112	296-46B-930	AMD-P	04-08-088
296-24-23033	REP-P	04-08-039	296-30-090	AMD-P	05-01-170	296-46B-930	AMD	04-12-049
296-24-23033	REP	04-19-051	296-30-090	AMD-E	05-02-031	296-46B-935	AMD-P	04-08-088
296-24-23035	REP-P	04-08-039	296-31-070	AMD-P	04-08-091	296-46B-935	AMD	04-12-049
296-24-23035	REP	04-19-051	296-31-070	AMD	04-14-069	296-46B-940	AMD-P	04-08-088
296-24-23037	REP-P	04-08-039	296-37-510	AMD-X	04-11-065	296-46B-940	AMD	04-12-049
296-24-23037	REP	04-19-051	296-37-510	AMD	04-18-078	296-46B-945	AMD-P	04-08-088
296-24-233	AMD-P	04-12-071	296-37-515	AMD-X	04-11-065	296-46B-945	AMD	04-12-049
296-24-233	AMD	04-20-079	296-37-515	AMD	04-18-078	296-46B-950	AMD-P	04-08-088
296-24-260	REP	04-09-099	296-37-570	AMD-X	04-11-065	296-46B-950	AMD	04-12-049

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46B-970	AMD-P	04-08-088	296-62	PREP	04-09-097	296-62-07170	REP-P	04-15-107
296-46B-970	AMD	04-12-049	296-62	AMD-C	04-21-066	296-62-07170	REP	05-01-166
296-46B-970	PREP	04-14-088	296-62	PREP	05-01-169	296-62-07171	REP-P	04-15-107
296-46B-970	AMD-E	04-16-076	296-62-052	REP	04-10-026	296-62-07171	REP	05-01-166
296-46B-970	AMD-P	04-17-094	296-62-05201	REP	04-10-026	296-62-07172	REP-P	04-15-107
296-46B-970	AMD	04-21-086	296-62-05203	REP	04-10-026	296-62-07172	REP	05-01-166
296-46B-990	AMD-P	04-08-088	296-62-05205	REP	04-10-026	296-62-07175	REP-P	04-15-107
296-46B-990	AMD	04-12-049	296-62-05207	REP	04-10-026	296-62-07175	REP	05-01-166
296-46B-995	AMD-P	04-08-088	296-62-05209	REP	04-10-026	296-62-07176	REP-P	04-15-107
296-46B-995	AMD	04-12-049	296-62-05213	REP	04-10-026	296-62-07176	REP	05-01-166
296-46B-999	AMD-P	04-08-088	296-62-05215	REP	04-10-026	296-62-07177	REP-P	04-15-107
296-46B-999	AMD	04-12-049	296-62-05217	REP	04-10-026	296-62-07177	REP	05-01-166
296-52	PREP	04-21-067	296-62-05219	REP	04-10-026	296-62-07178	REP-P	04-15-107
296-52-60130	AMD-P	05-01-171	296-62-05221	REP	04-10-026	296-62-07178	REP	05-01-166
296-52-61020	AMD-P	05-01-171	296-62-05223	REP	04-10-026	296-62-07179	REP-P	04-15-107
296-52-61045	AMD-P	05-01-171	296-62-05305	AMD-P	04-07-159	296-62-07179	REP	05-01-166
296-52-62010	AMD-P	05-01-171	296-62-05305	AMD	04-14-026	296-62-07182	REP-P	04-15-107
296-52-63010	AMD-P	05-01-171	296-62-071	REP-P	04-15-107	296-62-07182	REP	05-01-166
296-52-64005	AMD-P	05-01-171	296-62-071	REP	05-01-166	296-62-07184	REP-P	04-15-107
296-52-64040	AMD-P	05-01-171	296-62-07101	REP-P	04-15-107	296-62-07184	REP	05-01-166
296-52-64050	AMD-P	05-01-171	296-62-07101	REP	05-01-166	296-62-07186	REP-P	04-15-107
296-52-64090	AMD-P	05-01-171	296-62-07102	REP-P	04-15-107	296-62-07186	REP	05-01-166
296-52-64095	AMD-P	05-01-171	296-62-07102	REP	05-01-166	296-62-07188	REP-P	04-15-107
296-52-64100	AMD-P	05-01-171	296-62-07103	REP-P	04-15-107	296-62-07188	REP	05-01-166
296-52-65005	AMD-P	05-01-171	296-62-07103	REP	05-01-166	296-62-07190	REP-P	04-15-107
296-52-65010	AMD-P	05-01-171	296-62-07105	REP-P	04-15-107	296-62-07190	REP	05-01-166
296-52-66005	AMD-P	05-01-171	296-62-07105	REP	05-01-166	296-62-07192	REP-P	04-15-107
296-52-66010	AMD-P	05-01-171	296-62-07107	REP-P	04-15-107	296-62-07192	REP	05-01-166
296-52-67080	AMD-P	05-01-171	296-62-07107	REP	05-01-166	296-62-07194	REP-P	04-15-107
296-52-67165	AMD-P	05-01-171	296-62-07109	REP-P	04-15-107	296-62-07194	REP	05-01-166
296-52-69020	AMD-P	05-01-171	296-62-07109	REP	05-01-166	296-62-07201	REP-P	04-15-107
296-52-70005	AMD-P	05-01-171	296-62-07111	REP-P	04-15-107	296-62-07201	REP	05-01-166
296-52-70010	AMD-P	05-01-171	296-62-07111	REP	05-01-166	296-62-07202	REP-P	04-15-107
296-52-70015	AMD-P	05-01-171	296-62-07113	REP-P	04-15-107	296-62-07202	REP	05-01-166
296-52-70020	AMD-P	05-01-171	296-62-07113	REP	05-01-166	296-62-07203	REP-P	04-15-107
296-52-70025	AMD-P	05-01-171	296-62-07115	REP-P	04-15-107	296-62-07203	REP	05-01-166
296-52-70030	AMD-P	05-01-171	296-62-07115	REP	05-01-166	296-62-07205	REP-P	04-15-107
296-52-70040	AMD-P	05-01-171	296-62-07117	REP-P	04-15-107	296-62-07205	REP	05-01-166
296-52-70045	AMD-P	05-01-171	296-62-07117	REP	05-01-166	296-62-07206	REP-P	04-15-107
296-52-70050	AMD-P	05-01-171	296-62-07130	REP-P	04-15-107	296-62-07206	REP	05-01-166
296-52-70055	AMD-P	05-01-171	296-62-07130	REP	05-01-166	296-62-07208	REP-P	04-15-107
296-52-70060	AMD-P	05-01-171	296-62-07131	REP-P	04-15-107	296-62-07208	REP	05-01-166
296-52-71020	AMD-P	05-01-171	296-62-07131	REP	05-01-166	296-62-07209	REP-P	04-15-107
296-52-71080	AMD-P	05-01-171	296-62-07132	REP-P	04-15-107	296-62-07209	REP	05-01-166
296-52-725	AMD-P	05-01-171	296-62-07132	REP	05-01-166	296-62-07210	REP-P	04-15-107
296-54-51150	AMD-X	04-20-080	296-62-07133	REP-P	04-15-107	296-62-07210	REP	05-01-166
296-54-573	AMD-P	04-03-085	296-62-07133	REP	05-01-166	296-62-07212	REP-P	04-15-107
296-54-573	AMD	04-14-028	296-62-07150	REP-P	04-15-107	296-62-07212	REP	05-01-166
296-54-57310	AMD-P	04-03-102	296-62-07150	REP	05-01-166	296-62-07213	REP-P	04-15-107
296-54-57310	AMD	04-15-105	296-62-07151	REP-P	04-15-107	296-62-07213	REP	05-01-166
296-56	PREP	04-07-154	296-62-07151	REP	05-01-166	296-62-07214	REP-P	04-15-107
296-56-60001	AMD-X	04-20-080	296-62-07152	REP-P	04-15-107	296-62-07214	REP	05-01-166
296-56-60005	AMD-X	04-20-080	296-62-07152	REP	05-01-166	296-62-07217	REP-P	04-15-107
296-56-60053	AMD-X	04-20-080	296-62-07153	REP-P	04-15-107	296-62-07217	REP	05-01-166
296-56-60057	AMD-X	04-20-080	296-62-07153	REP	05-01-166	296-62-07218	REP-P	04-15-107
296-56-60107	AMD-X	04-20-080	296-62-07154	REP-P	04-15-107	296-62-07218	REP	05-01-166
296-56-60110	AMD-X	04-20-080	296-62-07154	REP	05-01-166	296-62-07219	REP-P	04-15-107
296-56-60115	AMD-X	04-05-072	296-62-07155	REP-P	04-15-107	296-62-07219	REP	05-01-166
296-56-60115	AMD	04-11-066	296-62-07155	REP	05-01-166	296-62-07222	REP-P	04-15-107
296-56-60235	AMD-X	04-20-080	296-62-07156	REP-P	04-15-107	296-62-07222	REP	05-01-166
296-56-60243	AMD-X	04-05-072	296-62-07156	REP	05-01-166	296-62-07223	REP-P	04-15-107
296-56-60243	AMD	04-11-066	296-62-07160	REP-P	04-15-107	296-62-07223	REP	05-01-166
296-59-130	AMD-P	04-03-085	296-62-07160	REP	05-01-166	296-62-07224	REP-P	04-15-107
296-59-130	AMD	04-14-028	296-62-07161	REP-P	04-15-107	296-62-07224	REP	05-01-166
296-62	PREP	04-05-073	296-62-07161	REP	05-01-166	296-62-07225	REP-P	04-15-107
296-62	PREP	04-07-155	296-62-07162	REP-P	04-15-107	296-62-07225	REP	05-01-166
296-62	PREP	04-07-156	296-62-07162	REP	05-01-166	296-62-07230	REP-P	04-15-107

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296-62-07230	REP	05-01-166	296-62-07289	REP-P	04-15-107	296-62-09023	REP-P	04-15-107
296-62-07231	REP-P	04-15-107	296-62-07289	REP	05-01-166	296-62-09023	REP	05-01-166
296-62-07231	REP	05-01-166	296-62-07291	REP-P	04-15-107	296-62-09024	REP-P	04-15-107
296-62-07233	REP-P	04-15-107	296-62-07291	REP	05-01-166	296-62-09024	REP	05-01-166
296-62-07233	REP	05-01-166	296-62-07293	REP-P	04-15-107	296-62-09025	REP-P	04-15-107
296-62-07234	REP-P	04-15-107	296-62-07293	REP	05-01-166	296-62-09025	REP	05-01-166
296-62-07234	REP	05-01-166	296-62-07295	REP-P	04-15-107	296-62-09026	REP-P	04-15-107
296-62-07235	REP-P	04-15-107	296-62-07295	REP	05-01-166	296-62-09026	REP	05-01-166
296-62-07235	REP	05-01-166	296-62-07306	AMD-X	04-20-080	296-62-09027	REP-P	04-15-107
296-62-07236	REP-P	04-15-107	296-62-07314	AMD	04-10-026	296-62-09027	REP	05-01-166
296-62-07236	REP	05-01-166	296-62-07329	AMD	04-10-026	296-62-09029	REP-P	04-15-107
296-62-07238	REP-P	04-15-107	296-62-07329	AMD-X	04-20-080	296-62-09029	REP	05-01-166
296-62-07238	REP	05-01-166	296-62-07336	AMD	04-10-026	296-62-09031	REP-P	04-15-107
296-62-07239	REP-P	04-15-107	296-62-07336	AMD-X	04-20-080	296-62-09031	REP	05-01-166
296-62-07239	REP	05-01-166	296-62-07342	AMD	04-10-026	296-62-09033	REP-P	04-15-107
296-62-07240	REP-P	04-15-107	296-62-07342	AMD-X	04-20-080	296-62-09033	REP	05-01-166
296-62-07240	REP	05-01-166	296-62-07347	REP-P	04-18-077	296-62-09035	REP-P	04-15-107
296-62-07242	REP-P	04-15-107	296-62-07347	REP	05-01-173	296-62-09035	REP	05-01-166
296-62-07242	REP	05-01-166	296-62-07367	AMD-X	04-20-080	296-62-09037	REP-P	04-15-107
296-62-07243	REP-P	04-15-107	296-62-07375	AMD	04-10-026	296-62-09037	REP	05-01-166
296-62-07243	REP	05-01-166	296-62-07413	AMD-X	04-20-080	296-62-09039	REP-P	04-15-107
296-62-07245	REP-P	04-15-107	296-62-07427	AMD	04-10-026	296-62-09039	REP	05-01-166
296-62-07245	REP	05-01-166	296-62-07460	AMD	04-10-026	296-62-09041	AMD	04-10-026
296-62-07246	REP-P	04-15-107	296-62-07460	AMD-X	04-20-080	296-62-09041	REP-P	04-15-107
296-62-07246	REP	05-01-166	296-62-07470	AMD	04-10-026	296-62-09041	REP	05-01-166
296-62-07247	REP-P	04-15-107	296-62-075	REP-P	04-15-107	296-62-09043	REP-P	04-15-107
296-62-07247	REP	05-01-166	296-62-075	REP	05-01-166	296-62-09043	REP	05-01-166
296-62-07248	REP-P	04-15-107	296-62-07501	REP-P	04-15-107	296-62-09045	REP-P	04-15-107
296-62-07248	REP	05-01-166	296-62-07501	REP	05-01-166	296-62-09045	REP	05-01-166
296-62-07251	REP-P	04-15-107	296-62-07503	REP-P	04-15-107	296-62-09047	REP-P	04-15-107
296-62-07251	REP	05-01-166	296-62-07503	REP	05-01-166	296-62-09047	REP	05-01-166
296-62-07253	REP-P	04-15-107	296-62-07505	REP-P	04-15-107	296-62-09049	REP-P	04-15-107
296-62-07253	REP	05-01-166	296-62-07505	REP	05-01-166	296-62-09049	REP	05-01-166
296-62-07255	REP-P	04-15-107	296-62-07507	REP-P	04-15-107	296-62-09051	REP-P	04-15-107
296-62-07255	REP	05-01-166	296-62-07507	REP	05-01-166	296-62-09051	REP	05-01-166
296-62-07257	REP-P	04-15-107	296-62-07509	REP-P	04-15-107	296-62-09053	REP-P	04-15-107
296-62-07257	REP	05-01-166	296-62-07509	REP	05-01-166	296-62-09053	REP	05-01-166
296-62-07260	REP-P	04-15-107	296-62-07510	REP-P	04-15-107	296-62-09055	REP-P	04-15-107
296-62-07260	REP	05-01-166	296-62-07510	REP	05-01-166	296-62-09055	REP	05-01-166
296-62-07261	REP-P	04-15-107	296-62-07511	REP-P	04-15-107	296-62-141	AMD	04-03-081
296-62-07261	REP	05-01-166	296-62-07511	REP	05-01-166	296-62-141	REP-P	04-15-107
296-62-07263	REP-P	04-15-107	296-62-07513	REP-P	04-15-107	296-62-141	REP	05-01-166
296-62-07263	REP	05-01-166	296-62-07513	REP	05-01-166	296-62-14100	REP-P	04-15-107
296-62-07265	REP-P	04-15-107	296-62-07515	REP-P	04-15-107	296-62-14100	REP	05-01-166
296-62-07265	REP	05-01-166	296-62-07515	REP	05-01-166	296-62-14105	REP-P	04-15-107
296-62-07267	REP-P	04-15-107	296-62-07521	AMD	04-10-026	296-62-14105	REP	05-01-166
296-62-07267	REP	05-01-166	296-62-07521	AMD-X	04-20-080	296-62-14110	REP-P	04-15-107
296-62-07269	REP-P	04-15-107	296-62-07523	AMD-P	04-15-106	296-62-14110	REP	05-01-166
296-62-07269	REP	05-01-166	296-62-07523	AMD	05-01-172	296-62-14115	REP-P	04-15-107
296-62-07271	REP-P	04-15-107	296-62-07540	AMD	04-10-026	296-62-14115	REP	05-01-166
296-62-07271	REP	05-01-166	296-62-07540	AMD-X	04-20-080	296-62-14120	REP-P	04-15-107
296-62-07273	REP-P	04-15-107	296-62-07615	AMD-X	04-20-080	296-62-14120	REP	05-01-166
296-62-07273	REP	05-01-166	296-62-07631	AMD	04-10-026	296-62-14125	REP-P	04-15-107
296-62-07275	REP-P	04-15-107	296-62-07722	AMD-X	04-20-080	296-62-14125	REP	05-01-166
296-62-07275	REP	05-01-166	296-62-07727	AMD	04-10-026	296-62-14130	REP-P	04-15-107
296-62-07277	REP-P	04-15-107	296-62-08001	REP-P	04-15-107	296-62-14130	REP	05-01-166
296-62-07277	REP	05-01-166	296-62-08001	REP	05-01-166	296-62-14135	REP-P	04-15-107
296-62-07279	REP-P	04-15-107	296-62-08050	REP-P	04-15-107	296-62-14135	REP	05-01-166
296-62-07279	REP	05-01-166	296-62-08050	REP	05-01-166	296-62-14140	REP-P	04-15-107
296-62-07281	REP-P	04-15-107	296-62-09015	REP-P	04-15-107	296-62-14140	REP	05-01-166
296-62-07281	REP	05-01-166	296-62-09015	REP	05-01-166	296-62-14145	REP-P	04-15-107
296-62-07283	REP-P	04-15-107	296-62-09017	REP-P	04-15-107	296-62-14145	REP	05-01-166
296-62-07283	REP	05-01-166	296-62-09017	REP	05-01-166	296-62-14150	REP-P	04-15-107
296-62-07285	REP-P	04-15-107	296-62-09019	REP-P	04-15-107	296-62-14150	REP	05-01-166
296-62-07285	REP	05-01-166	296-62-09019	REP	05-01-166	296-62-14155	REP-P	04-15-107
296-62-07287	REP-P	04-15-107	296-62-09021	REP-P	04-15-107	296-62-14155	REP	05-01-166
296-62-07287	REP	05-01-166	296-62-09021	REP	05-01-166	296-62-14170	REP-P	04-15-107

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-14170	REP	05-01-166	296-62-30315	REP-P	04-15-107	296-62-30905	REP-P	04-15-107
296-62-14171	REP-P	04-15-107	296-62-30315	REP	05-01-166	296-62-30905	REP	05-01-166
296-62-14171	REP	05-01-166	296-62-3040	REP-P	04-15-107	296-62-30910	REP-P	04-15-107
296-62-14172	REP-P	04-15-107	296-62-3040	REP	05-01-166	296-62-30910	REP	05-01-166
296-62-14172	REP	05-01-166	296-62-30405	REP-P	04-15-107	296-62-30915	REP-P	04-15-107
296-62-14173	REP-P	04-15-107	296-62-30405	REP	05-01-166	296-62-30915	REP	05-01-166
296-62-14173	REP	05-01-166	296-62-30410	REP-P	04-15-107	296-62-30920	REP-P	04-15-107
296-62-14174	REP-P	04-15-107	296-62-30410	REP	05-01-166	296-62-30920	REP	05-01-166
296-62-14174	REP	05-01-166	296-62-30415	REP-P	04-15-107	296-62-30925	REP-P	04-15-107
296-62-14175	REP-P	04-15-107	296-62-30415	REP	05-01-166	296-62-30925	REP	05-01-166
296-62-14175	REP	05-01-166	296-62-30420	REP-P	04-15-107	296-62-30930	REP-P	04-15-107
296-62-14176	REP-P	04-15-107	296-62-30420	REP	05-01-166	296-62-30930	REP	05-01-166
296-62-14176	REP	05-01-166	296-62-30425	REP-P	04-15-107	296-62-30935	REP-P	04-15-107
296-62-14533	AMD	04-10-026	296-62-30425	REP	05-01-166	296-62-30935	REP	05-01-166
296-62-14533	AMD-X	04-20-080	296-62-30430	REP-P	04-15-107	296-62-30940	REP-P	04-15-107
296-62-20011	AMD-X	04-20-080	296-62-30430	REP	05-01-166	296-62-30940	REP	05-01-166
296-62-20019	AMD-X	04-20-080	296-62-30435	REP-P	04-15-107	296-62-3100	REP-P	04-15-107
296-62-20023	AMD	04-10-026	296-62-30435	REP	05-01-166	296-62-3100	REP	05-01-166
296-62-300	AMD	04-02-053	296-62-30440	REP-P	04-15-107	296-62-31005	REP-P	04-15-107
296-62-300	REP-P	04-15-107	296-62-30440	REP	05-01-166	296-62-31005	REP	05-01-166
296-62-300	REP	05-01-166	296-62-30445	REP-P	04-15-107	296-62-31010	REP	05-01-166
296-62-30001	REP-P	04-15-107	296-62-30445	REP	05-01-166	296-62-31015	REP	05-01-166
296-62-30001	REP	05-01-166	296-62-30450	REP-P	04-15-107	296-62-31020	REP	05-01-166
296-62-30003	REP-P	04-15-107	296-62-30450	REP	05-01-166	296-62-3110	REP	05-01-166
296-62-30003	REP	05-01-166	296-62-30455	REP-P	04-15-107	296-62-31105	REP	05-01-166
296-62-3010	REP-P	04-15-107	296-62-30455	REP	05-01-166	296-62-31110	REP-P	04-15-107
296-62-3010	REP	05-01-166	296-62-30460	REP-P	04-15-107	296-62-31110	REP	05-01-166
296-62-30105	REP-P	04-15-107	296-62-30460	REP	05-01-166	296-62-31120	REP-P	04-15-107
296-62-30105	REP	05-01-166	296-62-30465	REP-P	04-15-107	296-62-3120	REP	05-01-166
296-62-30110	REP-P	04-15-107	296-62-30465	REP	05-01-166	296-62-3130	REP-P	04-15-107
296-62-30110	REP	05-01-166	296-62-3050	REP-P	04-15-107	296-62-3130	REP	05-01-166
296-62-30115	REP-P	04-15-107	296-62-3050	REP	05-01-166	296-62-31305	REP-P	04-15-107
296-62-30115	REP	05-01-166	296-62-30505	REP-P	04-15-107	296-62-31305	REP	05-01-166
296-62-30120	REP-P	04-15-107	296-62-30505	REP	05-01-166	296-62-31310	REP-P	04-15-107
296-62-30120	REP	05-01-166	296-62-30510	REP-P	04-15-107	296-62-31310	REP	05-01-166
296-62-30125	REP-P	04-15-107	296-62-30510	REP	05-01-166	296-62-31315	REP-P	04-15-107
296-62-30125	REP	05-01-166	296-62-30515	REP-P	04-15-107	296-62-31315	REP	05-01-166
296-62-30130	REP-P	04-15-107	296-62-30515	REP	05-01-166	296-62-31320	REP-P	04-15-107
296-62-30130	REP	05-01-166	296-62-30520	REP-P	04-15-107	296-62-31320	REP	05-01-166
296-62-30135	REP-P	04-15-107	296-62-30520	REP	05-01-166	296-62-31325	REP-P	04-15-107
296-62-30135	REP	05-01-166	296-62-30525	REP-P	04-15-107	296-62-31325	REP	05-01-166
296-62-30140	REP-P	04-15-107	296-62-30525	REP	05-01-166	296-62-31330	REP-P	04-15-107
296-62-30140	REP	05-01-166	296-62-30530	REP-P	04-15-107	296-62-31330	REP	05-01-166
296-62-30145	REP-P	04-15-107	296-62-30530	REP	05-01-166	296-62-31335	REP-P	04-15-107
296-62-30145	REP	05-01-166	296-62-30535	REP-P	04-15-107	296-62-31335	REP	05-01-166
296-62-3020	REP-P	04-15-107	296-62-30535	REP	05-01-166	296-62-3138	REP-P	04-15-107
296-62-3020	REP	05-01-166	296-62-3060	REP-P	04-15-107	296-62-3138	REP	05-01-166
296-62-30205	REP-P	04-15-107	296-62-3060	AMD-X	04-20-080	296-62-3140	REP-P	04-15-107
296-62-30205	REP	05-01-166	296-62-3060	REP	05-01-166	296-62-3140	REP	05-01-166
296-62-30210	REP-P	04-15-107	296-62-30605	REP-P	04-15-107	296-62-31405	REP-P	04-15-107
296-62-30210	REP	05-01-166	296-62-30605	REP	05-01-166	296-62-31405	REP	05-01-166
296-62-30215	REP-P	04-15-107	296-62-30610	REP-P	04-15-107	296-62-31410	REP-P	04-15-107
296-62-30215	REP	05-01-166	296-62-30610	REP	05-01-166	296-62-31410	REP	05-01-166
296-62-30220	REP-P	04-15-107	296-62-30615	REP-P	04-15-107	296-62-31415	REP-P	04-15-107
296-62-30220	REP	05-01-166	296-62-30615	REP	05-01-166	296-62-31415	REP	05-01-166
296-62-30225	REP-P	04-15-107	296-62-3070	REP-P	04-15-107	296-62-31420	REP-P	04-15-107
296-62-30225	REP	05-01-166	296-62-3070	REP	05-01-166	296-62-31420	REP	05-01-166
296-62-30230	REP-P	04-15-107	296-62-30705	REP-P	04-15-107	296-62-31425	REP-P	04-15-107
296-62-30230	REP	05-01-166	296-62-30705	REP	05-01-166	296-62-31425	REP	05-01-166
296-62-30235	REP-P	04-15-107	296-62-30710	REP-P	04-15-107	296-62-31430	REP-P	04-15-107
296-62-30235	REP	05-01-166	296-62-30710	REP	05-01-166	296-62-31430	REP	05-01-166
296-62-3030	REP-P	04-15-107	296-62-30715	REP-P	04-15-107	296-62-31435	REP-P	04-15-107
296-62-3030	REP	05-01-166	296-62-30715	REP	05-01-166	296-62-31435	REP	05-01-166
296-62-30305	REP-P	04-15-107	296-62-3080	REP-P	04-15-107	296-62-31440	REP-P	04-15-107
296-62-30305	REP	05-01-166	296-62-3080	REP	05-01-166	296-62-31440	REP	05-01-166
296-62-30310	REP-P	04-15-107	296-62-3090	REP-P	04-15-107	296-62-31445	REP-P	04-15-107
296-62-30310	REP	05-01-166	296-62-3090	REP	05-01-166	296-62-31445	REP	05-01-166

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-31450	REP-P	04-15-107	296-96-00500	AMD	04-12-047	296-96-02235	NEW-P	04-08-087
296-62-31450	REP	05-01-166	296-96-00600	AMD-P	04-08-087	296-96-02235	NEW	04-12-047
296-62-31455	REP-P	04-15-107	296-96-00600	AMD	04-12-047	296-96-02240	AMD-P	04-08-087
296-62-31455	REP	05-01-166	296-96-00650	AMD-P	04-08-087	296-96-02240	AMD	04-12-047
296-62-31460	REP-P	04-15-107	296-96-00650	AMD	04-12-047	296-96-02275	AMD-P	04-08-087
296-62-31460	REP	05-01-166	296-96-00700	AMD-P	04-08-087	296-96-02275	AMD	04-12-047
296-62-31465	REP-P	04-15-107	296-96-00700	AMD	04-12-047	296-96-02276	NEW-P	04-08-087
296-62-31465	REP	05-01-166	296-96-00800	AMD-P	04-08-087	296-96-02276	NEW	04-12-047
296-62-31470	REP-P	04-15-107	296-96-00800	AMD	04-12-047	296-96-02277	AMD-P	04-08-087
296-62-31470	REP	05-01-166	296-96-00805	NEW-P	04-08-087	296-96-02277	AMD	04-12-047
296-62-3152	REP-P	04-15-107	296-96-00805	NEW	04-12-047	296-96-02278	AMD-P	04-08-087
296-62-3152	REP	05-01-166	296-96-00900	NEW-P	04-08-087	296-96-02278	AMD	04-12-047
296-62-3160	REP-P	04-15-107	296-96-00900	NEW	04-12-047	296-96-02280	AMD-P	04-08-087
296-62-3160	REP	05-01-166	296-96-00902	NEW-P	04-08-087	296-96-02280	AMD	04-12-047
296-62-3170	REP-P	04-15-107	296-96-00902	NEW	04-12-047	296-96-02281	AMD-P	04-08-087
296-62-3170	REP	05-01-166	296-96-00903	NEW-P	04-08-087	296-96-02281	AMD	04-12-047
296-62-3180	REP-P	04-15-107	296-96-00903	NEW	04-12-047	296-96-02282	NEW-P	04-08-087
296-62-3180	REP	05-01-166	296-96-00904	NEW-P	04-08-087	296-96-02282	NEW	04-12-047
296-62-3190	REP-P	04-15-107	296-96-00904	NEW	04-12-047	296-96-02283	NEW-P	04-08-087
296-62-3190	REP	05-01-166	296-96-00906	NEW-P	04-08-087	296-96-02283	NEW	04-12-047
296-62-3195	REP-P	04-15-107	296-96-00906	NEW	04-12-047	296-96-02285	NEW-P	04-08-087
296-62-3195	AMD-X	04-20-080	296-96-00910	NEW-P	04-08-087	296-96-02285	NEW	04-12-047
296-62-3195	REP	05-01-166	296-96-00910	NEW	04-12-047	296-96-02290	NEW-P	04-08-087
296-62-40001	AMD-X	04-20-080	296-96-00912	NEW-P	04-08-087	296-96-02290	NEW	04-12-047
296-62-40007	AMD-X	04-20-080	296-96-00912	NEW	04-12-047	296-96-02310	AMD-P	04-08-087
296-62-40019	AMD	04-10-026	296-96-00914	NEW-P	04-08-087	296-96-02310	AMD	04-12-047
296-65	PREP	04-05-073	296-96-00914	NEW	04-12-047	296-96-02315	AMD-P	04-08-087
296-78-540	AMD	04-07-160	296-96-00916	NEW-P	04-08-087	296-96-02315	AMD	04-12-047
296-78-56511	AMD-P	04-03-085	296-96-00916	NEW	04-12-047	296-96-02317	NEW-P	04-08-087
296-78-56511	AMD	04-14-028	296-96-00918	NEW-P	04-08-087	296-96-02317	NEW	04-12-047
296-78-590	AMD-P	04-03-085	296-96-00918	NEW	04-12-047	296-96-02318	NEW-P	04-08-087
296-78-590	AMD	04-14-028	296-96-00920	NEW-P	04-08-087	296-96-02318	NEW	04-12-047
296-78-605	AMD-P	04-03-085	296-96-00920	NEW	04-12-047	296-96-02320	AMD-P	04-08-087
296-78-605	AMD	04-14-028	296-96-00922	NEW-P	04-08-087	296-96-02320	AMD	04-12-047
296-78-615	AMD-P	04-03-085	296-96-00922	NEW	04-12-047	296-96-02325	AMD-P	04-08-087
296-78-615	AMD	04-14-028	296-96-00924	NEW-P	04-08-087	296-96-02325	AMD	04-12-047
296-78-650	AMD-P	04-03-085	296-96-00924	NEW	04-12-047	296-96-02330	AMD-P	04-08-087
296-78-650	AMD	04-14-028	296-96-00926	NEW-P	04-08-087	296-96-02330	AMD	04-12-047
296-78-660	AMD-P	04-03-085	296-96-00926	NEW	04-12-047	296-96-02340	AMD-P	04-08-087
296-78-660	AMD	04-14-028	296-96-00930	NEW-P	04-08-087	296-96-02340	AMD	04-12-047
296-78-665	AMD-P	04-03-085	296-96-00930	NEW	04-12-047	296-96-02350	AMD-P	04-08-087
296-78-665	AMD	04-14-028	296-96-01000	AMD-P	04-08-087	296-96-02350	AMD	04-12-047
296-78-665	AMD-X	04-20-080	296-96-01000	AMD	04-12-047	296-96-02355	AMD-P	04-11-063
296-78-690	AMD-P	04-03-085	296-96-01005	AMD-P	04-08-087	296-96-02355	AMD	04-15-104
296-78-690	AMD	04-14-028	296-96-01005	AMD	04-12-047	296-96-02360	AMD-P	04-08-087
296-78-70503	AMD-P	04-03-085	296-96-01006	NEW-P	04-08-087	296-96-02360	AMD	04-12-047
296-78-70503	AMD	04-14-028	296-96-01006	NEW	04-12-047	296-96-02361	NEW-P	04-08-087
296-78-710	PREP	04-06-078	296-96-01007	NEW-P	04-08-087	296-96-02361	NEW	04-12-047
296-78-710	PREP-W	04-18-044	296-96-01007	NEW	04-12-047	296-96-02362	NEW-P	04-08-087
296-78-71001	AMD-X	04-12-069	296-96-01009	NEW-P	04-08-087	296-96-02362	NEW	04-12-047
296-78-71001	AMD	04-18-080	296-96-01009	NEW	04-12-047	296-96-02363	NEW-P	04-08-087
296-78-71007	AMD-P	04-03-085	296-96-01010	AMD-P	04-08-087	296-96-02363	NEW	04-12-047
296-78-71007	AMD	04-14-028	296-96-01010	AMD	04-12-047	296-96-02364	NEW-P	04-08-087
296-78-71015	AMD-X	04-20-080	296-96-01027	AMD-P	04-08-087	296-96-02364	NEW	04-12-047
296-78-71017	AMD-P	04-03-085	296-96-01027	AMD	04-12-047	296-96-02365	REP-P	04-08-087
296-78-71017	AMD	04-14-028	296-96-01035	AMD-P	04-08-087	296-96-02365	REP	04-12-047
296-78-71019	AMD-X	04-20-080	296-96-01035	AMD	04-12-047	296-96-02366	NEW-P	04-08-087
296-78-71505	AMD-P	04-03-085	296-96-01070	AMD-P	04-08-087	296-96-02366	NEW	04-12-047
296-78-71505	AMD	04-14-028	296-96-01070	AMD	04-12-047	296-96-02367	NEW-P	04-08-087
296-78-84005	AMD-X	04-20-080	296-96-01075	NEW-P	04-08-087	296-96-02367	NEW	04-12-047
296-79-030	AMD-P	04-03-085	296-96-01075	NEW	04-12-047	296-96-02370	NEW-P	04-08-087
296-79-030	AMD	04-14-028	296-96-01080	REP-P	04-08-087	296-96-02370	NEW	04-12-047
296-79-220	AMD-P	04-03-102	296-96-01080	REP	04-12-047	296-96-02371	NEW-P	04-08-087
296-79-220	AMD	04-15-105	296-96-02230	NEW-P	04-08-087	296-96-02371	NEW	04-12-047
296-79-29007	AMD-X	04-20-080	296-96-02230	NEW	04-12-047	296-96-05010	AMD-P	04-08-087
296-96	PREP	04-24-024	296-96-02232	NEW-P	04-08-087	296-96-05010	AMD	04-12-047
296-96-00500	AMD-P	04-08-087	296-96-02232	NEW	04-12-047	296-96-05030	AMD-P	04-08-087

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-05030	AMD	04-12-047	296-96-08190	AMD-P	04-08-087	296-96-13171	NEW	04-12-047
296-96-05070	AMD-P	04-08-087	296-96-08190	AMD	04-12-047	296-96-14045	AMD-P	04-08-087
296-96-05070	AMD	04-12-047	296-96-08200	AMD-P	04-08-087	296-96-14045	AMD	04-12-047
296-96-05160	AMD-P	04-08-087	296-96-08200	AMD	04-12-047	296-96-14060	AMD-P	04-08-087
296-96-05160	AMD	04-12-047	296-96-08215	NEW-P	04-08-087	296-96-14060	AMD	04-12-047
296-96-05170	AMD-P	04-08-087	296-96-08215	NEW	04-12-047	296-96-14070	AMD-P	04-08-087
296-96-05170	AMD	04-12-047	296-96-08220	AMD-P	04-08-087	296-96-14070	AMD	04-12-047
296-96-05230	AMD-P	04-08-087	296-96-08220	AMD	04-12-047	296-96-14080	AMD-P	04-08-087
296-96-05230	AMD	04-12-047	296-96-08230	AMD-P	04-08-087	296-96-14080	AMD	04-12-047
296-96-05290	AMD-P	04-08-087	296-96-08230	AMD	04-12-047	296-96-16040	AMD-P	04-08-087
296-96-05290	AMD	04-12-047	296-96-08250	AMD-P	04-08-087	296-96-16040	AMD	04-12-047
296-96-07010	AMD-P	04-08-087	296-96-08250	AMD	04-12-047	296-96-16150	AMD-P	04-08-087
296-96-07010	AMD	04-12-047	296-96-09002	AMD-P	04-08-087	296-96-16150	AMD	04-12-047
296-96-07021	NEW-P	04-08-087	296-96-09002	AMD	04-12-047	296-96-23100	AMD-P	04-08-087
296-96-07021	NEW	04-12-047	296-96-09003	NEW-P	04-08-087	296-96-23100	AMD	04-12-047
296-96-07024	NEW-P	04-08-087	296-96-09003	NEW	04-12-047	296-96-23101	AMD-P	04-08-087
296-96-07024	NEW	04-12-047	296-96-09004	NEW-P	04-08-087	296-96-23101	AMD	04-12-047
296-96-07080	AMD-P	04-08-087	296-96-09004	NEW	04-12-047	296-96-23117	NEW-P	04-08-087
296-96-07080	AMD	04-12-047	296-96-10002	NEW-P	04-08-087	296-96-23117	NEW	04-12-047
296-96-07100	AMD-P	04-08-087	296-96-10002	NEW	04-12-047	296-96-23118	NEW-P	04-08-087
296-96-07100	AMD	04-12-047	296-96-11000	REP-P	04-08-087	296-96-23118	NEW	04-12-047
296-96-07170	AMD-P	04-08-087	296-96-11000	REP	04-12-047	296-96-23119	NEW-P	04-08-087
296-96-07170	AMD	04-12-047	296-96-11001	AMD-P	04-08-087	296-96-23119	NEW	04-12-047
296-96-07180	AMD-P	04-08-087	296-96-11001	AMD	04-12-047	296-96-23151	AMD-P	04-08-087
296-96-07180	AMD	04-12-047	296-96-11016	AMD-P	04-08-087	296-96-23151	AMD	04-12-047
296-96-07190	AMD-P	04-08-087	296-96-11016	AMD	04-12-047	296-96-23240	AMD-P	04-08-087
296-96-07190	AMD	04-12-047	296-96-11019	AMD-P	04-08-087	296-96-23240	AMD	04-12-047
296-96-07200	AMD-P	04-08-087	296-96-11019	AMD	04-12-047	296-96-23270	AMD-P	04-08-087
296-96-07200	AMD	04-12-047	296-96-11022	AMD-P	04-08-087	296-96-23270	AMD	04-12-047
296-96-07215	NEW-P	04-08-087	296-96-11022	AMD	04-12-047	296-96-23287	AMD-P	04-08-087
296-96-07215	NEW	04-12-047	296-96-11045	AMD-P	04-08-087	296-96-23287	AMD	04-12-047
296-96-07230	AMD-P	04-08-087	296-96-11045	AMD	04-12-047	296-96-23303	NEW-P	04-11-063
296-96-07230	AMD	04-12-047	296-96-11057	AMD-P	04-08-087	296-96-23303	NEW	04-15-104
296-96-07250	AMD-P	04-08-087	296-96-11057	AMD	04-12-047	296-96-23610	AMD-P	04-08-087
296-96-07250	AMD	04-12-047	296-96-11078	AMD-P	04-08-087	296-96-23610	AMD	04-12-047
296-96-08010	AMD-P	04-08-087	296-96-11078	AMD	04-12-047	296-104	PREP	04-08-114
296-96-08010	AMD	04-12-047	296-96-11080	NEW-P	04-08-087	296-104-010	AMD-P	04-17-100
296-96-08020	AMD-P	04-08-087	296-96-11080	NEW	04-12-047	296-104-010	AMD	04-21-069
296-96-08020	AMD	04-12-047	296-96-13135	NEW-P	04-08-087	296-104-050	AMD-P	04-17-100
296-96-08022	NEW-P	04-08-087	296-96-13135	NEW	04-12-047	296-104-050	AMD	04-21-069
296-96-08022	NEW	04-12-047	296-96-13139	NEW-P	04-08-087	296-104-100	AMD-P	04-17-100
296-96-08024	NEW-P	04-08-087	296-96-13139	NEW	04-12-047	296-104-100	AMD	04-21-069
296-96-08024	NEW	04-12-047	296-96-13143	NEW-P	04-08-087	296-104-102	AMD-P	04-17-100
296-96-08030	AMD-P	04-08-087	296-96-13143	NEW	04-12-047	296-104-102	AMD	04-21-069
296-96-08030	AMD	04-12-047	296-96-13145	NEW-P	04-08-087	296-104-140	AMD-P	04-17-100
296-96-08050	AMD-P	04-08-087	296-96-13145	NEW	04-12-047	296-104-140	AMD	04-21-069
296-96-08050	AMD	04-12-047	296-96-13147	NEW-P	04-08-087	296-104-200	AMD-P	04-17-100
296-96-08060	AMD-P	04-08-087	296-96-13147	NEW	04-12-047	296-104-200	AMD	04-21-069
296-96-08060	AMD	04-12-047	296-96-13149	NEW-P	04-08-087	296-104-300	AMD-P	04-17-100
296-96-08090	AMD-P	04-08-087	296-96-13149	NEW	04-12-047	296-104-300	AMD	04-21-069
296-96-08090	AMD	04-12-047	296-96-13151	NEW-P	04-08-087	296-104-301	NEW-P	04-17-100
296-96-08100	AMD-P	04-08-087	296-96-13151	NEW	04-12-047	296-104-301	NEW	04-21-069
296-96-08100	AMD	04-12-047	296-96-13153	NEW-P	04-08-087	296-104-302	NEW-P	04-17-100
296-96-08110	AMD-P	04-08-087	296-96-13153	NEW	04-12-047	296-104-302	NEW	04-21-069
296-96-08110	AMD	04-12-047	296-96-13155	NEW-P	04-08-087	296-104-303	NEW-P	04-17-100
296-96-08140	AMD-P	04-08-087	296-96-13155	NEW	04-12-047	296-104-303	NEW	04-21-069
296-96-08140	AMD	04-12-047	296-96-13157	NEW-P	04-08-087	296-104-405	AMD-P	04-17-100
296-96-08150	AMD-P	04-08-087	296-96-13157	NEW	04-12-047	296-104-405	AMD	04-21-069
296-96-08150	AMD	04-12-047	296-96-13159	NEW-P	04-08-087	296-104-502	AMD-P	04-17-100
296-96-08160	AMD-P	04-08-087	296-96-13159	NEW	04-12-047	296-104-502	AMD	04-21-069
296-96-08160	AMD	04-12-047	296-96-13161	NEW-P	04-08-087	296-104-520	AMD-P	04-17-100
296-96-08170	AMD-P	04-08-087	296-96-13161	NEW	04-12-047	296-104-520	AMD	04-21-069
296-96-08170	AMD	04-12-047	296-96-13167	NEW-P	04-08-087	296-104-700	AMD-P	04-08-115
296-96-08175	AMD-P	04-08-087	296-96-13167	NEW	04-12-047	296-104-700	AMD	04-13-044
296-96-08175	AMD	04-12-047	296-96-13169	NEW-P	04-08-087	296-104-700	AMD-P	04-17-100
296-96-08180	AMD-P	04-08-087	296-96-13169	NEW	04-12-047	296-104-700	AMD	04-21-069
296-96-08180	AMD	04-12-047	296-96-13171	NEW-P	04-08-087	296-104-701	AMD-P	04-17-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-104-701	AMD	04-21-069	296-150V-0205	NEW-P	04-20-078	296-155-496	REP-W	05-01-053
296-115-050	AMD-P	04-03-085	296-150V-0205	NEW	05-01-102	296-155-497	REP-P	04-14-027
296-115-050	AMD	04-14-028	296-150V-1180	AMD-P	04-20-078	296-155-497	REP	05-01-054
296-127	PREP	04-06-063	296-150V-1180	AMD	05-01-102	296-155-498	REP-P	04-14-027
296-127-011	AMD-X	04-03-083	296-150V-3000	AMD-P	04-08-092	296-155-498	REP	05-01-054
296-127-011	AMD	04-10-083	296-150V-3000	AMD	04-12-048	296-155-525	AMD-P	04-03-085
296-127-01377	AMD-P	04-12-068	296-150V-3000	AMD-P	04-20-078	296-155-525	AMD	04-14-028
296-127-01377	AMD	04-16-094	296-150V-3000	AMD	05-01-102	296-155-525	AMD-X	04-20-080
296-150C	PREP	04-13-132	296-155	PREP	04-03-084	296-155-575	REP	04-09-099
296-150C-0020	AMD-P	04-20-078	296-155	PREP	04-05-074	296-155-576	REP	04-09-099
296-150C-0020	AMD	05-01-102	296-155	PREP	04-11-062	296-155-610	AMD-E	04-10-107
296-150C-0800	AMD-P	04-20-078	296-155	PREP	05-01-169	296-155-610	AMD-P	04-14-083
296-150C-0800	AMD	05-01-102	296-155-120	AMD	04-07-160	296-155-610	AMD-E	04-19-013
296-150C-0910	AMD-P	04-20-078	296-155-160	AMD-X	04-20-080	296-155-610	AMD	04-24-089
296-150C-0910	AMD	05-01-102	296-155-165	AMD-P	04-14-083	296-155-615	AMD-P	04-14-083
296-150C-1080	AMD-P	04-20-078	296-155-165	AMD	04-24-089	296-155-615	AMD	04-24-089
296-150C-1080	AMD	05-01-102	296-155-17317	AMD-X	04-20-080	296-155-617	PREP	04-07-154
296-150C-1150	AMD-P	04-20-078	296-155-17331	AMD	04-10-026	296-155-617	REP-P	04-12-071
296-150C-1150	AMD	05-01-102	296-155-174	AMD	04-10-026	296-155-617	REP	04-20-079
296-150C-1175	AMD-P	04-20-078	296-155-174	AMD-X	04-20-080	296-155-61701	REP-P	04-12-071
296-150C-1175	AMD	05-01-102	296-155-17613	AMD-X	04-20-080	296-155-61701	REP	04-20-079
296-150C-1180	AMD-P	04-20-078	296-155-17625	AMD-X	04-20-080	296-155-61703	REP-P	04-12-071
296-150C-1180	AMD	05-01-102	296-155-17652	AMD-X	04-20-080	296-155-61703	REP	04-20-079
296-150C-1345	REP-P	04-20-078	296-155-200	AMD-P	04-14-083	296-155-61705	REP-P	04-12-071
296-150C-1345	REP	05-01-102	296-155-200	AMD	04-24-089	296-155-61705	REP	04-20-079
296-150C-1510	AMD-P	04-20-078	296-155-20301	AMD-X	04-20-080	296-155-61707	REP-P	04-12-071
296-150C-1510	AMD	05-01-102	296-155-220	AMD-X	04-20-080	296-155-61707	REP	04-20-079
296-150C-1520	AMD-P	04-20-078	296-155-300	REP-X	04-12-069	296-155-61709	REP-P	04-12-071
296-150C-1520	AMD	05-01-102	296-155-300	AMD-P	04-14-083	296-155-61709	REP	04-20-079
296-150C-3000	AMD-P	04-08-092	296-155-300	REP	04-18-080	296-155-61711	REP-P	04-12-071
296-150C-3000	AMD	04-12-048	296-155-300	AMD-W	05-01-035	296-155-61711	REP	04-20-079
296-150C-3000	AMD-P	04-20-078	296-155-305	AMD-P	04-14-083	296-155-61713	REP-P	04-12-071
296-150C-3000	AMD	05-01-102	296-155-305	AMD	04-24-089	296-155-61713	REP	04-20-079
296-150F	PREP	04-13-132	296-155-310	AMD-P	04-14-083	296-155-655	AMD-P	04-14-083
296-150F-0605	AMD-P	04-20-078	296-155-310	AMD	04-24-089	296-155-655	AMD-X	04-20-080
296-150F-0605	AMD	05-01-102	296-155-315	AMD-P	04-14-083	296-155-655	AMD	04-24-089
296-150F-0615	REP-P	04-20-078	296-155-315	AMD	04-24-089	296-155-682	AMD-P	04-03-085
296-150F-0615	REP	05-01-102	296-155-367	AMD-X	04-20-080	296-155-682	AMD	04-14-028
296-150F-3000	AMD-P	04-08-092	296-155-429	AMD-P	04-03-102	296-155-730	AMD-X	04-20-080
296-150F-3000	AMD	04-12-048	296-155-429	AMD	04-15-105	296-200A-900	AMD-P	04-08-092
296-150F-3000	AMD-P	04-20-078	296-155-481	REP-P	04-14-027	296-200A-900	AMD	04-12-048
296-150F-3000	AMD	05-01-102	296-155-481	REP-W	05-01-053	296-301-020	AMD-P	04-03-085
296-150M	PREP	04-13-132	296-155-482	REP-P	04-14-027	296-301-020	PREP	04-06-078
296-150M-0120	AMD-P	04-20-078	296-155-482	REP-W	05-01-053	296-301-020	AMD-X	04-12-069
296-150M-0120	AMD	05-01-102	296-155-483	REP-P	04-14-027	296-301-020	AMD	04-14-028
296-150M-0260	AMD-P	04-20-078	296-155-483	REP	05-01-054	296-301-020	PREP-W	04-18-044
296-150M-0260	AMD	05-01-102	296-155-484	REP-P	04-14-027	296-301-020	AMD	04-18-080
296-150M-0302	AMD-P	04-20-078	296-155-484	REP	05-01-054	296-301-170	AMD-P	04-03-085
296-150M-0302	AMD	05-01-102	296-155-485	REP-P	04-14-027	296-301-170	AMD	04-14-028
296-150M-0310	AMD-P	04-20-078	296-155-485	REP	05-01-054	296-301-220	AMD-X	04-20-080
296-150M-0310	AMD	05-01-102	296-155-487	AMD-P	04-03-085	296-302-010	REP-P	04-03-085
296-150M-0614	AMD-P	04-20-078	296-155-487	REP-P	04-14-027	296-302-010	REP	04-14-028
296-150M-0614	AMD	05-01-102	296-155-487	AMD	04-14-028	296-302-015	REP-P	04-03-085
296-150M-3000	AMD-P	04-08-092	296-155-487	REP-W	05-01-053	296-302-015	REP	04-14-028
296-150M-3000	AMD	04-12-048	296-155-488	AMD-P	04-03-085	296-302-020	REP-P	04-03-085
296-150P	PREP	04-13-132	296-155-488	REP-P	04-14-027	296-302-020	REP	04-14-028
296-150P-3000	AMD-P	04-08-092	296-155-488	AMD	04-14-028	296-302-025	REP-P	04-03-085
296-150P-3000	AMD	04-12-048	296-155-488	REP-W	05-01-053	296-302-025	REP	04-14-028
296-150R	PREP	04-13-132	296-155-489	REP-P	04-14-027	296-302-02501	REP-P	04-03-085
296-150R-3000	AMD-P	04-08-092	296-155-489	REP-W	05-01-053	296-302-02501	REP	04-14-028
296-150R-3000	AMD	04-12-048	296-155-490	REP-P	04-14-027	296-302-02503	REP-P	04-03-085
296-150T	PREP	04-13-132	296-155-490	REP-W	05-01-053	296-302-02503	REP	04-14-028
296-150T-3000	AMD-P	04-08-092	296-155-493	REP-P	04-14-027	296-302-02505	REP-P	04-03-085
296-150T-3000	AMD	04-12-048	296-155-493	REP	05-01-054	296-302-02505	REP	04-14-028
296-150T-3000	AMD-P	04-20-078	296-155-494	REP-P	04-14-027	296-302-02507	REP-P	04-03-085
296-150T-3000	AMD	05-01-102	296-155-494	REP	05-01-054	296-302-02507	REP	04-14-028
296-150V	PREP	04-13-132	296-155-496	REP-P	04-14-027	296-302-02509	REP-P	04-03-085

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296-302-02509	REP	04-14-028	296-304-03005	AMD-X	04-20-080	296-307-45450	REP	05-01-166
296-302-02511	REP-P	04-03-085	296-304-03007	AMD-X	04-20-080	296-307-45600	REP-P	04-15-107
296-302-02511	REP	04-14-028	296-304-04001	AMD-X	04-20-080	296-307-45600	REP	05-01-166
296-302-02513	REP-P	04-03-085	296-304-09007	AMD-X	04-20-080	296-307-45610	REP-P	04-15-107
296-302-02513	REP	04-14-028	296-305-01515	AMD	04-07-160	296-307-45610	REP	05-01-166
296-302-02515	REP-P	04-03-085	296-305-02501	AMD	04-10-026	296-307-45620	REP-P	04-15-107
296-302-02515	REP	04-14-028	296-305-02501	AMD-X	04-20-080	296-307-45620	REP	05-01-166
296-302-02517	REP-P	04-03-085	296-305-04001	AMD-X	04-20-080	296-307-45800	REP-P	04-15-107
296-302-02517	REP	04-14-028	296-305-04501	PREP	04-08-090	296-307-45800	REP	05-01-166
296-302-02519	REP-P	04-03-085	296-305-04501	PREP	04-11-062	296-307-46000	REP-P	04-15-107
296-302-02519	REP	04-14-028	296-305-05503	AMD-X	04-20-080	296-307-46000	REP	05-01-166
296-302-03001	REP-P	04-03-085	296-305-06519	AMD-P	04-03-085	296-307-50025	AMD-P	04-15-107
296-302-03001	REP	04-14-028	296-305-06519	AMD	04-14-028	296-307-50025	AMD	05-01-166
296-302-03003	REP-P	04-03-085	296-307	PREP	04-09-097	296-307-50029	AMD-P	04-15-107
296-302-03003	REP	04-14-028	296-307	AMD-C	04-21-066	296-307-50029	AMD	05-01-166
296-302-035	REP-P	04-03-085	296-307-018	AMD-P	04-15-107	296-307-550	AMD-P	04-15-107
296-302-035	REP	04-14-028	296-307-018	AMD	05-01-166	296-307-550	AMD	05-01-166
296-302-040	REP-P	04-03-085	296-307-039	AMD	04-07-160	296-307-55015	AMD-P	04-15-107
296-302-040	REP	04-14-028	296-307-039	AMD-P	04-15-107	296-307-55015	AMD	05-01-166
296-302-045	REP-P	04-03-085	296-307-039	AMD	05-01-166	296-307-55030	AMD-P	04-15-107
296-302-045	REP	04-14-028	296-307-03905	AMD	04-07-160	296-307-55030	AMD	05-01-166
296-302-050	REP-P	04-03-085	296-307-03910	REP	04-07-160	296-307-55035	AMD-P	04-15-107
296-302-050	REP	04-14-028	296-307-03915	REP	04-07-160	296-307-55035	AMD	05-01-166
296-302-05501	REP-P	04-03-085	296-307-03920	AMD-P	04-15-107	296-307-55060	AMD-P	04-15-107
296-302-05501	REP	04-14-028	296-307-03920	AMD	05-01-166	296-307-55060	AMD	05-01-166
296-302-05503	REP-P	04-03-085	296-307-03925	REP	04-07-160	296-307-560	AMD-P	04-15-107
296-302-05503	REP	04-14-028	296-307-061	AMD-P	04-15-107	296-307-560	AMD	05-01-166
296-302-060	REP-P	04-03-085	296-307-061	AMD	05-01-166	296-307-56025	AMD-P	04-15-107
296-302-060	REP	04-14-028	296-307-07013	AMD-P	04-15-107	296-307-56025	AMD	05-01-166
296-302-065	REP-P	04-03-085	296-307-07013	AMD	05-01-166	296-307-56050	AMD-P	04-15-107
296-302-065	REP	04-14-028	296-307-11015	AMD-P	04-15-107	296-307-56050	AMD	05-01-166
296-302-06501	REP-P	04-03-085	296-307-11015	AMD	05-01-166	296-307-594	NEW-P	04-15-107
296-302-06501	REP	04-14-028	296-307-13045	AMD-P	04-15-107	296-307-594	NEW	05-01-166
296-302-06503	REP-P	04-03-085	296-307-13045	AMD	05-01-166	296-307-596	NEW-P	04-15-107
296-302-06503	REP	04-14-028	296-307-14505	AMD-X	04-07-162	296-307-596	NEW	05-01-166
296-302-06505	REP-P	04-03-085	296-307-14505	AMD	04-13-129	296-307-59605	NEW-P	04-15-107
296-302-06505	REP	04-14-028	296-307-14510	AMD-X	04-07-162	296-307-59605	NEW	05-01-166
296-302-06507	REP-P	04-03-085	296-307-14510	AMD	04-13-129	296-307-598	NEW-P	04-15-107
296-302-06507	REP	04-14-028	296-307-16340	AMD-P	04-15-107	296-307-598	NEW	05-01-166
296-302-06509	REP-P	04-03-085	296-307-16340	AMD	05-01-166	296-307-59805	NEW-P	04-15-107
296-302-06509	REP	04-14-028	296-307-45010	AMD-P	04-15-107	296-307-59805	NEW	05-01-166
296-302-06511	REP-P	04-03-085	296-307-45010	AMD	05-01-166	296-307-59810	NEW-P	04-15-107
296-302-06511	REP	04-14-028	296-307-45035	AMD-P	04-15-107	296-307-59810	NEW	05-01-166
296-302-06513	REP-P	04-03-085	296-307-45035	AMD	05-01-166	296-307-600	NEW-P	04-15-107
296-302-06513	REP	04-14-028	296-307-45045	AMD-P	04-15-107	296-307-600	NEW	05-01-166
296-302-06515	REP-P	04-03-085	296-307-45045	AMD	05-01-166	296-307-60005	NEW-P	04-15-107
296-302-06515	REP	04-14-028	296-307-452	REP-P	04-15-107	296-307-60005	NEW	05-01-166
296-302-06517	REP-P	04-03-085	296-307-452	REP	05-01-166	296-307-60010	NEW-P	04-15-107
296-302-06517	REP	04-14-028	296-307-45210	REP-P	04-15-107	296-307-60010	NEW	05-01-166
296-302-06519	REP-P	04-03-085	296-307-45210	REP	05-01-166	296-307-602	NEW-P	04-15-107
296-302-06519	REP	04-14-028	296-307-45220	REP-P	04-15-107	296-307-602	NEW	05-01-166
296-302-06521	REP-P	04-03-085	296-307-45220	REP	05-01-166	296-307-60205	NEW-P	04-15-107
296-302-06521	REP	04-14-028	296-307-45230	REP-P	04-15-107	296-307-60205	NEW	05-01-166
296-302-06523	REP-P	04-03-085	296-307-45230	REP	05-01-166	296-307-604	NEW-P	04-15-107
296-302-06523	REP	04-14-028	296-307-45240	REP-P	04-15-107	296-307-604	NEW	05-01-166
296-302-06525	REP-P	04-03-085	296-307-45240	REP	05-01-166	296-307-60405	NEW-P	04-15-107
296-302-06525	REP	04-14-028	296-307-45400	REP-P	04-15-107	296-307-60405	NEW	05-01-166
296-302-06527	REP-P	04-03-085	296-307-45400	REP	05-01-166	296-307-606	NEW-P	04-15-107
296-302-06527	REP	04-14-028	296-307-45410	REP-P	04-15-107	296-307-606	NEW	05-01-166
296-302-06529	REP-P	04-03-085	296-307-45410	REP	05-01-166	296-307-60605	NEW-P	04-15-107
296-302-06529	REP	04-14-028	296-307-45420	REP-P	04-15-107	296-307-60605	NEW	05-01-166
296-302-06531	REP-P	04-03-085	296-307-45420	REP	05-01-166	296-307-608	NEW-P	04-15-107
296-302-06531	REP	04-14-028	296-307-45430	REP-P	04-15-107	296-307-608	NEW	05-01-166
296-303-030	AMD-P	04-03-085	296-307-45430	REP	05-01-166	296-307-60805	NEW-P	04-15-107
296-303-030	AMD	04-14-028	296-307-45440	REP-P	04-15-107	296-307-60805	NEW	05-01-166
296-304-02003	AMD-X	04-20-080	296-307-45440	REP	05-01-166	296-307-610	NEW-P	04-15-107
296-304-03001	AMD-X	04-20-080	296-307-45450	REP-P	04-15-107	296-307-610	NEW	05-01-166

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-61005	NEW-P	04-15-107	296-307-63220	NEW	05-01-166	296-307-64804	NEW-P	04-15-107
296-307-61005	NEW	05-01-166	296-307-63225	NEW-P	04-15-107	296-307-64804	NEW	05-01-166
296-307-61010	NEW-P	04-15-107	296-307-63225	NEW	05-01-166	296-307-650	NEW-P	04-15-107
296-307-61010	NEW	05-01-166	296-307-63230	NEW-P	04-15-107	296-307-650	NEW	05-01-166
296-307-61015	NEW-P	04-15-107	296-307-63230	NEW	05-01-166	296-307-65002	NEW-P	04-15-107
296-307-61015	NEW	05-01-166	296-307-63235	NEW-P	04-15-107	296-307-65002	NEW	05-01-166
296-307-612	NEW-P	04-15-107	296-307-63235	NEW	05-01-166	296-307-65004	NEW-P	04-15-107
296-307-612	NEW	05-01-166	296-307-63240	NEW-P	04-15-107	296-307-65004	NEW	05-01-166
296-307-61205	NEW-P	04-15-107	296-307-63240	NEW	05-01-166	296-307-65006	NEW-P	04-15-107
296-307-61205	NEW	05-01-166	296-307-634	NEW-P	04-15-107	296-307-65006	NEW	05-01-166
296-307-61210	NEW-P	04-15-107	296-307-634	NEW	05-01-166	296-307-65008	NEW-P	04-15-107
296-307-61210	NEW	05-01-166	296-307-63405	NEW-P	04-15-107	296-307-65008	NEW	05-01-166
296-307-614	NEW-P	04-15-107	296-307-63405	NEW	05-01-166	296-307-65010	NEW-P	04-15-107
296-307-614	NEW	05-01-166	296-307-63410	NEW-P	04-15-107	296-307-65010	NEW	05-01-166
296-307-61405	NEW-P	04-15-107	296-307-63410	NEW	05-01-166	296-307-65012	NEW-P	04-15-107
296-307-61405	NEW	05-01-166	296-307-63415	NEW-P	04-15-107	296-307-65012	NEW	05-01-166
296-307-616	NEW-P	04-15-107	296-307-63415	NEW	05-01-166	296-307-65014	NEW-P	04-15-107
296-307-616	NEW	05-01-166	296-307-636	NEW-P	04-15-107	296-307-65014	NEW	05-01-166
296-307-61605	NEW-P	04-15-107	296-307-636	NEW	05-01-166	296-307-65016	NEW-P	04-15-107
296-307-61605	NEW	05-01-166	296-307-63605	NEW-P	04-15-107	296-307-65016	NEW	05-01-166
296-307-61610	NEW-P	04-15-107	296-307-63605	NEW	05-01-166	296-307-65018	NEW-P	04-15-107
296-307-61610	NEW	05-01-166	296-307-63610	NEW-P	04-15-107	296-307-65018	NEW	05-01-166
296-307-61615	NEW-P	04-15-107	296-307-63610	NEW	05-01-166	296-307-65020	NEW-P	04-15-107
296-307-61615	NEW	05-01-166	296-307-63615	NEW-P	04-15-107	296-307-65020	NEW	05-01-166
296-307-618	NEW-P	04-15-107	296-307-63615	NEW	05-01-166	296-307-65022	NEW-P	04-15-107
296-307-618	NEW	05-01-166	296-307-63620	NEW-P	04-15-107	296-307-65022	NEW	05-01-166
296-307-61805	NEW-P	04-15-107	296-307-63620	NEW	05-01-166	296-307-65024	NEW-P	04-15-107
296-307-61805	NEW	05-01-166	296-307-63625	NEW-P	04-15-107	296-307-65024	NEW	05-01-166
296-307-620	NEW-P	04-15-107	296-307-63625	NEW	05-01-166	296-307-652	NEW-P	04-15-107
296-307-620	NEW	05-01-166	296-307-63630	NEW-P	04-15-107	296-307-652	NEW	05-01-166
296-307-62005	NEW-P	04-15-107	296-307-63630	NEW	05-01-166	296-307-65202	NEW-P	04-15-107
296-307-62005	NEW	05-01-166	296-307-63635	NEW-P	04-15-107	296-307-65202	NEW	05-01-166
296-307-62010	NEW-P	04-15-107	296-307-63635	NEW	05-01-166	296-307-65204	NEW-P	04-15-107
296-307-62010	NEW	05-01-166	296-307-638	NEW-P	04-15-107	296-307-65204	NEW	05-01-166
296-307-62015	NEW-P	04-15-107	296-307-638	NEW	05-01-166	296-307-654	NEW-P	04-15-107
296-307-62015	NEW	05-01-166	296-307-63805	NEW-P	04-15-107	296-307-654	NEW	05-01-166
296-307-62020	NEW-P	04-15-107	296-307-63805	NEW	05-01-166	296-307-65402	NEW-P	04-15-107
296-307-62020	NEW	05-01-166	296-307-63810	NEW-P	04-15-107	296-307-65402	NEW	05-01-166
296-307-622	NEW-P	04-15-107	296-307-63810	NEW	05-01-166	296-307-65404	NEW-P	04-15-107
296-307-622	NEW	05-01-166	296-307-63815	NEW-P	04-15-107	296-307-65404	NEW	05-01-166
296-307-624	NEW-P	04-15-107	296-307-63815	NEW	05-01-166	296-307-656	NEW-P	04-15-107
296-307-624	NEW	05-01-166	296-307-63820	NEW-P	04-15-107	296-307-656	NEW	05-01-166
296-307-626	NEW-P	04-15-107	296-307-63820	NEW	05-01-166	296-307-686	NEW-P	04-15-107
296-307-626	NEW	05-01-166	296-307-63825	NEW-P	04-15-107	296-307-688	NEW-P	04-15-107
296-307-62605	NEW-P	04-15-107	296-307-63825	NEW	05-01-166	296-307-68805	NEW-P	04-15-107
296-307-62605	NEW	05-01-166	296-307-640	NEW-P	04-15-107	296-307-68810	NEW-P	04-15-107
296-307-62610	NEW-P	04-15-107	296-307-640	NEW	05-01-166	296-307-690	NEW-P	04-15-107
296-307-62610	NEW	05-01-166	296-307-642	NEW-P	04-15-107	296-307-69005	NEW-P	04-15-107
296-307-62615	NEW-P	04-15-107	296-307-642	NEW	05-01-166	296-307-69010	NEW-P	04-15-107
296-307-62615	NEW	05-01-166	296-307-644	NEW-P	04-15-107	296-307-69015	NEW-P	04-15-107
296-307-62620	NEW-P	04-15-107	296-307-644	NEW	05-01-166	296-307-692	NEW-P	04-15-107
296-307-62620	NEW	05-01-166	296-307-64402	NEW-P	04-15-107	296-307-69205	NEW-P	04-15-107
296-307-62625	NEW-P	04-15-107	296-307-64402	NEW	05-01-166	296-307-69210	NEW-P	04-15-107
296-307-62625	NEW	05-01-166	296-307-64404	NEW-P	04-15-107	296-307-694	NEW-P	04-15-107
296-307-628	NEW-P	04-15-107	296-307-64404	NEW	05-01-166	296-307-69405	NEW-P	04-15-107
296-307-628	NEW	05-01-166	296-307-64406	NEW-P	04-15-107	296-307-69410	NEW-P	04-15-107
296-307-630	NEW-P	04-15-107	296-307-64406	NEW	05-01-166	296-307-69415	NEW-P	04-15-107
296-307-630	NEW	05-01-166	296-307-646	NEW-P	04-15-107	296-307-69420	NEW-P	04-15-107
296-307-632	NEW-P	04-15-107	296-307-646	NEW	05-01-166	296-307-69425	NEW-P	04-15-107
296-307-632	NEW	05-01-166	296-307-64602	NEW-P	04-15-107	296-307-69430	NEW-P	04-15-107
296-307-63205	NEW-P	04-15-107	296-307-64602	NEW	05-01-166	296-307-69435	NEW-P	04-15-107
296-307-63205	NEW	05-01-166	296-307-64604	NEW-P	04-15-107	296-307-69440	NEW-P	04-15-107
296-307-63210	NEW-P	04-15-107	296-307-64604	NEW	05-01-166	296-307-696	NEW-P	04-15-107
296-307-63210	NEW	05-01-166	296-307-648	NEW-P	04-15-107	296-307-69605	NEW-P	04-15-107
296-307-63215	NEW-P	04-15-107	296-307-648	NEW	05-01-166	296-307-69610	NEW-P	04-15-107
296-307-63215	NEW	05-01-166	296-307-64802	NEW-P	04-15-107	296-307-69615	NEW-P	04-15-107
296-307-63220	NEW-P	04-15-107	296-307-64802	NEW	05-01-166	296-307-69620	NEW-P	04-15-107

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-69625	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089	296-803-300	NEW-P	04-03-102
296-307-69630	NEW-P	04-15-107	296-400A-120	AMD	04-12-046	296-803-300	NEW	04-15-105
296-307-698	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089	296-803-30005	NEW-P	04-03-102
296-307-69805	NEW-P	04-15-107	296-400A-121	AMD	04-12-046	296-803-30005	NEW	04-15-105
296-307-69810	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089	296-803-400	NEW-P	04-03-102
296-307-69815	NEW-P	04-15-107	296-400A-122	AMD	04-12-046	296-803-400	NEW	04-15-105
296-307-69820	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089	296-803-40005	NEW-P	04-03-102
296-307-69825	NEW-P	04-15-107	296-400A-130	AMD	04-12-046	296-803-40005	NEW	04-15-105
296-307-69830	NEW-P	04-15-107	296-400A-135	NEW-P	04-08-089	296-803-40010	NEW-P	04-03-102
296-307-700	NEW-P	04-15-107	296-400A-135	NEW	04-12-046	296-803-40010	NEW	04-15-105
296-307-70005	NEW-P	04-15-107	296-400A-140	AMD-P	04-08-089	296-803-40015	NEW-P	04-03-102
296-307-702	NEW-P	04-15-107	296-400A-140	AMD	04-12-046	296-803-40015	NEW	04-15-105
296-307-704	NEW-P	04-15-107	296-400A-150	NEW-P	04-08-089	296-803-40020	NEW-P	04-03-102
296-307-704	NEW	05-01-166	296-400A-150	NEW	04-12-046	296-803-40020	NEW	04-15-105
296-307-70410	NEW-P	04-15-107	296-400A-155	NEW-P	04-08-089	296-803-500	NEW-P	04-03-102
296-307-70410	NEW	05-01-166	296-400A-155	NEW	04-12-046	296-803-500	NEW	04-15-105
296-307-70415	NEW-P	04-15-107	296-400A-300	AMD-P	04-08-089	296-803-50005	NEW-P	04-03-102
296-307-70415	NEW	05-01-166	296-400A-300	AMD	04-12-046	296-803-50005	NEW	04-15-105
296-307-70420	NEW-P	04-15-107	296-400A-400	AMD-P	04-08-089	296-803-50010	NEW-P	04-03-102
296-307-70420	NEW	05-01-166	296-400A-400	AMD	04-12-046	296-803-50010	NEW	04-15-105
296-307-70425	NEW-P	04-15-107	296-400A-425	AMD-P	04-08-089	296-803-50015	NEW-P	04-03-102
296-307-70425	NEW	05-01-166	296-400A-425	AMD	04-12-046	296-803-50015	NEW	04-15-105
296-307-70430	NEW-P	04-15-107	296-800	PREP	04-07-157	296-803-50020	NEW-P	04-03-102
296-307-70430	NEW	05-01-166	296-800-11045	PREP	04-06-078	296-803-50020	NEW	04-15-105
296-307-70435	NEW-P	04-15-107	296-800-11045	AMD-X	04-12-069	296-803-50025	NEW-P	04-03-102
296-307-70435	NEW	05-01-166	296-800-11045	PREP-W	04-18-044	296-803-50025	NEW	04-15-105
296-307-70440	NEW-P	04-15-107	296-800-11045	AMD	04-18-080	296-803-50030	NEW-P	04-03-102
296-307-70440	NEW	05-01-166	296-800-150	AMD	04-07-160	296-803-50030	NEW	04-15-105
296-307-70445	NEW-P	04-15-107	296-800-15005	AMD	04-07-160	296-803-50035	NEW-P	04-03-102
296-307-70445	NEW	05-01-166	296-800-15010	REP	04-07-160	296-803-50035	NEW	04-15-105
296-307-70450	NEW-P	04-15-107	296-800-15015	REP	04-07-160	296-803-50040	NEW-P	04-03-102
296-307-70450	NEW	05-01-166	296-800-15025	REP	04-07-160	296-803-50040	NEW	04-15-105
296-307-70455	NEW-P	04-15-107	296-800-160	AMD-X	04-20-080	296-803-50045	NEW-P	04-03-102
296-307-70455	NEW	05-01-166	296-800-17005	AMD	04-10-026	296-803-50045	NEW	04-15-105
296-307-70460	NEW-P	04-15-107	296-800-180	AMD	04-10-026	296-803-50050	NEW-P	04-03-102
296-307-70460	NEW	05-01-166	296-800-310	AMD-W	04-11-058	296-803-50050	NEW	04-15-105
296-307-70465	NEW-P	04-15-107	296-800-31010	AMD-W	04-11-058	296-803-50055	NEW-P	04-03-102
296-307-70465	NEW	05-01-166	296-800-31020	AMD-W	04-11-058	296-803-50055	NEW	04-15-105
296-307-70470	NEW-P	04-15-107	296-800-31070	AMD-W	04-11-058	296-803-50060	NEW-P	04-03-102
296-307-70470	NEW	05-01-166	296-800-35052	PREP	04-06-078	296-803-50060	NEW	04-15-105
296-307-70475	NEW-P	04-15-107	296-800-35052	AMD-X	04-12-069	296-803-600	NEW-P	04-03-102
296-307-70475	NEW	05-01-166	296-800-35052	PREP-W	04-18-044	296-803-600	NEW	04-15-105
296-307-70480	NEW-P	04-15-107	296-800-35052	AMD	04-18-080	296-803-60005	NEW-P	04-03-102
296-307-70480	NEW	05-01-166	296-800-370	AMD-W	04-11-058	296-803-60005	NEW	04-15-105
296-307-70480	PREP	04-16-093	296-802-100	NEW	04-10-026	296-803-60010	NEW-P	04-03-102
296-400A-005	AMD-P	04-08-089	296-802-200	NEW	04-10-026	296-803-60010	NEW	04-15-105
296-400A-005	AMD	04-12-046	296-802-20005	NEW	04-10-026	296-803-60015	NEW-P	04-03-102
296-400A-020	AMD-P	04-08-089	296-802-20010	NEW	04-10-026	296-803-60015	NEW	04-15-105
296-400A-020	AMD	04-12-046	296-802-20015	NEW	04-10-026	296-803-700	NEW-P	04-03-102
296-400A-021	AMD-P	04-08-089	296-802-300	NEW	04-10-026	296-803-700	NEW	04-15-105
296-400A-021	AMD	04-12-046	296-802-30005	NEW	04-10-026	296-803-70005	NEW-P	04-03-102
296-400A-023	NEW-P	04-08-089	296-802-400	NEW	04-10-026	296-803-70005	NEW	04-15-105
296-400A-023	NEW	04-12-046	296-802-40005	NEW	04-10-026	296-803-70010	NEW-P	04-03-102
296-400A-026	AMD-P	04-08-089	296-802-40010	NEW	04-10-026	296-803-70010	NEW	04-15-105
296-400A-026	AMD	04-12-046	296-802-40015	NEW	04-10-026	296-803-70015	NEW-P	04-03-102
296-400A-028	NEW-P	04-08-089	296-802-500	NEW	04-10-026	296-803-70015	NEW	04-15-105
296-400A-028	NEW	04-12-046	296-802-50005	NEW	04-10-026	296-803-800	NEW-P	04-03-102
296-400A-029	NEW-P	04-08-089	296-802-50010	NEW	04-10-026	296-803-800	NEW	04-15-105
296-400A-029	NEW	04-12-046	296-802-600	NEW	04-10-026	296-806-100	NEW-P	04-03-085
296-400A-030	AMD-P	04-08-089	296-802-60005	NEW	04-10-026	296-806-100	NEW	04-14-028
296-400A-030	AMD	04-12-046	296-802-900	NEW	04-10-026	296-806-200	NEW-P	04-03-085
296-400A-031	AMD-P	04-08-089	296-803-100	NEW-P	04-03-102	296-806-200	NEW	04-14-028
296-400A-031	AMD	04-12-046	296-803-100	NEW	04-15-105	296-806-20002	NEW-P	04-03-085
296-400A-035	AMD-P	04-08-089	296-803-200	NEW-P	04-03-102	296-806-20002	NEW	04-14-028
296-400A-035	AMD	04-12-046	296-803-200	NEW	04-15-105	296-806-20004	NEW-P	04-03-085
296-400A-045	AMD-P	04-08-089	296-803-20005	NEW-P	04-03-102	296-806-20004	NEW	04-14-028
296-400A-045	AMD	04-12-046	296-803-20005	NEW	04-15-105	296-806-20006	NEW-P	04-03-085

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-45532	NEW	04-14-028	296-806-48014	NEW-P	04-03-085	296-806-48080	NEW	04-14-028
296-806-45534	NEW-P	04-03-085	296-806-48014	NEW	04-14-028	296-806-48082	NEW-P	04-03-085
296-806-45534	NEW	04-14-028	296-806-48016	NEW-P	04-03-085	296-806-48082	NEW	04-14-028
296-806-45536	NEW-P	04-03-085	296-806-48016	NEW	04-14-028	296-806-48084	NEW-P	04-03-085
296-806-45536	NEW	04-14-028	296-806-48018	NEW-P	04-03-085	296-806-48084	NEW	04-14-028
296-806-45538	NEW-P	04-03-085	296-806-48018	NEW	04-14-028	296-806-48086	NEW-P	04-03-085
296-806-45538	NEW	04-14-028	296-806-48020	NEW-P	04-03-085	296-806-48086	NEW	04-14-028
296-806-45540	NEW-P	04-03-085	296-806-48020	NEW	04-14-028	296-806-48088	NEW-P	04-03-085
296-806-45540	NEW	04-14-028	296-806-48022	NEW-P	04-03-085	296-806-48088	NEW	04-14-028
296-806-45542	NEW-P	04-03-085	296-806-48022	NEW	04-14-028	296-806-485	NEW-P	04-03-085
296-806-45542	NEW	04-14-028	296-806-48024	NEW-P	04-03-085	296-806-485	NEW	04-14-028
296-806-460	NEW-P	04-03-085	296-806-48024	NEW	04-14-028	296-806-48502	NEW-P	04-03-085
296-806-460	NEW	04-14-028	296-806-48026	NEW-P	04-03-085	296-806-48502	NEW	04-14-028
296-806-46002	NEW-P	04-03-085	296-806-48026	NEW	04-14-028	296-806-500	NEW-P	04-03-085
296-806-46002	NEW	04-14-028	296-806-48028	NEW-P	04-03-085	296-806-500	NEW	04-14-028
296-806-46004	NEW-P	04-03-085	296-806-48028	NEW	04-14-028	296-809-100	NEW	04-03-081
296-806-46004	NEW	04-14-028	296-806-48030	NEW-P	04-03-085	296-809-200	NEW	04-03-081
296-806-46006	NEW-P	04-03-085	296-806-48030	NEW	04-14-028	296-809-20002	NEW	04-03-081
296-806-46006	NEW	04-14-028	296-806-48032	NEW-P	04-03-085	296-809-20004	NEW	04-03-081
296-806-465	NEW-P	04-03-085	296-806-48032	NEW	04-14-028	296-809-20006	NEW	04-03-081
296-806-465	NEW	04-14-028	296-806-48034	NEW-P	04-03-085	296-809-300	NEW	04-03-081
296-806-46502	NEW-P	04-03-085	296-806-48034	NEW	04-14-028	296-809-30002	NEW	04-03-081
296-806-46502	NEW	04-14-028	296-806-48036	NEW-P	04-03-085	296-809-30004	NEW	04-03-081
296-806-46504	NEW-P	04-03-085	296-806-48036	NEW	04-14-028	296-809-400	NEW	04-03-081
296-806-46504	NEW	04-14-028	296-806-48038	NEW-P	04-03-085	296-809-40002	NEW	04-03-081
296-806-46506	NEW-P	04-03-085	296-806-48038	NEW	04-14-028	296-809-40004	NEW	04-03-081
296-806-46506	NEW	04-14-028	296-806-48040	NEW-P	04-03-085	296-809-500	NEW	04-03-081
296-806-46508	NEW-P	04-03-085	296-806-48040	NEW	04-14-028	296-809-50002	NEW	04-03-081
296-806-46508	NEW	04-14-028	296-806-48042	NEW-P	04-03-085	296-809-50004	NEW	04-03-081
296-806-46510	NEW-P	04-03-085	296-806-48042	NEW	04-14-028	296-809-50006	NEW	04-03-081
296-806-46510	NEW	04-14-028	296-806-48044	NEW-P	04-03-085	296-809-50008	NEW	04-03-081
296-806-46512	NEW-P	04-03-085	296-806-48044	NEW	04-14-028	296-809-50010	NEW	04-03-081
296-806-46512	NEW	04-14-028	296-806-48046	NEW-P	04-03-085	296-809-50012	NEW	04-03-081
296-806-46514	NEW-P	04-03-085	296-806-48046	NEW	04-14-028	296-809-50014	NEW	04-03-081
296-806-46514	NEW	04-14-028	296-806-48048	NEW-P	04-03-085	296-809-50016	NEW	04-03-081
296-806-46516	NEW-P	04-03-085	296-806-48048	NEW	04-14-028	296-809-50018	NEW	04-03-081
296-806-46516	NEW	04-14-028	296-806-48050	NEW-P	04-03-085	296-809-50020	NEW	04-03-081
296-806-470	NEW-P	04-03-085	296-806-48050	NEW	04-14-028	296-809-50022	NEW	04-03-081
296-806-470	NEW	04-14-028	296-806-48052	NEW-P	04-03-085	296-809-50024	NEW	04-03-081
296-806-47002	NEW-P	04-03-085	296-806-48052	NEW	04-14-028	296-809-600	NEW	04-03-081
296-806-47002	NEW	04-14-028	296-806-48054	NEW-P	04-03-085	296-809-60002	NEW	04-03-081
296-806-47004	NEW-P	04-03-085	296-806-48054	NEW	04-14-028	296-809-60004	NEW	04-03-081
296-806-47004	NEW	04-14-028	296-806-48056	NEW-P	04-03-085	296-809-700	NEW	04-03-081
296-806-475	NEW-P	04-03-085	296-806-48056	NEW	04-14-028	296-809-70002	NEW	04-03-081
296-806-475	NEW	04-14-028	296-806-48058	NEW-P	04-03-085	296-809-70004	NEW	04-03-081
296-806-47502	NEW-P	04-03-085	296-806-48058	NEW	04-14-028	296-809-800	NEW	04-03-081
296-806-47502	NEW	04-14-028	296-806-48060	NEW-P	04-03-085	296-816-100	NEW-P	04-07-159
296-806-47504	NEW-P	04-03-085	296-806-48060	NEW	04-14-028	296-816-100	NEW	04-14-026
296-806-47504	NEW	04-14-028	296-806-48062	NEW-P	04-03-085	296-816-200	NEW-P	04-07-159
296-806-47506	NEW-P	04-03-085	296-806-48062	NEW	04-14-028	296-816-200	NEW	04-14-026
296-806-47506	NEW	04-14-028	296-806-48064	NEW-P	04-03-085	296-816-20005	NEW-P	04-07-159
296-806-47508	NEW-P	04-03-085	296-806-48064	NEW	04-14-028	296-816-20005	NEW	04-14-026
296-806-47508	NEW	04-14-028	296-806-48066	NEW-P	04-03-085	296-816-20010	NEW-P	04-07-159
296-806-480	NEW-P	04-03-085	296-806-48066	NEW	04-14-028	296-816-20010	NEW	04-14-026
296-806-480	NEW	04-14-028	296-806-48068	NEW-P	04-03-085	296-816-20015	NEW-P	04-07-159
296-806-48002	NEW-P	04-03-085	296-806-48068	NEW	04-14-028	296-816-20015	NEW	04-14-026
296-806-48002	NEW	04-14-028	296-806-48070	NEW-P	04-03-085	296-816-20020	NEW-P	04-07-159
296-806-48004	NEW-P	04-03-085	296-806-48070	NEW	04-14-028	296-816-20020	NEW	04-14-026
296-806-48004	NEW	04-14-028	296-806-48072	NEW-P	04-03-085	296-816-300	NEW-P	04-07-159
296-806-48006	NEW-P	04-03-085	296-806-48072	NEW	04-14-028	296-816-300	NEW	04-14-026
296-806-48006	NEW	04-14-028	296-806-48074	NEW-P	04-03-085	296-823-100	AMD-X	04-07-158
296-806-48008	NEW-P	04-03-085	296-806-48074	NEW	04-14-028	296-823-100	AMD	04-12-070
296-806-48008	NEW	04-14-028	296-806-48076	NEW-P	04-03-085	296-823-11010	AMD-X	04-07-158
296-806-48010	NEW-P	04-03-085	296-806-48076	NEW	04-14-028	296-823-11010	AMD	04-12-070
296-806-48010	NEW	04-14-028	296-806-48078	NEW-P	04-03-085	296-823-12010	AMD-X	04-07-158
296-806-48012	NEW-P	04-03-085	296-806-48078	NEW	04-14-028	296-823-12010	AMD	04-12-070
296-806-48012	NEW	04-14-028	296-806-48080	NEW-P	04-03-085	296-823-13005	AMD-X	04-07-158

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-823-13005	AMD	04-12-070	296-841	PREP	04-07-156	296-848-20090	NEW	05-01-173
296-823-14005	AMD-X	04-07-158	296-841	PREP	05-01-169	296-848-300	NEW-P	04-18-077
296-823-14005	AMD	04-12-070	296-841-100	AMD-X	04-11-064	296-848-300	NEW	05-01-173
296-823-14015	AMD-X	04-07-158	296-841-100	AMD	04-18-079	296-848-30005	NEW-P	04-18-077
296-823-14015	AMD	04-12-070	296-841-20005	AMD-X	04-11-064	296-848-30005	NEW	05-01-173
296-823-14025	AMD-X	04-07-158	296-841-20005	AMD	04-18-079	296-848-30010	NEW-P	04-18-077
296-823-14025	AMD	04-12-070	296-841-20010	AMD-X	04-11-064	296-848-30010	NEW	05-01-173
296-823-14050	AMD-X	04-07-158	296-841-20010	AMD	04-18-079	296-848-30030	NEW-P	04-18-077
296-823-14050	AMD	04-12-070	296-841-20020	AMD-X	04-11-064	296-848-30030	NEW	05-01-173
296-823-14060	AMD-X	04-07-158	296-841-20020	AMD	04-18-079	296-848-30080	NEW-P	04-18-077
296-823-14060	AMD	04-12-070	296-841-20025	NEW-X	04-11-064	296-848-30080	NEW	05-01-173
296-823-14065	AMD-X	04-07-158	296-841-20025	NEW	04-18-079	296-848-400	NEW-P	04-18-077
296-823-14065	AMD	04-12-070	296-841-300	AMD-X	04-11-064	296-848-400	NEW	05-01-173
296-823-15010	AMD-X	04-07-158	296-841-300	AMD	04-18-079	296-848-40005	NEW-P	04-18-077
296-823-15010	AMD	04-12-070	296-843-100	NEW	04-02-053	296-848-40005	NEW	05-01-173
296-823-15015	AMD-X	04-07-158	296-843-110	NEW	04-02-053	296-848-40020	NEW-P	04-18-077
296-823-15015	AMD	04-12-070	296-843-11005	NEW	04-02-053	296-848-40020	NEW	05-01-173
296-823-15020	AMD-X	04-07-158	296-843-11010	NEW	04-02-053	296-848-40025	NEW-P	04-18-077
296-823-15020	AMD	04-12-070	296-843-120	NEW	04-02-053	296-848-40025	NEW	05-01-173
296-823-160	AMD-X	04-07-158	296-843-12005	NEW	04-02-053	296-848-40030	NEW-P	04-18-077
296-823-160	AMD	04-12-070	296-843-130	NEW	04-02-053	296-848-40030	NEW	05-01-173
296-823-16005	AMD-X	04-07-158	296-843-13005	NEW	04-02-053	296-848-40040	NEW-P	04-18-077
296-823-16005	AMD	04-12-070	296-843-13010	NEW	04-02-053	296-848-40040	NEW	05-01-173
296-823-16010	AMD-X	04-07-158	296-843-140	NEW	04-02-053	296-848-40045	NEW-P	04-18-077
296-823-16010	AMD	04-12-070	296-843-14005	NEW	04-02-053	296-848-40045	NEW	05-01-173
296-823-16015	AMD-X	04-07-158	296-843-150	NEW	04-02-053	296-848-500	NEW-P	04-18-077
296-823-16015	AMD	04-12-070	296-843-15005	NEW	04-02-053	296-848-500	NEW	05-01-173
296-823-16025	AMD-X	04-07-158	296-843-15010	NEW	04-02-053	296-849-100	NEW-P	04-15-106
296-823-16025	AMD	04-12-070	296-843-15015	NEW	04-02-053	296-849-100	NEW	05-01-172
296-823-16030	AMD-X	04-07-158	296-843-160	NEW	04-02-053	296-849-110	NEW-P	04-15-106
296-823-16030	AMD	04-12-070	296-843-16005	NEW	04-02-053	296-849-110	NEW	05-01-172
296-823-17010	AMD-X	04-07-158	296-843-170	NEW	04-02-053	296-849-11010	NEW-P	04-15-106
296-823-17010	AMD	04-12-070	296-843-17005	NEW	04-02-053	296-849-11010	NEW	05-01-172
296-823-180	AMD-X	04-07-158	296-843-180	NEW	04-02-053	296-849-11020	NEW-P	04-15-106
296-823-180	AMD	04-12-070	296-843-18005	NEW	04-02-053	296-849-11020	NEW	05-01-172
296-823-18015	AMD-X	04-07-158	296-843-18010	NEW	04-02-053	296-849-11030	NEW-P	04-15-106
296-823-18015	AMD	04-12-070	296-843-18015	NEW	04-02-053	296-849-11030	NEW	05-01-172
296-823-18045	AMD-X	04-07-158	296-843-18020	NEW	04-02-053	296-849-11040	NEW-P	04-15-106
296-823-18045	AMD	04-12-070	296-843-190	NEW	04-02-053	296-849-11040	NEW	05-01-172
296-823-18050	AMD-X	04-07-158	296-843-19005	NEW	04-02-053	296-849-11050	NEW-P	04-15-106
296-823-18050	AMD	04-12-070	296-843-200	NEW	04-02-053	296-849-11050	NEW	05-01-172
296-823-18055	AMD-X	04-07-158	296-843-20005	NEW	04-02-053	296-849-11065	NEW-P	04-15-106
296-823-18055	AMD	04-12-070	296-843-20010	NEW	04-02-053	296-849-11065	NEW	05-01-172
296-823-200	AMD-X	04-07-158	296-843-20015	NEW	04-02-053	296-849-11070	NEW-P	04-15-106
296-823-200	AMD	04-12-070	296-843-20020	NEW	04-02-053	296-849-11070	NEW	05-01-172
296-824-20005	AMD-X	04-20-080	296-843-20025	NEW	04-02-053	296-849-11090	NEW-P	04-15-106
296-824-40005	AMD-X	04-20-080	296-843-20030	NEW	04-02-053	296-849-11090	NEW	05-01-172
296-824-60005	AMD-X	04-20-080	296-843-20035	NEW	04-02-053	296-849-120	NEW-P	04-15-106
296-824-70005	AMD-X	04-20-080	296-843-210	NEW	04-02-053	296-849-120	NEW	05-01-172
296-824-800	AMD-X	04-20-080	296-843-21005	NEW	04-02-053	296-849-12010	NEW-P	04-15-106
296-829-100	NEW	04-09-099	296-843-220	NEW	04-02-053	296-849-12010	NEW	05-01-172
296-829-200	NEW	04-09-099	296-843-22005	NEW	04-02-053	296-849-12030	NEW-P	04-15-106
296-829-20005	NEW	04-09-099	296-843-22010	NEW	04-02-053	296-849-12030	NEW	05-01-172
296-829-20010	NEW	04-09-099	296-843-300	NEW	04-02-053	296-849-12050	NEW-P	04-15-106
296-829-300	NEW	04-09-099	296-848-100	NEW-P	04-18-077	296-849-12050	NEW	05-01-172
296-829-30005	NEW	04-09-099	296-848-100	NEW	05-01-173	296-849-12080	NEW-P	04-15-106
296-829-30010	NEW	04-09-099	296-848-200	NEW-P	04-18-077	296-849-12080	NEW	05-01-172
296-829-400	NEW	04-09-099	296-848-200	NEW	05-01-173	296-849-130	NEW-P	04-15-106
296-829-40005	NEW	04-09-099	296-848-20010	NEW-P	04-18-077	296-849-130	NEW	05-01-172
296-829-40010	NEW	04-09-099	296-848-20010	NEW	05-01-173	296-849-13005	NEW-P	04-15-106
296-829-40015	NEW	04-09-099	296-848-20025	NEW-P	04-18-077	296-849-13005	NEW	05-01-172
296-829-40020	NEW	04-09-099	296-848-20025	NEW	05-01-173	296-849-13020	NEW-P	04-15-106
296-829-500	NEW	04-09-099	296-848-20060	NEW-P	04-18-077	296-849-13020	NEW	05-01-172
296-835-11045	AMD-X	04-20-080	296-848-20060	NEW	05-01-173	296-849-13045	NEW-P	04-15-106
296-839-30005	AMD-X	04-20-080	296-848-20070	NEW-P	04-18-077	296-849-13045	NEW	05-01-172
296-839-500	AMD-X	04-20-080	296-848-20070	NEW	05-01-173	296-849-190	NEW-P	04-15-106
296-841	PREP	04-07-155	296-848-20090	NEW-P	04-18-077	296-849-190	NEW	05-01-172

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-863-10005	NEW-P	04-08-039	296-863-500	NEW	04-19-051	296-874-20006	NEW-P	04-14-027
296-863-10005	NEW	04-19-051	296-863-50005	NEW-P	04-08-039	296-874-20006	NEW	05-01-054
296-863-200	NEW-P	04-08-039	296-863-50005	NEW	04-19-051	296-874-20008	NEW-P	04-14-027
296-863-200	NEW	04-19-051	296-863-600	NEW-P	04-08-039	296-874-20008	NEW	05-01-054
296-863-20005	NEW-P	04-08-039	296-863-600	NEW	04-19-051	296-874-20010	NEW-P	04-14-027
296-863-20005	NEW	04-19-051	296-863-60005	NEW-P	04-08-039	296-874-20010	NEW	05-01-054
296-863-20010	NEW-P	04-08-039	296-863-60005	NEW	04-19-051	296-874-20012	NEW-P	04-14-027
296-863-20010	NEW	04-19-051	296-863-60010	NEW-P	04-08-039	296-874-20012	NEW	05-01-054
296-863-20015	NEW-P	04-08-039	296-863-60010	NEW	04-19-051	296-874-20014	NEW-P	04-14-027
296-863-20015	NEW	04-19-051	296-863-60015	NEW-P	04-08-039	296-874-20014	NEW	05-01-054
296-863-20020	NEW-P	04-08-039	296-863-60015	NEW	04-19-051	296-874-20016	NEW-P	04-14-027
296-863-20020	NEW	04-19-051	296-863-700	NEW-P	04-08-039	296-874-20016	NEW	05-01-054
296-863-20025	NEW-P	04-08-039	296-863-700	NEW	04-19-051	296-874-20018	NEW-P	04-14-027
296-863-20025	NEW	04-19-051	296-864-100	NEW-P	04-12-071	296-874-20018	NEW	05-01-054
296-863-20030	NEW-P	04-08-039	296-864-100	NEW	04-20-079	296-874-20020	NEW-P	04-14-027
296-863-20030	NEW	04-19-051	296-864-200	NEW-P	04-12-071	296-874-20020	NEW	05-01-054
296-863-20035	NEW-P	04-08-039	296-864-200	NEW	04-20-079	296-874-20022	NEW-P	04-14-027
296-863-20035	NEW	04-19-051	296-864-20005	NEW-P	04-12-071	296-874-20022	NEW	05-01-054
296-863-20040	NEW-P	04-08-039	296-864-20005	NEW	04-20-079	296-874-20024	NEW-P	04-14-027
296-863-20040	NEW	04-19-051	296-864-20010	NEW-P	04-12-071	296-874-20024	NEW	05-01-054
296-863-300	NEW-P	04-08-039	296-864-20010	NEW	04-20-079	296-874-20026	NEW-P	04-14-027
296-863-300	NEW	04-19-051	296-864-20015	NEW-P	04-12-071	296-874-20026	NEW	05-01-054
296-863-30005	NEW-P	04-08-039	296-864-20015	NEW	04-20-079	296-874-20028	NEW-P	04-14-027
296-863-30005	NEW	04-19-051	296-864-300	NEW-P	04-12-071	296-874-20028	NEW	05-01-054
296-863-30010	NEW-P	04-08-039	296-864-300	NEW	04-20-079	296-874-20030	NEW-P	04-14-027
296-863-30010	NEW	04-19-051	296-864-30005	NEW-P	04-12-071	296-874-20030	NEW	05-01-054
296-863-30015	NEW-P	04-08-039	296-864-30005	NEW	04-20-079	296-874-20032	NEW-P	04-14-027
296-863-30015	NEW	04-19-051	296-864-30010	NEW-P	04-12-071	296-874-20032	NEW	05-01-054
296-863-30020	NEW-P	04-08-039	296-864-30010	NEW	04-20-079	296-874-20034	NEW-P	04-14-027
296-863-30020	NEW	04-19-051	296-864-30015	NEW-P	04-12-071	296-874-20034	NEW	05-01-054
296-863-30025	NEW-P	04-08-039	296-864-30015	NEW	04-20-079	296-874-20036	NEW-P	04-14-027
296-863-30025	NEW	04-19-051	296-864-400	NEW-P	04-12-071	296-874-20036	NEW	05-01-054
296-863-30030	NEW-P	04-08-039	296-864-400	NEW	04-20-079	296-874-20038	NEW-P	04-14-027
296-863-30030	NEW	04-19-051	296-864-40005	NEW-P	04-12-071	296-874-20038	NEW	05-01-054
296-863-30035	NEW-P	04-08-039	296-864-40005	NEW	04-20-079	296-874-20040	NEW-P	04-14-027
296-863-30035	NEW	04-19-051	296-864-40010	NEW-P	04-12-071	296-874-20040	NEW	05-01-054
296-863-30040	NEW-P	04-08-039	296-864-40010	NEW	04-20-079	296-874-20042	NEW-P	04-14-027
296-863-30040	NEW	04-19-051	296-864-40015	NEW-P	04-12-071	296-874-20042	NEW	05-01-054
296-863-400	NEW-P	04-08-039	296-864-40015	NEW	04-20-079	296-874-20044	NEW-P	04-14-027
296-863-400	NEW	04-19-051	296-864-40020	NEW-P	04-12-071	296-874-20044	NEW	05-01-054
296-863-40005	NEW-P	04-08-039	296-864-40020	NEW	04-20-079	296-874-20046	NEW-P	04-14-027
296-863-40005	NEW	04-19-051	296-864-500	NEW-P	04-12-071	296-874-20046	NEW	05-01-054
296-863-40010	NEW-P	04-08-039	296-864-500	NEW	04-20-079	296-874-20048	NEW-P	04-14-027
296-863-40010	NEW	04-19-051	296-864-50005	NEW-P	04-12-071	296-874-20048	NEW	05-01-054
296-863-40015	NEW-P	04-08-039	296-864-50005	NEW	04-20-079	296-874-20050	NEW-P	04-14-027
296-863-40015	NEW	04-19-051	296-864-50010	NEW-P	04-12-071	296-874-20050	NEW	05-01-054
296-863-40020	NEW-P	04-08-039	296-864-50010	NEW	04-20-079	296-874-20052	NEW-P	04-14-027
296-863-40020	NEW	04-19-051	296-864-50015	NEW-P	04-12-071	296-874-20052	NEW	05-01-054
296-863-40025	NEW-P	04-08-039	296-864-50015	NEW	04-20-079	296-874-20054	NEW-P	04-14-027
296-863-40025	NEW	04-19-051	296-864-50020	NEW-P	04-12-071	296-874-20054	NEW	05-01-054
296-863-40030	NEW-P	04-08-039	296-864-50020	NEW	04-20-079	296-874-20056	NEW-P	04-14-027
296-863-40030	NEW	04-19-051	296-864-600	NEW-P	04-12-071	296-874-20056	NEW	05-01-054
296-863-40035	NEW-P	04-08-039	296-864-600	NEW	04-20-079	296-874-20058	NEW-P	04-14-027
296-863-40035	NEW	04-19-051	296-864-60005	NEW-P	04-12-071	296-874-20058	NEW	05-01-054
296-863-40040	NEW-P	04-08-039	296-864-60005	NEW	04-20-079	296-874-20060	NEW-P	04-14-027
296-863-40040	NEW	04-19-051	296-864-60010	NEW-P	04-12-071	296-874-20060	NEW	05-01-054
296-863-40045	NEW-P	04-08-039	296-864-60010	NEW	04-20-079	296-874-20062	NEW-P	04-14-027
296-863-40045	NEW	04-19-051	296-864-700	NEW-P	04-12-071	296-874-20062	NEW	05-01-054
296-863-40050	NEW-P	04-08-039	296-864-700	NEW	04-20-079	296-874-20064	NEW-P	04-14-027
296-863-40050	NEW	04-19-051	296-874-100	NEW-P	04-14-027	296-874-20064	NEW	05-01-054
296-863-40055	NEW-P	04-08-039	296-874-100	NEW	05-01-054	296-874-20066	NEW-P	04-14-027
296-863-40055	NEW	04-19-051	296-874-200	NEW-P	04-14-027	296-874-20066	NEW	05-01-054
296-863-40060	NEW-P	04-08-039	296-874-200	NEW	05-01-054	296-874-20068	NEW-P	04-14-027
296-863-40060	NEW	04-19-051	296-874-20002	NEW-P	04-14-027	296-874-20068	NEW	05-01-054
296-863-40065	NEW-P	04-08-039	296-874-20002	NEW	05-01-054	296-874-20070	NEW-P	04-14-027
296-863-40065	NEW	04-19-051	296-874-20004	NEW-P	04-14-027	296-874-20070	NEW	05-01-054
296-863-500	NEW-P	04-08-039	296-874-20004	NEW	05-01-054	296-874-20072	NEW-P	04-14-027

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-874-20072	NEW	05-01-054	296-874-40014	NEW-P	04-14-027	308-15	PREP	04-04-050
296-874-20074	NEW-P	04-14-027	296-874-40014	NEW	05-01-054	308-15-010	AMD-P	04-19-071
296-874-20074	NEW	05-01-054	296-874-40016	NEW-P	04-14-027	308-15-010	AMD	05-01-174
296-874-20076	NEW-P	04-14-027	296-874-40016	NEW	05-01-054	308-15-020	AMD-P	04-19-071
296-874-20076	NEW	05-01-054	296-874-40018	NEW-P	04-14-027	308-15-020	AMD	05-01-174
296-874-300	NEW-P	04-14-027	296-874-40018	NEW	05-01-054	308-15-030	AMD-P	04-19-071
296-874-300	NEW	05-01-054	296-874-40020	NEW-P	04-14-027	308-15-030	AMD	05-01-174
296-874-30002	NEW-P	04-14-027	296-874-40020	NEW	05-01-054	308-15-040	AMD-P	04-19-071
296-874-30002	NEW	05-01-054	296-874-40022	NEW-P	04-14-027	308-15-040	AMD	05-01-174
296-874-30004	NEW-P	04-14-027	296-874-40022	NEW	05-01-054	308-15-050	AMD-P	04-19-071
296-874-30004	NEW	05-01-054	296-874-40024	NEW-P	04-14-027	308-15-050	AMD	05-01-174
296-874-30006	NEW-P	04-14-027	296-874-40024	NEW	05-01-054	308-15-053	NEW-P	04-19-071
296-874-30006	NEW	05-01-054	296-874-40026	NEW-P	04-14-027	308-15-053	NEW	05-01-174
296-874-30008	NEW-P	04-14-027	296-874-40026	NEW	05-01-054	308-15-055	NEW-P	04-19-071
296-874-30008	NEW	05-01-054	296-874-40028	NEW-P	04-14-027	308-15-055	NEW	05-01-174
296-874-30010	NEW-P	04-14-027	296-874-40028	NEW	05-01-054	308-15-057	NEW-P	04-19-071
296-874-30010	NEW	05-01-054	296-874-40030	NEW-P	04-14-027	308-15-057	NEW	05-01-174
296-874-30012	NEW-P	04-14-027	296-874-40030	NEW	05-01-054	308-15-060	AMD-P	04-19-071
296-874-30012	NEW	05-01-054	296-874-40032	NEW-P	04-14-027	308-15-060	AMD	05-01-174
296-874-30014	NEW-P	04-14-027	296-874-40032	NEW	05-01-054	308-15-070	AMD-P	04-19-071
296-874-30014	NEW	05-01-054	296-874-40034	NEW-P	04-14-027	308-15-070	AMD	05-01-174
296-874-30016	NEW-P	04-14-027	296-874-40034	NEW	05-01-054	308-15-075	AMD-P	04-19-071
296-874-30016	NEW	05-01-054	296-874-40036	NEW-P	04-14-027	308-15-075	AMD	05-01-174
296-874-30018	NEW-P	04-14-027	296-874-40036	NEW	05-01-054	308-15-080	AMD-P	04-19-071
296-874-30018	NEW	05-01-054	296-874-40038	NEW-P	04-14-027	308-15-080	AMD	05-01-174
296-874-30020	NEW-P	04-14-027	296-874-40038	NEW	05-01-054	308-15-090	REP-P	04-19-071
296-874-30020	NEW	05-01-054	296-874-40040	NEW-P	04-14-027	308-15-090	REP	05-01-174
296-874-30022	NEW-P	04-14-027	296-874-40040	NEW	05-01-054	308-15-100	AMD-P	04-19-071
296-874-30022	NEW	05-01-054	296-874-40042	NEW-P	04-14-027	308-15-100	AMD	05-01-174
296-874-30024	NEW-P	04-14-027	296-874-40042	NEW	05-01-054	308-15-101	AMD-P	04-19-071
296-874-30024	NEW	05-01-054	296-874-500	NEW-P	04-14-027	308-15-101	AMD	05-01-174
296-874-30026	NEW-P	04-14-027	296-874-500	NEW	05-01-054	308-15-102	REP-P	04-19-071
296-874-30026	NEW	05-01-054	308-08	PREP	04-15-040	308-15-102	REP	05-01-174
296-874-30028	NEW-P	04-14-027	308-08-416	AMD-P	04-20-112	308-15-103	AMD-P	04-19-071
296-874-30028	NEW	05-01-054	308-08-416	AMD-C	04-23-017	308-15-103	AMD	05-01-174
296-874-30030	NEW-P	04-14-027	308-08-416	AMD	05-02-006	308-15-140	AMD-P	04-19-071
296-874-30030	NEW	05-01-054	308-08-515	NEW-P	04-20-112	308-15-140	AMD	05-01-174
296-874-30032	NEW-P	04-14-027	308-08-515	NEW-C	04-23-017	308-15-150	AMD-P	04-19-071
296-874-30032	NEW	05-01-054	308-08-515	NEW	05-02-006	308-15-150	AMD	05-01-174
296-874-30034	NEW-P	04-14-027	308-08-525	NEW-P	04-20-112	308-17-150	AMD-P	04-07-032
296-874-30034	NEW	05-01-054	308-08-525	NEW-C	04-23-017	308-17-150	AMD	04-12-024
296-874-30036	NEW-P	04-14-027	308-08-525	NEW	05-02-006	308-18-150	AMD-P	04-07-031
296-874-30036	NEW	05-01-054	308-11-030	AMD-P	04-14-075	308-18-150	AMD	04-12-023
296-874-30038	NEW-P	04-14-027	308-11-030	AMD	04-17-074	308-20	PREP	04-16-116
296-874-30038	NEW	05-01-054	308-13-150	PREP	04-06-030	308-20-010	AMD	04-05-005
296-874-30040	NEW-P	04-14-027	308-13-150	AMD-P	04-13-143	308-20-040	AMD	04-05-005
296-874-30040	NEW	05-01-054	308-13-150	AMD	04-17-026	308-20-055	NEW	04-05-005
296-874-30042	NEW-P	04-14-027	308-13-150	AMD-P	05-01-094	308-20-090	AMD	04-05-005
296-874-30042	NEW	05-01-054	308-14-010	NEW-P	04-14-073	308-20-101	NEW	04-05-005
296-874-30044	NEW-P	04-14-027	308-14-010	NEW	04-17-072	308-20-110	AMD	04-05-005
296-874-30044	NEW	05-01-054	308-14-085	AMD-P	04-14-073	308-20-123	NEW-E	04-23-002
296-874-30046	NEW-P	04-14-027	308-14-085	AMD	04-17-072	308-20-123	NEW-P	04-24-010
296-874-30046	NEW	05-01-054	308-14-085	AMD-E	04-19-038	308-20-550	AMD	04-05-005
296-874-400	NEW-P	04-14-027	308-14-085	AMD-P	04-19-160	308-20-555	NEW	04-05-005
296-874-400	NEW	05-01-054	308-14-085	AMD	04-22-123	308-29-045	AMD-P	04-14-070
296-874-40002	NEW-P	04-14-027	308-14-090	AMD-P	04-14-073	308-29-045	AMD	04-18-043
296-874-40002	NEW	05-01-054	308-14-090	AMD	04-17-072	308-56A	PREP	04-05-121
296-874-40004	NEW-P	04-14-027	308-14-115	NEW-P	04-14-073	308-56A	PREP	04-20-086
296-874-40004	NEW	05-01-054	308-14-115	NEW	04-17-072	308-56A	PREP-W	04-24-081
296-874-40006	NEW-P	04-14-027	308-14-130	AMD-P	04-14-073	308-56A-020	AMD-P	04-04-006
296-874-40006	NEW	05-01-054	308-14-130	AMD	04-17-072	308-56A-020	AMD	04-08-080
296-874-40008	NEW-P	04-14-027	308-14-135	AMD-P	04-14-073	308-56A-024	NEW-P	04-11-112
296-874-40008	NEW	05-01-054	308-14-135	AMD	04-17-072	308-56A-024	NEW	04-24-022
296-874-40010	NEW-P	04-14-027	308-14-190	NEW-P	04-14-073	308-56A-030	AMD-P	04-03-120
296-874-40010	NEW	05-01-054	308-14-190	NEW	04-17-072	308-56A-030	AMD	04-07-168
296-874-40012	NEW-P	04-14-027	308-14-200	AMD-P	04-14-074	308-56A-040	AMD-P	04-03-120
296-874-40012	NEW	05-01-054	308-14-200	AMD	04-17-073	308-56A-040	AMD	04-07-168

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 56A-075	AMD-X	04-09-033	308- 66-152	AMD-P	04-12-079	308- 96A-071	AMD-P	04-12-072
308- 56A-075	AMD	04-13-118	308- 66-152	AMD	04-16-090	308- 96A-071	AMD	04-18-023
308- 56A-140	AMD-P	04-04-006	308- 66-155	AMD-P	04-12-079	308- 96A-072	AMD-P	04-03-121
308- 56A-140	AMD	04-08-080	308- 66-155	AMD	04-16-090	308- 96A-072	AMD	04-08-079
308- 56A-150	AMD-P	04-04-022	308- 66-157	AMD-P	04-12-079	308- 96A-074	AMD-P	04-03-121
308- 56A-150	AMD	04-08-002	308- 66-157	AMD	04-16-090	308- 96A-074	AMD	04-08-079
308- 56A-250	PREP	04-08-006	308- 66-160	AMD-P	04-12-079	308- 96A-076	PREP	04-09-029
308- 56A-250	AMD-P	04-14-016	308- 66-160	AMD	04-16-090	308- 96A-076	NEW-P	04-19-090
308- 56A-250	AMD	04-19-017	308- 66-165	AMD-P	04-12-079	308- 96A-076	NEW	05-01-003
308- 56A-405	PREP	04-11-106	308- 66-165	AMD	04-16-090	308- 96A-077	PREP	04-09-031
308- 56A-405	AMD-P	05-01-226	308- 66-175	AMD-P	04-12-079	308- 96A-078	PREP	04-09-030
308- 56A-410	PREP	04-11-106	308- 66-175	AMD	04-16-090	308- 96A-078	NEW-P	04-19-091
308- 56A-410	AMD-P	05-01-226	308- 66-180	AMD-P	04-12-079	308- 96A-078	NEW	05-01-002
308- 56A-415	PREP	04-11-106	308- 66-180	AMD	04-16-090	308- 96A-079	PREP	04-09-060
308- 56A-415	AMD-P	05-01-226	308- 66-190	AMD-P	04-12-079	308- 96A-079	NEW-P	04-21-050
308- 56A-420	PREP	04-11-106	308- 66-190	AMD	04-16-090	308- 96A-079	NEW	05-01-210
308- 56A-420	AMD-P	05-01-226	308- 66-195	AMD-P	04-12-079	308- 96A-175	PREP	04-09-032
308- 56A-450	AMD-P	04-04-022	308- 66-195	AMD	04-16-090	308- 96A-175	AMD-E	04-09-044
308- 56A-450	AMD	04-08-002	308- 66-200	AMD-P	04-12-079	308- 96A-175	AMD-P	04-12-072
308- 56A-455	AMD-P	04-04-006	308- 66-200	AMD	04-16-090	308- 96A-175	AMD	04-18-023
308- 56A-455	AMD	04-08-080	308- 66-210	AMD-P	04-12-079	308- 96A-306	AMD-P	04-10-003
308- 56A-460	AMD-P	04-04-006	308- 66-210	AMD	04-16-090	308- 96A-306	AMD	04-14-077
308- 56A-460	AMD	04-08-080	308- 66-211	AMD-P	04-12-079	308- 96A-307	PREP	04-09-059
308- 56A-500	AMD-P	04-04-049	308- 66-211	AMD	04-16-090	308- 96A-311	PREP	04-03-003
308- 56A-500	AMD	04-08-081	308- 66-212	AMD-P	04-12-079	308- 96A-311	AMD-P	04-10-003
308- 56A-500	PREP	04-17-064	308- 66-212	AMD	04-16-090	308- 96A-311	AMD	04-14-077
308- 56A-500	AMD-P	04-22-110	308- 66-214	AMD-P	04-12-079	308- 96A-311	PREP	04-23-075
308- 56A-505	AMD-P	04-04-049	308- 66-214	AMD	04-16-090	308- 96A-312	AMD-P	04-10-003
308- 56A-505	AMD	04-08-081	308- 66-220	AMD-P	04-12-079	308- 96A-312	AMD	04-14-077
308- 56A-505	PREP	04-18-040	308- 66-220	AMD	04-16-090	308- 96A-313	AMD-P	04-10-003
308- 56A-505	AMD-P	04-21-049	308- 66-225	AMD-P	04-12-079	308- 96A-313	AMD	04-14-077
308- 56A-505	AMD	05-01-209	308- 66-225	AMD	04-16-090	308- 96A-314	AMD-P	04-10-003
308- 56A-525	PREP	04-08-058	308- 66-227	AMD-P	04-12-079	308- 96A-314	AMD	04-14-077
308- 56A-525	AMD-P	04-15-080	308- 66-227	AMD	04-16-090	308- 96A-314	PREP	04-23-075
308- 56A-525	AMD-W	04-16-070	308- 66-250	NEW-P	04-12-079	308- 96A-316	AMD-P	04-10-003
308- 56A-530	PREP	04-17-064	308- 66-250	NEW	04-16-090	308- 96A-316	AMD	04-14-077
308- 56A-530	AMD-P	04-22-110	308- 66-260	NEW-P	04-12-079	308- 96A-550	AMD-P	04-03-121
308- 56A-640	AMD	04-03-016	308- 66-260	NEW	04-16-090	308- 96A-550	AMD	04-08-079
308- 61	PREP	04-20-086	308- 77-180	REP	04-09-012	308- 96A-560	AMD-P	04-03-121
308- 61	PREP-W	04-24-081	308- 78-010	AMD	04-06-001	308- 96A-560	AMD	04-08-079
308- 61-135	PREP	04-12-010	308- 78-045	AMD	04-06-001	308- 99-020	AMD-P	04-07-047
308- 61-190	AMD-P	04-06-004	308- 93	PREP	04-20-086	308- 99-020	AMD-W	04-08-001
308- 61-190	AMD	04-12-063	308- 93	PREP-W	04-24-081	308- 99-020	AMD-P	04-20-087
308- 63	PREP	04-11-104	308- 93-030	PREP	04-07-054	308- 99-020	AMD	05-01-048
308- 63-020	AMD-P	05-01-227	308- 93-050	PREP	04-07-054	308- 99-040	AMD-P	04-07-047
308- 63-030	AMD-P	05-01-227	308- 94-105	AMD-X	04-20-088	308- 99-040	AMD-W	04-08-001
308- 63-050	AMD-P	05-01-227	308- 94-105	AMD	05-01-090	308- 99-040	AMD-P	04-20-087
308- 63-060	AMD-P	05-01-227	308- 96A	PREP	04-03-002	308- 99-040	AMD	05-01-048
308- 63-070	AMD-P	05-01-227	308- 96A	PREP	04-03-003	308- 99-060	AMD-P	04-07-047
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308-108-110	NEW-P	04-19-149	308-390-201	AMD-W	04-15-101	314- 12	PREP	04-08-108
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308-108-130	NEW-P	04-19-149	308-390-201	AMD	04-19-034	314- 12-020	AMD-P	04-24-095
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308-108-170	NEW-P	04-19-149	308-390-204	AMD	04-15-100	314- 12-100	REP-P	04-24-095
308-108-180	NEW-P	04-19-149	308-390-300	AMD-P	04-09-105	314- 12-110	REP-P	04-24-095
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308-124A-440	AMD-P	04-03-039	308-390-401	AMD	04-15-100	314- 17-020	AMD	04-18-038
308-124A-440	AMD	04-08-012	308-390-500	AMD-P	04-09-105	314- 17-030	AMD-P	04-08-111
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308-124C-030	AMD	04-07-151	308-390-502	AMD-P	04-09-105	314- 17-050	AMD-P	04-08-111
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314- 24-117	NEW-P	04-15-161	316- 25-490	AMD	04-20-083	326- 20-050	AMD-P	04-02-043
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352-32	PREP	04-14-079	356-06-065	AMD-P	04-11-114	356-46-090	AMD	04-15-018
352-32	PREP	04-16-079	356-06-065	AMD	04-15-018	356-46-100	AMD-P	04-11-114
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352-32-010	AMD	05-01-069	356-06-080	REP	04-15-018	356-46-125	AMD-P	04-11-114
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352-32-235	AMD-P	04-21-103	356-09-040	AMD-P	04-11-114	356-60-010	DECOD-P	04-07-188
352-32-235	AMD	05-01-069	356-09-040	AMD	04-15-018	356-60-010	RECOD-P	04-07-188
352-32-250	AMD-P	04-21-103	356-10-020	AMD-P	04-11-114	356-60-010	AMD	04-11-045
352-32-250	AMD	05-01-069	356-10-020	AMD	04-15-018	356-60-010	DECOD	04-11-045
352-32-251	AMD-P	04-21-103	356-10-045	AMD-P	04-11-114	356-60-010	RECOD	04-11-045
352-32-251	AMD	05-01-069	356-10-045	AMD	04-15-018	356-60-020	AMD-P	04-07-188
352-32-252	REP-P	04-21-103	356-10-060	AMD-P	05-01-243	356-60-020	DECOD-P	04-07-188
352-32-255	AMD-P	04-21-103	356-10-065	NEW-P	05-01-243	356-60-020	RECOD-P	04-07-188
352-32-255	AMD	05-01-069	356-14-010	AMD-P	04-11-114	356-60-020	AMD	04-11-045
352-32-350	NEW-P	04-14-080	356-14-010	AMD	04-15-018	356-60-020	DECOD	04-11-045
352-32-350	NEW-P	04-21-103	356-14-031	AMD-P	04-11-114	356-60-020	RECOD	04-11-045
352-32-350	NEW-W	04-21-104	356-14-031	AMD	04-15-018	356-60-030	AMD-P	04-07-188
352-32-350	NEW	05-01-069	356-14-045	AMD-P	04-11-114	356-60-030	DECOD-P	04-07-188
352-37	PREP	04-16-080	356-14-045	AMD	04-15-018	356-60-030	RECOD-P	04-07-188
352-37-010	AMD-P	04-21-102	356-14-062	AMD-P	04-11-114	356-60-030	AMD	04-11-045
352-37-010	AMD	05-01-068	356-14-062	AMD	04-15-018	356-60-030	DECOD	04-11-045
352-37-020	AMD-P	04-21-102	356-15-010	AMD-P	04-11-114	356-60-030	RECOD	04-11-045
352-37-020	AMD	05-01-068	356-15-010	AMD	04-15-018	356-60-032	NEW-P	04-07-188
352-37-030	AMD-P	04-21-102	356-15-020	AMD-P	04-11-114	356-60-032	NEW	04-11-045
352-37-030	AMD	05-01-068	356-15-020	AMD	04-15-018	356-60-034	NEW-P	04-07-188
352-37-040	AMD-P	04-21-102	356-15-060	AMD-P	04-11-114	356-60-034	NEW	04-11-045
352-37-040	AMD	05-01-068	356-15-060	AMD	04-15-018	356-60-040	REP-P	04-07-188
352-37-070	AMD-P	04-21-102	356-15-125	AMD-P	04-11-114	356-60-040	REP	04-11-045
352-37-070	AMD	05-01-068	356-15-125	AMD	04-15-018	356-60-050	REP-P	04-07-188
352-37-090	AMD-P	04-21-102	356-15-130	AMD-P	04-11-114	356-60-050	REP	04-11-045
352-37-090	AMD	05-01-068	356-15-130	AMD	04-15-018	356-60-055	AMD-P	04-07-188
352-37-100	AMD-P	04-21-102	356-18-140	AMD-E	04-07-053	356-60-055	AMD	04-11-045
352-37-100	AMD	05-01-068	356-18-140	AMD-E	04-15-019	356-60-057	AMD-P	04-07-188
352-37-105	NEW	05-01-068	356-18-140	AMD-P	04-16-115	356-60-057	AMD	04-11-045
352-37-190	AMD-P	04-21-102	356-18-140	AMD	04-19-028	356-60-060	REP-P	04-07-188
352-37-190	AMD	05-01-068	356-18-220	AMD-E	04-07-053	356-60-060	REP	04-11-045
352-37-200	AMD-P	04-21-102	356-18-220	AMD-E	04-15-019	357-01-005	NEW-P	04-13-179
352-37-200	AMD	05-01-068	356-18-220	AMD-P	04-16-115	357-01-005	NEW	05-01-204
352-44	PREP	04-06-088	356-18-220	AMD	04-19-028	357-01-010	NEW-P	04-13-179
352-44-020	PREP	04-06-088	356-22-036	AMD-P	04-11-114	357-01-010	NEW	05-01-204
356-05-178	AMD-P	04-11-114	356-22-036	AMD	04-15-018	357-01-015	NEW-P	04-13-179
356-05-178	AMD	04-15-018	356-22-230	AMD-P	04-11-114	357-01-015	NEW	05-01-204
356-05-210	AMD-P	04-11-114	356-22-230	AMD	04-15-018	357-01-020	NEW-P	04-13-179
356-05-210	AMD	04-15-018	356-26-030	AMD-P	04-08-119	357-01-020	NEW	05-01-204
356-05-220	AMD-P	04-11-114	356-26-030	AMD	04-11-046	357-01-025	NEW-P	04-13-179
356-05-220	AMD	04-15-018	356-26-140	AMD-P	04-08-119	357-01-025	NEW	05-01-204
356-05-305	AMD-P	04-11-114	356-26-140	AMD	04-11-046	357-01-030	NEW-P	04-13-179
356-05-305	AMD	04-15-018	356-30-143	AMD-P	04-11-114	357-01-030	NEW-W	05-01-239
356-05-370	AMD-P	04-11-114	356-30-143	AMD	04-15-018	357-01-035	NEW-P	04-13-179
356-05-370	AMD	04-15-018	356-30-260	AMD-P	04-11-114	357-01-035	NEW	05-01-204
356-05-375	AMD-P	04-11-114	356-30-260	AMD	04-15-018	357-01-040	NEW-P	04-13-179
356-05-375	AMD	04-15-018	356-30-330	AMD-P	04-08-119	357-01-040	NEW	05-01-204
356-05-477	AMD-P	04-11-114	356-30-330	AMD	04-11-046	357-01-045	NEW-P	04-13-179
356-05-477	AMD	04-15-018	356-39-010	AMD-P	04-11-114	357-01-045	NEW	05-01-204
356-05-479	AMD-P	04-11-114	356-39-010	AMD	04-15-018	357-01-050	NEW-P	04-13-179
356-05-479	AMD	04-15-018	356-39-020	AMD-P	04-11-114	357-01-050	NEW	05-01-204
356-06-003	AMD-P	04-11-114	356-39-020	AMD	04-15-018	357-01-055	NEW-P	04-13-179

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-01-055	NEW	05-01-204	357-01-225	NEW-P	04-13-179	357-04-030	NEW-P	04-13-180
357-01-060	NEW-P	04-13-179	357-01-225	NEW	05-01-204	357-04-030	NEW	05-01-203
357-01-060	NEW	05-01-204	357-01-230	NEW-P	04-13-179	357-04-035	NEW-P	04-12-088
357-01-065	NEW-P	04-13-179	357-01-230	NEW	05-01-204	357-04-035	NEW	04-15-016
357-01-065	NEW	05-01-204	357-01-232	NEW	05-01-204	357-04-040	NEW-P	04-12-088
357-01-070	NEW-P	04-13-179	357-01-235	NEW-P	04-13-179	357-04-040	NEW	04-15-016
357-01-070	NEW	05-01-204	357-01-235	NEW	05-01-204	357-04-045	NEW-P	04-12-088
357-01-075	NEW-P	04-13-179	357-01-240	NEW-P	04-13-179	357-04-045	NEW	04-15-016
357-01-075	NEW	05-01-204	357-01-240	NEW	05-01-204	357-04-050	NEW-P	04-12-088
357-01-080	NEW-P	04-13-179	357-01-245	NEW-P	04-13-179	357-04-050	NEW	04-15-016
357-01-080	NEW	05-01-204	357-01-245	NEW	05-01-204	357-04-055	NEW-P	04-12-088
357-01-085	NEW-P	04-13-179	357-01-250	NEW-P	04-13-179	357-04-055	NEW	04-15-016
357-01-085	NEW	05-01-204	357-01-250	NEW	05-01-204	357-04-060	NEW-P	04-13-180
357-01-090	NEW-P	04-13-179	357-01-255	NEW-P	04-13-179	357-04-060	NEW	05-01-203
357-01-090	NEW	05-01-204	357-01-260	NEW-P	04-13-179	357-04-065	NEW-P	04-12-086
357-01-095	NEW-P	04-13-179	357-01-260	NEW	05-01-204	357-04-065	NEW	04-15-017
357-01-095	NEW	05-01-204	357-01-265	NEW-P	04-13-179	357-04-070	NEW-P	04-13-180
357-01-100	NEW-P	04-13-179	357-01-265	NEW	05-01-204	357-04-070	NEW	05-01-203
357-01-100	NEW	05-01-204	357-01-270	NEW-P	04-13-179	357-04-075	NEW-P	04-13-180
357-01-105	NEW-P	04-13-179	357-01-270	NEW	05-01-204	357-04-075	NEW	05-01-203
357-01-105	NEW	05-01-204	357-01-275	NEW-P	04-13-179	357-04-080	NEW-P	04-13-180
357-01-110	NEW-P	04-13-179	357-01-275	NEW	05-01-204	357-04-080	NEW	05-01-203
357-01-110	NEW	05-01-204	357-01-280	NEW-P	04-13-179	357-04-085	NEW-P	04-13-180
357-01-115	NEW-P	04-13-179	357-01-280	NEW	05-01-204	357-04-085	NEW	05-01-203
357-01-115	NEW	05-01-204	357-01-285	NEW-P	04-13-179	357-04-090	NEW-P	04-13-180
357-01-120	NEW-P	04-13-179	357-01-285	NEW	05-01-204	357-04-090	NEW	05-01-203
357-01-120	NEW	05-01-204	357-01-290	NEW-P	04-13-179	357-04-095	NEW-P	04-13-180
357-01-125	NEW-P	04-13-179	357-01-290	NEW	05-01-204	357-04-095	NEW	05-01-203
357-01-125	NEW	05-01-204	357-01-295	NEW-P	04-13-179	357-04-100	NEW-P	04-13-180
357-01-130	NEW-P	04-13-179	357-01-295	NEW	05-01-204	357-04-100	NEW	05-01-203
357-01-130	NEW	05-01-204	357-01-300	NEW-P	04-13-179	357-04-105	NEW-P	04-13-180
357-01-135	NEW-P	04-13-179	357-01-300	NEW	05-01-204	357-04-105	NEW	05-01-203
357-01-135	NEW	05-01-204	357-01-301	NEW-P	05-01-244	357-04-110	NEW-P	04-13-180
357-01-140	NEW-P	04-13-179	357-01-305	NEW-P	04-13-179	357-04-110	NEW	05-01-203
357-01-140	NEW	05-01-204	357-01-305	NEW	05-01-204	357-04-110	NEW	05-01-203
357-01-145	NEW-P	04-13-179	357-01-310	NEW-P	04-13-179	357-04-115	NEW-P	04-13-180
357-01-145	NEW	05-01-204	357-01-310	NEW	05-01-204	357-04-115	NEW	05-01-203
357-01-150	NEW-P	04-13-179	357-01-315	NEW-P	04-13-179	357-04-120	NEW-P	04-13-180
357-01-150	NEW	05-01-204	357-01-315	NEW	05-01-204	357-04-120	NEW	05-01-203
357-01-155	NEW-P	04-13-179	357-01-320	NEW-P	04-13-179	357-07-005	NEW-P	04-13-181
357-01-155	NEW	05-01-204	357-01-320	NEW	05-01-204	357-07-005	NEW	05-01-202
357-01-160	NEW-P	04-13-179	357-01-325	NEW-P	04-13-179	357-07-010	NEW-P	04-13-181
357-01-160	NEW	05-01-204	357-01-325	NEW	05-01-204	357-07-010	NEW	05-01-202
357-01-165	NEW-P	04-13-179	357-01-327	NEW-P	04-16-113	357-07-015	NEW-P	04-13-181
357-01-165	NEW	05-01-204	357-01-327	NEW	05-01-192	357-07-015	NEW	05-01-202
357-01-170	NEW-P	04-13-179	357-01-330	NEW-P	04-13-179	357-07-020	NEW-P	04-13-181
357-01-170	NEW	05-01-204	357-01-330	NEW	05-01-204	357-07-020	NEW	05-01-202
357-01-175	NEW-P	04-13-179	357-01-335	NEW-P	04-13-179	357-07-025	NEW-P	04-13-181
357-01-175	NEW	05-01-204	357-01-335	NEW	05-01-204	357-07-025	NEW	05-01-202
357-01-180	NEW-P	04-13-179	357-01-340	NEW-P	04-13-179	357-07-030	NEW-P	04-13-181
357-01-180	NEW	05-01-204	357-01-340	NEW	05-01-204	357-07-030	NEW	05-01-202
357-01-185	NEW-P	04-13-179	357-01-345	NEW-P	04-13-179	357-07-035	NEW-P	04-13-181
357-01-185	NEW	05-01-204	357-01-345	NEW	05-01-204	357-07-035	NEW	05-01-202
357-01-190	NEW-P	04-13-179	357-01-350	NEW-P	04-13-179	357-07-040	NEW-P	04-13-181
357-01-190	NEW	05-01-204	357-01-350	NEW	05-01-204	357-07-040	NEW	05-01-202
357-01-195	NEW-P	04-13-179	357-01-355	NEW-P	04-13-179	357-07-045	NEW-P	04-13-181
357-01-195	NEW	05-01-204	357-01-355	NEW	05-01-204	357-07-045	NEW	05-01-202
357-01-200	NEW-P	04-13-179	357-04-005	NEW-P	04-13-180	357-07-050	NEW-P	04-13-181
357-01-200	NEW	05-01-204	357-04-005	NEW	05-01-203	357-07-050	NEW	05-01-202
357-01-205	NEW-P	04-13-179	357-04-010	NEW-P	04-13-180	357-07-055	NEW-P	04-13-181
357-01-205	NEW	05-01-204	357-04-010	NEW	05-01-203	357-07-055	NEW	05-01-202
357-01-210	NEW-P	04-13-179	357-04-015	NEW-P	04-13-180	357-07-060	NEW-P	04-13-181
357-01-210	NEW	05-01-204	357-04-015	NEW	05-01-203	357-07-060	NEW	05-01-202
357-01-215	NEW-P	04-13-179	357-04-020	NEW-P	04-13-180	357-07-065	NEW-P	04-13-181
357-01-215	NEW	05-01-204	357-04-020	NEW	05-01-203	357-07-065	NEW	05-01-202
357-01-220	NEW-P	04-13-179	357-04-025	NEW-P	04-13-180	357-07-070	NEW-P	04-13-181
357-01-220	NEW	05-01-204	357-04-025	NEW	05-01-203	357-07-070	NEW	05-01-202
						357-07-075	NEW-P	04-13-181

TABLE

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 07-075	NEW	05-01-202	357- 16-070	NEW-P	04-13-183	357- 19-040	NEW-P	04-13-031
357- 10-005	NEW-P	04-04-109	357- 16-070	NEW	05-01-200	357- 19-040	NEW	05-01-206
357- 10-005	NEW	04-07-052	357- 16-075	NEW-P	04-13-183	357- 19-045	NEW-P	04-13-031
357- 10-010	NEW-P	04-04-109	357- 16-075	NEW	05-01-200	357- 19-045	NEW	05-01-206
357- 10-010	NEW	04-07-052	357- 16-085	NEW-P	04-13-183	357- 19-050	NEW-P	04-13-031
357- 10-020	NEW-P	04-04-109	357- 16-085	NEW	05-01-200	357- 19-050	NEW	05-01-206
357- 10-020	NEW	04-07-052	357- 16-090	NEW-P	04-13-183	357- 19-060	NEW-P	04-13-031
357- 13-010	NEW-P	04-13-182	357- 16-090	NEW	05-01-200	357- 19-060	NEW	05-01-206
357- 13-010	NEW	05-01-201	357- 16-095	NEW-P	04-13-183	357- 19-065	NEW-P	04-13-031
357- 13-015	NEW-P	04-13-182	357- 16-095	NEW	05-01-200	357- 19-065	NEW	05-01-206
357- 13-015	NEW	05-01-201	357- 16-100	NEW-P	04-13-183	357- 19-070	NEW-P	04-13-031
357- 13-020	NEW-P	04-13-182	357- 16-100	NEW	05-01-200	357- 19-070	NEW	05-01-206
357- 13-020	NEW	05-01-201	357- 16-105	NEW-P	04-13-183	357- 19-075	NEW-P	04-13-031
357- 13-025	NEW-P	04-13-182	357- 16-105	NEW	05-01-200	357- 19-075	NEW	05-01-206
357- 13-025	NEW	05-01-201	357- 16-110	NEW-P	04-13-183	357- 19-080	NEW-P	04-13-031
357- 13-030	NEW-P	04-13-182	357- 16-110	NEW	05-01-200	357- 19-080	NEW	05-01-206
357- 13-030	NEW	05-01-201	357- 16-115	NEW-P	04-13-183	357- 19-085	NEW-P	04-13-031
357- 13-035	NEW-P	04-13-182	357- 16-115	NEW	05-01-200	357- 19-085	NEW	05-01-206
357- 13-035	NEW	05-01-201	357- 16-120	NEW-P	04-13-183	357- 19-090	NEW-P	04-13-031
357- 13-040	NEW-P	04-13-182	357- 16-120	NEW	05-01-200	357- 19-090	NEW	05-01-206
357- 13-040	NEW	05-01-201	357- 16-125	NEW-P	04-13-183	357- 19-095	NEW-P	04-13-031
357- 13-045	NEW-P	04-13-182	357- 16-125	NEW	05-01-200	357- 19-095	NEW	05-01-206
357- 13-045	NEW	05-01-201	357- 16-130	NEW-P	04-13-183	357- 19-100	NEW-P	04-13-031
357- 13-050	NEW-P	04-13-182	357- 16-130	NEW	05-01-200	357- 19-100	NEW	05-01-206
357- 13-050	NEW	05-01-201	357- 16-135	NEW-P	04-13-183	357- 19-105	NEW-P	04-13-031
357- 13-055	NEW-P	04-13-182	357- 16-135	NEW	05-01-200	357- 19-105	NEW	05-01-206
357- 13-055	NEW	05-01-201	357- 16-140	NEW-P	04-13-183	357- 19-110	NEW-P	04-13-031
357- 13-060	NEW-P	04-13-182	357- 16-140	NEW	05-01-200	357- 19-110	NEW	05-01-206
357- 13-060	NEW	05-01-201	357- 16-150	NEW-P	04-13-183	357- 19-115	NEW-P	04-13-031
357- 13-065	NEW-P	04-13-182	357- 16-150	NEW	05-01-200	357- 19-115	NEW	05-01-206
357- 13-065	NEW	05-01-201	357- 16-155	NEW-P	04-13-183	357- 19-117	NEW-P	04-13-031
357- 13-070	NEW-P	04-13-182	357- 16-155	NEW	05-01-200	357- 19-117	NEW	05-01-206
357- 13-070	NEW	05-01-201	357- 16-160	NEW-P	04-13-183	357- 19-120	NEW-P	04-13-031
357- 13-075	NEW-P	04-13-182	357- 16-160	NEW	05-01-200	357- 19-120	NEW	05-01-206
357- 13-075	NEW	05-01-201	357- 16-170	NEW-P	04-13-183	357- 19-135	NEW-P	04-13-031
357- 13-080	NEW-P	04-13-182	357- 16-170	NEW-C	04-18-122	357- 19-135	NEW	05-01-206
357- 13-080	NEW	05-01-201	357- 16-170	NEW	05-01-187	357- 19-140	NEW-P	04-13-031
357- 13-085	NEW-P	04-13-182	357- 16-175	NEW-P	04-13-183	357- 19-140	NEW	05-01-206
357- 13-085	NEW	05-01-201	357- 16-175	NEW-C	04-18-122	357- 19-145	NEW-P	04-13-031
357- 13-090	NEW-P	04-13-182	357- 16-175	NEW	05-01-187	357- 19-145	NEW	05-01-206
357- 13-090	NEW	05-01-201	357- 16-177	NEW-P	04-18-121	357- 19-155	NEW-P	04-13-031
357- 16-005	NEW-P	04-13-183	357- 16-177	NEW	05-01-188	357- 19-155	NEW	05-01-206
357- 16-005	NEW	05-01-200	357- 16-180	NEW-P	04-13-183	357- 19-160	NEW-P	04-13-031
357- 16-010	NEW-P	04-13-183	357- 16-180	NEW-C	04-18-122	357- 19-160	NEW	05-01-206
357- 16-010	NEW	05-01-200	357- 16-180	NEW	05-01-187	357- 19-165	NEW-P	04-13-031
357- 16-015	NEW-P	04-13-183	357- 16-190	NEW-P	04-13-183	357- 19-165	NEW	05-01-206
357- 16-015	NEW	05-01-200	357- 16-190	NEW	05-01-200	357- 19-170	NEW-P	04-13-031
357- 16-020	NEW-P	04-13-183	357- 16-195	NEW-P	04-13-183	357- 19-170	NEW	05-01-206
357- 16-020	NEW	05-01-200	357- 16-195	NEW	05-01-200	357- 19-175	NEW-P	04-13-031
357- 16-025	NEW-P	04-13-183	357- 16-200	NEW-P	04-13-183	357- 19-175	NEW	05-01-206
357- 16-025	NEW	05-01-200	357- 16-200	NEW	05-01-200	357- 19-177	NEW-P	04-13-031
357- 16-030	NEW-P	04-13-183	357- 16-205	NEW-P	04-13-183	357- 19-177	NEW	05-01-206
357- 16-030	NEW	05-01-200	357- 16-205	NEW	05-01-200	357- 19-180	NEW-P	04-13-031
357- 16-040	NEW-P	04-13-183	357- 19-005	NEW-P	04-13-031	357- 19-180	NEW	05-01-206
357- 16-040	NEW	05-01-200	357- 19-005	NEW	05-01-206	357- 19-190	NEW-P	04-13-031
357- 16-045	NEW-P	04-13-183	357- 19-010	NEW-P	04-13-031	357- 19-190	NEW	05-01-206
357- 16-045	NEW	05-01-200	357- 19-010	NEW	05-01-206	357- 19-193	NEW-P	04-13-184
357- 16-050	NEW-P	04-13-183	357- 19-015	NEW-P	04-13-031	357- 19-193	NEW	05-01-199
357- 16-050	NEW	05-01-200	357- 19-015	NEW	05-01-206	357- 19-195	NEW-P	04-13-031
357- 16-055	NEW-P	04-13-183	357- 19-017	NEW-P	04-13-031	357- 19-195	NEW	05-01-206
357- 16-055	NEW	05-01-200	357- 19-017	NEW	05-01-206	357- 19-200	NEW-P	04-13-031
357- 16-060	NEW-P	04-13-183	357- 19-020	NEW-P	04-13-031	357- 19-200	NEW	05-01-206
357- 16-060	NEW-W	04-18-116	357- 19-020	NEW	05-01-206	357- 19-205	NEW-P	04-13-031
357- 16-060	NEW-P	04-18-121	357- 19-025	NEW-P	04-13-031	357- 19-205	NEW	05-01-206
357- 16-060	NEW	05-01-188	357- 19-025	NEW	05-01-206	357- 19-215	NEW-P	04-13-031
357- 16-065	NEW-P	04-13-183	357- 19-030	NEW-P	04-13-031	357- 19-215	NEW	05-01-206
357- 16-065	NEW	05-01-200	357- 19-030	NEW	05-01-206	357- 19-220	NEW-P	04-13-031

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 19-220	NEW	05-01-206	357- 19-400	NEW-P	04-13-031	357- 22-035	NEW	05-01-198
357- 19-225	NEW-P	04-13-031	357- 19-400	NEW	05-01-206	357- 22-040	NEW-P	04-13-185
357- 19-225	NEW	05-01-206	357- 19-410	NEW-P	04-13-031	357- 22-040	NEW	05-01-198
357- 19-230	NEW-P	04-13-031	357- 19-410	NEW	05-01-206	357- 22-045	NEW-P	04-13-185
357- 19-230	NEW	05-01-206	357- 19-420	NEW-P	04-13-031	357- 22-045	NEW	05-01-198
357- 19-235	NEW-P	04-13-031	357- 19-420	NEW	05-01-206	357- 25-005	NEW-P	04-13-186
357- 19-235	NEW	05-01-206	357- 19-425	NEW-P	04-13-031	357- 25-005	NEW	05-01-197
357- 19-240	NEW-P	04-13-031	357- 19-425	NEW	05-01-206	357- 25-010	NEW-P	04-13-186
357- 19-240	NEW	05-01-206	357- 19-430	NEW-P	04-13-031	357- 25-010	NEW	05-01-197
357- 19-245	NEW-P	04-13-031	357- 19-430	NEW	05-01-206	357- 25-015	NEW-P	04-13-186
357- 19-245	NEW	05-01-206	357- 19-435	NEW-P	04-16-113	357- 25-015	NEW	05-01-197
357- 19-250	NEW-P	04-13-031	357- 19-435	NEW	05-01-192	357- 25-020	NEW-P	04-13-186
357- 19-250	NEW	05-01-206	357- 19-440	NEW-P	04-16-113	357- 25-020	NEW	05-01-197
357- 19-255	NEW-P	04-13-031	357- 19-440	NEW	05-01-192	357- 25-025	NEW	05-01-197
357- 19-255	NEW	05-01-206	357- 19-441	NEW-P	04-16-113	357- 25-030	NEW-P	04-13-186
357- 19-260	NEW-P	04-13-031	357- 19-441	NEW	05-01-192	357- 25-030	NEW	05-01-197
357- 19-260	NEW	05-01-206	357- 19-442	NEW-P	04-16-113	357- 25-035	NEW-P	04-13-186
357- 19-265	NEW-P	04-13-031	357- 19-442	NEW	05-01-192	357- 25-035	NEW	05-01-197
357- 19-265	NEW	05-01-206	357- 19-443	NEW-P	04-16-113	357- 25-040	NEW-P	04-13-186
357- 19-270	NEW-P	04-13-031	357- 19-443	NEW	05-01-192	357- 25-040	NEW	05-01-197
357- 19-270	NEW	05-01-206	357- 19-444	NEW-P	04-16-113	357- 25-045	NEW-P	04-13-186
357- 19-280	NEW-P	04-13-031	357- 19-444	NEW	05-01-192	357- 25-045	NEW	05-01-197
357- 19-280	NEW	05-01-206	357- 19-445	NEW-P	04-16-113	357- 25-050	NEW-P	04-13-186
357- 19-285	NEW-P	04-13-031	357- 19-445	NEW	05-01-192	357- 25-050	NEW	05-01-197
357- 19-285	NEW	05-01-206	357- 19-446	NEW-P	04-16-113	357- 25-055	NEW-P	04-13-186
357- 19-290	NEW-P	04-13-031	357- 19-446	NEW-W	05-01-238	357- 25-055	NEW	05-01-197
357- 19-290	NEW	05-01-206	357- 19-447	NEW-P	04-16-113	357- 26-005	NEW-P	04-13-187
357- 19-295	NEW-P	04-13-031	357- 19-447	NEW	05-01-192	357- 26-005	NEW	05-01-196
357- 19-295	NEW	05-01-206	357- 19-448	NEW-P	04-16-113	357- 26-010	NEW-P	04-13-187
357- 19-297	NEW-P	04-13-031	357- 19-448	NEW	05-01-192	357- 26-010	NEW	05-01-196
357- 19-297	NEW	05-01-206	357- 19-450	NEW-P	04-16-113	357- 26-015	NEW-P	04-13-187
357- 19-305	NEW-P	04-13-031	357- 19-450	NEW	05-01-192	357- 26-015	NEW	05-01-196
357- 19-305	NEW	05-01-206	357- 19-455	NEW-P	04-13-031	357- 26-020	NEW-P	04-13-187
357- 19-310	NEW-P	04-13-031	357- 19-455	NEW	05-01-206	357- 26-020	NEW	05-01-196
357- 19-310	NEW	05-01-206	357- 19-460	NEW-P	04-13-031	357- 26-025	NEW-P	04-13-187
357- 19-315	NEW-P	04-13-031	357- 19-460	NEW	05-01-206	357- 26-025	NEW	05-01-196
357- 19-315	NEW	05-01-206	357- 19-465	NEW-P	04-13-031	357- 28-010	NEW-P	04-13-029
357- 19-320	NEW-P	04-13-031	357- 19-465	NEW	05-01-206	357- 28-010	NEW	05-01-205
357- 19-320	NEW	05-01-206	357- 19-470	NEW-P	04-13-031	357- 28-015	NEW-P	04-13-029
357- 19-325	NEW-P	04-13-031	357- 19-470	NEW	05-01-206	357- 28-015	NEW	05-01-205
357- 19-325	NEW	05-01-206	357- 19-475	NEW-P	04-13-031	357- 28-020	NEW-P	04-13-029
357- 19-330	NEW-P	04-13-031	357- 19-475	NEW	05-01-206	357- 28-020	NEW	05-01-205
357- 19-330	NEW	05-01-206	357- 19-480	NEW-P	04-13-031	357- 28-025	NEW-P	04-13-029
357- 19-340	NEW-P	04-13-031	357- 19-480	NEW	05-01-206	357- 28-025	NEW	05-01-205
357- 19-340	NEW	05-01-206	357- 19-505	NEW-P	04-13-031	357- 28-030	NEW-P	04-13-029
357- 19-345	NEW-P	04-13-031	357- 19-505	NEW	05-01-206	357- 28-030	NEW	05-01-205
357- 19-345	NEW	05-01-206	357- 19-510	NEW-P	04-13-031	357- 28-035	NEW-P	04-13-029
357- 19-360	NEW-P	04-13-031	357- 19-510	NEW	05-01-206	357- 28-035	NEW	05-01-205
357- 19-360	NEW	05-01-206	357- 19-515	NEW-P	04-13-031	357- 28-040	NEW-P	04-13-029
357- 19-365	NEW-P	04-13-031	357- 19-515	NEW	05-01-206	357- 28-040	NEW	05-01-205
357- 19-365	NEW	05-01-206	357- 19-525	NEW-P	04-13-031	357- 28-045	NEW-P	04-13-029
357- 19-370	NEW-P	04-13-031	357- 19-525	NEW	05-01-206	357- 28-045	NEW	05-01-205
357- 19-370	NEW	05-01-206	357- 19-530	NEW-P	04-13-031	357- 28-050	NEW-P	04-13-029
357- 19-373	NEW-P	04-13-031	357- 19-530	NEW	05-01-206	357- 28-050	NEW	05-01-205
357- 19-373	NEW	05-01-206	357- 19-535	NEW-P	04-13-031	357- 28-055	NEW-P	04-13-029
357- 19-375	NEW-P	04-13-031	357- 19-535	NEW	05-01-206	357- 28-055	NEW	05-01-205
357- 19-375	NEW	05-01-206	357- 22-010	NEW-P	04-13-185	357- 28-060	NEW-P	04-13-029
357- 19-377	NEW-P	04-13-031	357- 22-010	NEW	05-01-198	357- 28-060	NEW	05-01-205
357- 19-377	NEW	05-01-206	357- 22-015	NEW-P	04-13-185	357- 28-065	NEW-P	04-13-029
357- 19-380	NEW-P	04-13-031	357- 22-015	NEW	05-01-198	357- 28-065	NEW	05-01-205
357- 19-380	NEW	05-01-206	357- 22-020	NEW-P	04-13-185	357- 28-070	NEW-P	04-13-029
357- 19-385	NEW-P	04-13-031	357- 22-020	NEW	05-01-198	357- 28-070	NEW	05-01-205
357- 19-385	NEW	05-01-206	357- 22-025	NEW-P	04-13-185	357- 28-075	NEW-P	04-13-029
357- 19-388	NEW-P	04-13-031	357- 22-025	NEW	05-01-198	357- 28-075	NEW	05-01-205
357- 19-388	NEW	05-01-206	357- 22-030	NEW-P	04-13-185	357- 28-080	NEW-P	04-13-029
357- 19-395	NEW-P	04-13-031	357- 22-030	NEW	05-01-198	357- 28-080	NEW	05-01-205
357- 19-395	NEW	05-01-206	357- 22-035	NEW-P	04-13-185	357- 28-090	NEW-P	04-13-029

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-28-090	NEW	05-01-205	357-28-275	NEW-P	04-13-029	357-31-260	NEW-P	05-01-250
357-28-095	NEW-P	04-13-029	357-28-275	NEW	05-01-205	357-31-265	NEW-P	05-01-250
357-28-095	NEW	05-01-205	357-28-280	NEW-P	04-13-029	357-31-270	NEW-P	05-01-250
357-28-100	NEW-P	04-13-029	357-28-280	NEW	05-01-205	357-31-275	NEW-P	05-01-250
357-28-100	NEW	05-01-205	357-28-285	NEW-P	04-13-029	357-31-280	NEW-P	05-01-250
357-28-110	NEW-P	04-13-029	357-28-285	NEW	05-01-205	357-31-285	NEW-P	05-01-250
357-28-110	NEW	05-01-205	357-28-295	NEW-P	04-13-029	357-31-290	NEW-P	05-01-250
357-28-115	NEW-P	04-13-029	357-28-295	NEW	05-01-205	357-31-295	NEW-P	05-01-250
357-28-115	NEW	05-01-205	357-28-300	NEW-P	04-13-029	357-31-300	NEW-P	05-01-250
357-28-120	NEW-P	04-13-029	357-28-300	NEW	05-01-205	357-31-305	NEW-P	05-01-250
357-28-120	NEW	05-01-205	357-28-310	NEW-P	04-13-029	357-31-310	NEW-P	05-01-248
357-28-125	NEW-P	04-13-029	357-28-310	NEW	05-01-205	357-31-315	NEW-P	05-01-248
357-28-125	NEW	05-01-205	357-28-315	NEW-P	04-13-029	357-31-320	NEW-P	05-01-248
357-28-130	NEW-P	04-13-029	357-28-315	NEW	05-01-205	357-31-325	NEW-P	05-01-248
357-28-130	NEW	05-01-205	357-28-325	NEW-P	04-13-029	357-31-330	NEW-P	05-01-248
357-28-135	NEW-P	04-13-029	357-28-325	NEW	05-01-205	357-31-335	NEW-P	05-01-248
357-28-135	NEW	05-01-205	357-31-001	NEW-P	05-01-249	357-31-340	NEW-P	05-01-248
357-28-140	NEW-P	04-13-029	357-31-005	NEW-P	05-01-249	357-31-345	NEW-P	05-01-248
357-28-140	NEW	05-01-205	357-31-010	NEW-P	05-01-249	357-31-350	NEW-P	05-01-248
357-28-145	NEW-P	04-13-029	357-31-015	NEW-P	05-01-249	357-31-355	NEW-P	05-01-248
357-28-145	NEW	05-01-205	357-31-020	NEW-P	05-01-249	357-31-360	NEW-P	05-01-248
357-28-150	NEW-P	04-13-029	357-31-025	NEW-P	05-01-249	357-31-370	NEW-P	05-01-248
357-28-150	NEW	05-01-205	357-31-030	NEW-P	05-01-249	357-31-375	NEW-P	05-01-248
357-28-155	NEW-P	04-13-029	357-31-035	NEW-P	05-01-249	357-31-380	NEW-P	05-01-247
357-28-155	NEW	05-01-205	357-31-040	NEW-P	05-01-249	357-31-385	NEW-P	05-01-247
357-28-160	NEW-P	04-13-029	357-31-045	NEW-P	05-01-249	357-31-390	NEW-P	05-01-247
357-28-160	NEW	05-01-205	357-31-050	NEW-P	05-01-249	357-31-395	NEW-P	05-01-247
357-28-165	NEW-P	04-13-029	357-31-055	NEW-P	05-01-249	357-31-400	NEW-P	05-01-247
357-28-165	NEW	05-01-205	357-31-060	NEW-P	05-01-249	357-31-405	NEW-P	05-01-247
357-28-175	NEW-P	04-13-029	357-31-065	NEW-P	05-01-249	357-31-410	NEW-P	05-01-247
357-28-175	NEW	05-01-205	357-31-070	NEW-P	05-01-249	357-31-415	NEW-P	05-01-247
357-28-180	NEW-P	04-13-029	357-31-075	NEW-P	05-01-249	357-31-420	NEW-P	05-01-247
357-28-180	NEW	05-01-205	357-31-080	NEW-P	05-01-249	357-31-425	NEW-P	05-01-247
357-28-185	NEW-P	04-13-029	357-31-090	NEW-P	05-01-249	357-31-430	NEW-P	05-01-247
357-28-185	NEW	05-01-205	357-31-095	NEW-P	05-01-249	357-31-435	NEW-P	05-01-247
357-28-190	NEW-P	04-13-029	357-31-100	NEW-P	05-01-249	357-31-440	NEW-P	05-01-247
357-28-190	NEW	05-01-205	357-31-105	NEW-P	05-01-249	357-31-445	NEW-P	05-01-247
357-28-195	NEW-P	04-13-029	357-31-110	NEW-P	05-01-249	357-31-450	NEW-P	05-01-247
357-28-195	NEW	05-01-205	357-31-115	NEW-P	05-01-249	357-31-455	NEW-P	05-01-247
357-28-200	NEW-P	04-13-029	357-31-120	NEW-P	05-01-249	357-31-460	NEW-P	05-01-246
357-28-200	NEW	05-01-205	357-31-125	NEW-P	05-01-249	357-31-465	NEW-P	05-01-246
357-28-205	NEW-P	04-13-029	357-31-130	NEW-P	05-01-249	357-31-470	NEW-P	05-01-246
357-28-205	NEW	05-01-205	357-31-135	NEW-P	05-01-249	357-31-475	NEW-P	05-01-246
357-28-210	NEW-P	04-13-029	357-31-140	NEW-P	05-01-249	357-31-480	NEW-P	05-01-246
357-28-210	NEW	05-01-205	357-31-145	NEW-P	05-01-249	357-31-485	NEW-P	05-01-246
357-28-220	NEW-P	04-13-029	357-31-150	NEW-P	05-01-249	357-31-490	NEW-P	05-01-246
357-28-220	NEW	05-01-205	357-31-155	NEW-P	05-01-249	357-31-495	NEW-P	05-01-246
357-28-225	NEW-P	04-13-029	357-31-160	NEW-P	05-01-249	357-31-500	NEW-P	05-01-246
357-28-225	NEW	05-01-205	357-31-165	NEW-P	05-01-250	357-31-505	NEW-P	05-01-246
357-28-230	NEW-P	04-13-029	357-31-170	NEW-P	05-01-250	357-31-510	NEW-P	05-01-246
357-28-230	NEW	05-01-205	357-31-175	NEW-P	05-01-250	357-31-515	NEW-P	05-01-246
357-28-235	NEW-P	04-13-029	357-31-180	NEW-P	05-01-250	357-31-520	NEW-P	05-01-246
357-28-235	NEW	05-01-205	357-31-185	NEW-P	05-01-250	357-31-525	NEW-P	05-01-246
357-28-240	NEW-P	04-13-029	357-31-190	NEW-P	05-01-250	357-31-530	NEW-P	05-01-246
357-28-240	NEW	05-01-205	357-31-195	NEW-P	05-01-250	357-31-535	NEW-P	05-01-246
357-28-245	NEW-P	04-13-029	357-31-200	NEW-P	05-01-250	357-31-540	NEW-P	05-01-246
357-28-245	NEW	05-01-205	357-31-205	NEW-P	05-01-250	357-31-545	NEW-P	05-01-246
357-28-250	NEW-P	04-13-029	357-31-210	NEW-P	05-01-250	357-31-550	NEW-P	05-01-246
357-28-250	NEW	05-01-205	357-31-215	NEW-P	05-01-250	357-31-555	NEW-P	05-01-246
357-28-252	NEW-P	04-13-029	357-31-220	NEW-P	05-01-250	357-31-560	NEW-P	05-01-246
357-28-252	NEW	05-01-205	357-31-225	NEW-P	05-01-250	357-31-565	NEW-P	05-01-246
357-28-255	NEW-P	04-13-029	357-31-230	NEW-P	05-01-250	357-34-005	NEW-P	04-13-188
357-28-255	NEW	05-01-205	357-31-235	NEW-P	05-01-250	357-34-005	NEW	05-01-195
357-28-260	NEW-P	04-13-029	357-31-240	NEW-P	05-01-250	357-34-010	NEW-P	04-13-188
357-28-260	NEW	05-01-205	357-31-245	NEW-P	05-01-250	357-34-010	NEW	05-01-195
357-28-265	NEW-P	04-13-029	357-31-250	NEW-P	05-01-250	357-34-015	NEW-P	04-13-188
357-28-265	NEW	05-01-205	357-31-255	NEW-P	05-01-250	357-34-015	NEW	05-01-195

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 34-020	NEW-P	04-13-188	357- 40-030	NEW	04-18-113	357- 46-005	NEW-P	04-13-030
357- 34-020	NEW	05-01-195	357- 40-035	NEW-P	04-13-190	357- 46-005	NEW	04-18-114
357- 34-025	NEW-P	04-13-188	357- 40-035	NEW	04-18-113	357- 46-010	NEW-P	04-13-030
357- 34-025	NEW	05-01-195	357- 40-040	NEW-P	04-13-190	357- 46-010	NEW	04-18-114
357- 34-030	NEW-P	04-13-188	357- 40-040	NEW	04-18-113	357- 46-010	AMD-P	04-20-114
357- 34-030	NEW	05-01-195	357- 40-045	NEW-P	04-13-190	357- 46-012	NEW-P	04-20-114
357- 34-035	NEW-P	04-13-188	357- 40-045	NEW	04-18-113	357- 46-015	NEW-P	04-13-030
357- 34-035	NEW	05-01-195	357- 40-050	NEW-P	04-13-190	357- 46-015	NEW	04-18-114
357- 34-045	NEW-P	04-13-188	357- 40-050	NEW-W	04-18-115	357- 46-020	NEW-P	04-13-030
357- 34-045	NEW	05-01-195	357- 40-055	NEW-P	04-13-190	357- 46-020	NEW	04-18-114
357- 34-050	NEW-P	04-13-188	357- 40-055	NEW-W	04-18-115	357- 46-025	NEW-P	04-13-030
357- 34-050	NEW	05-01-195	357- 40-060	NEW-P	04-13-190	357- 46-025	NEW	04-18-114
357- 34-055	NEW-P	04-12-087	357- 40-060	NEW-W	04-18-115	357- 46-030	NEW-P	04-13-030
357- 34-055	NEW	04-15-015	357- 40-065	NEW-P	04-13-190	357- 46-030	NEW	04-18-114
357- 34-060	NEW-P	04-13-188	357- 40-065	NEW-W	04-18-115	357- 46-035	NEW-P	04-13-030
357- 34-060	NEW	05-01-195	357- 43-001	NEW-P	04-13-191	357- 46-035	NEW	04-18-114
357- 34-065	NEW-P	04-13-188	357- 43-001	NEW	05-01-193	357- 46-040	NEW-P	04-13-030
357- 34-065	NEW	05-01-195	357- 43-005	NEW-P	04-13-191	357- 46-040	NEW	04-18-114
357- 34-070	NEW-P	04-12-087	357- 43-005	NEW	05-01-193	357- 46-045	NEW-P	04-13-030
357- 34-070	NEW	04-15-015	357- 43-007	NEW-P	04-18-124	357- 46-045	NEW	04-18-114
357- 34-075	NEW-P	04-12-087	357- 43-007	NEW	05-01-185	357- 46-050	NEW-P	04-13-030
357- 34-075	NEW	04-15-015	357- 43-008	NEW-P	04-20-113	357- 46-050	NEW	04-18-114
357- 34-080	NEW-P	04-12-087	357- 43-010	NEW-P	04-13-191	357- 46-055	NEW-P	05-01-242
357- 34-080	NEW-W	04-15-014	357- 43-010	NEW	05-01-193	357- 46-056	NEW-P	05-01-242
357- 34-085	NEW-P	04-12-087	357- 43-015	NEW-P	04-13-191	357- 46-060	NEW-P	04-13-030
357- 34-085	NEW	04-15-015	357- 43-015	NEW	05-01-193	357- 46-060	NEW	04-18-114
357- 34-090	NEW-P	04-13-188	357- 43-020	NEW-P	04-13-191	357- 46-070	NEW-P	04-13-030
357- 34-090	NEW	05-01-195	357- 43-020	NEW	05-01-193	357- 46-070	NEW	04-18-114
357- 37-010	NEW-P	04-13-189	357- 43-025	NEW-P	04-13-191	357- 46-075	NEW-P	04-13-030
357- 37-010	NEW	05-01-194	357- 43-025	NEW	05-01-193	357- 46-075	NEW	04-18-114
357- 37-015	NEW-P	04-13-189	357- 43-030	NEW-P	04-13-191	357- 46-080	NEW-P	04-13-030
357- 37-015	NEW	05-01-194	357- 43-030	NEW	05-01-193	357- 46-080	NEW	04-18-114
357- 37-020	NEW-P	04-13-189	357- 43-035	NEW-P	04-13-191	357- 46-085	NEW-P	04-13-030
357- 37-020	NEW	05-01-194	357- 43-035	NEW	05-01-193	357- 46-085	NEW	04-18-114
357- 37-025	NEW-P	04-13-189	357- 43-040	NEW-P	04-13-191	357- 46-090	NEW-P	04-13-030
357- 37-025	NEW	05-01-194	357- 43-040	NEW	05-01-193	357- 46-090	NEW	04-18-114
357- 37-030	NEW-P	04-13-189	357- 43-045	NEW-P	04-13-191	357- 46-095	NEW-P	04-13-030
357- 37-030	NEW	05-01-194	357- 43-050	NEW-P	04-13-191	357- 46-095	NEW	04-18-114
357- 37-035	NEW-P	04-13-189	357- 43-050	NEW	05-01-193	357- 46-100	NEW-P	04-13-030
357- 37-035	NEW	05-01-194	357- 43-055	NEW-P	04-13-191	357- 46-100	NEW	04-18-114
357- 37-040	NEW-P	04-13-189	357- 43-055	NEW	05-01-193	357- 46-105	NEW-P	04-13-030
357- 37-040	NEW	05-01-194	357- 43-060	NEW-P	04-13-191	357- 46-105	NEW	04-18-114
357- 37-045	NEW-P	04-13-189	357- 43-060	NEW	05-01-193	357- 46-110	NEW-P	04-13-030
357- 37-045	NEW	05-01-194	357- 43-065	NEW-P	04-13-191	357- 46-110	NEW	04-18-114
357- 37-050	NEW-P	04-13-189	357- 43-065	NEW	05-01-193	357- 46-115	NEW-P	04-13-030
357- 37-050	NEW	05-01-194	357- 43-070	NEW-P	04-13-191	357- 46-115	NEW	04-18-114
357- 37-055	NEW-P	04-13-189	357- 43-070	NEW	05-01-193	357- 46-120	NEW-P	04-13-030
357- 37-055	NEW	05-01-194	357- 43-075	NEW-P	04-13-191	357- 46-120	NEW	04-18-114
357- 37-060	NEW-P	04-13-189	357- 43-075	NEW	05-01-193	357- 46-125	NEW-P	04-13-030
357- 37-060	NEW	05-01-194	357- 43-080	NEW-P	04-13-191	357- 46-125	NEW	04-18-114
357- 37-065	NEW-P	04-13-189	357- 43-080	NEW	05-01-193	357- 46-130	NEW-P	04-13-030
357- 37-065	NEW	05-01-194	357- 43-085	NEW-P	04-13-191	357- 46-130	NEW	04-18-114
357- 37-070	NEW-P	04-13-189	357- 43-085	NEW	05-01-193	357- 46-135	NEW-P	04-13-030
357- 37-070	NEW	05-01-194	357- 43-090	NEW-P	04-13-191	357- 46-135	NEW	04-18-114
357- 37-075	NEW-P	04-13-189	357- 43-090	NEW-W	04-18-117	357- 46-140	NEW-P	04-13-030
357- 37-075	NEW	05-01-194	357- 43-095	NEW-P	04-13-191	357- 46-140	NEW-S	04-18-125
357- 37-080	NEW-P	04-13-189	357- 43-095	NEW-C	04-18-123	357- 46-140	NEW	05-01-184
357- 37-080	NEW	05-01-194	357- 43-095	NEW	05-01-186	357- 46-145	NEW-P	04-13-030
357- 40-010	NEW-P	04-13-190	357- 43-100	NEW-P	04-13-191	357- 46-145	NEW	04-18-114
357- 40-010	NEW	04-18-113	357- 43-100	NEW-C	04-18-123	357- 46-147	NEW-P	04-18-120
357- 40-015	NEW-P	04-13-190	357- 43-100	NEW	05-01-186	357- 46-147	NEW	05-01-189
357- 40-015	NEW	04-18-113	357- 43-105	NEW-P	04-13-191	357- 46-150	NEW-P	04-13-030
357- 40-020	NEW-P	04-13-190	357- 43-105	NEW	05-01-193	357- 46-150	NEW	04-18-114
357- 40-020	NEW	04-18-113	357- 43-110	NEW-P	04-13-191	357- 46-155	NEW-P	04-13-030
357- 40-025	NEW-P	04-13-190	357- 43-110	NEW	05-01-193	357- 46-155	NEW	04-18-114
357- 40-025	NEW	04-18-113	357- 43-115	NEW-P	04-13-191	357- 46-160	NEW-P	04-13-030
357- 40-030	NEW-P	04-13-190	357- 43-115	NEW	05-01-193	357- 46-160	NEW	04-18-114

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Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-46-165	NEW-P	04-13-030	357-52-090	NEW-P	04-18-119	357-52-255	NEW	05-01-191
357-46-165	NEW	04-18-114	357-52-090	NEW	05-01-190	357-52-260	NEW-P	04-18-118
357-46-170	NEW-P	04-13-030	357-52-095	NEW-P	04-18-119	357-52-260	NEW	05-01-191
357-46-170	NEW	04-18-114	357-52-095	NEW	05-01-190	357-52-265	NEW-P	04-18-118
357-46-175	NEW-P	04-13-030	357-52-100	NEW-P	04-18-118	357-52-265	NEW	05-01-191
357-46-175	NEW	04-18-114	357-52-100	NEW	05-01-191	357-55-010	NEW-P	05-01-245
357-46-180	NEW-P	04-13-030	357-52-105	NEW-P	04-18-118	357-55-020	NEW-P	05-01-245
357-46-180	NEW	04-18-114	357-52-105	NEW	05-01-191	357-55-030	NEW-P	05-01-245
357-46-185	NEW-P	04-13-030	357-52-110	NEW-P	04-18-118	357-55-040	NEW-P	05-01-245
357-46-185	NEW	04-18-114	357-52-110	NEW	05-01-191	357-55-110	NEW-P	05-01-245
357-46-190	NEW-P	04-13-030	357-52-115	NEW-P	04-18-118	357-55-210	NEW-P	05-01-245
357-46-190	NEW	04-18-114	357-52-115	NEW	05-01-191	357-55-215	NEW-P	05-01-245
357-46-195	NEW-P	04-13-030	357-52-120	NEW-P	04-18-118	357-55-220	NEW-P	05-01-245
357-46-195	NEW	04-18-114	357-52-120	NEW	05-01-191	357-55-225	NEW-P	05-01-245
357-46-200	NEW-P	04-13-030	357-52-125	NEW-P	04-18-118	357-55-230	NEW-P	05-01-245
357-46-200	NEW	04-18-114	357-52-125	NEW	05-01-191	357-55-235	NEW-P	05-01-245
357-46-205	NEW-P	04-13-030	357-52-130	NEW-P	04-18-118	357-55-240	NEW-P	05-01-245
357-46-205	NEW	04-18-114	357-52-130	NEW	05-01-191	357-55-245	NEW-P	05-01-245
357-46-210	NEW	04-18-114	357-52-135	NEW-P	04-18-118	357-55-250	NEW-P	05-01-245
357-46-215	NEW	04-18-114	357-52-135	NEW	05-01-191	357-55-255	NEW-P	05-01-245
357-46-220	NEW	04-18-114	357-52-140	NEW-P	04-18-118	357-55-260	NEW-P	05-01-245
357-46-225	NEW	04-18-114	357-52-140	NEW	05-01-191	357-55-265	NEW-P	05-01-240
357-49-010	NEW-P	04-13-192	357-52-145	NEW-P	04-18-118	357-55-270	NEW-P	05-01-240
357-49-010	NEW-S	04-18-127	357-52-145	NEW	05-01-191	357-55-275	NEW-P	05-01-240
357-49-010	NEW	05-01-182	357-52-150	NEW-P	04-18-118	357-55-280	NEW-P	05-01-240
357-49-015	NEW-P	04-13-192	357-52-150	NEW	05-01-191	357-55-285	NEW-P	05-01-240
357-49-015	NEW-C	04-18-126	357-52-155	NEW-P	04-18-118	357-55-310	NEW-P	05-01-240
357-49-015	NEW	05-01-183	357-52-155	NEW	05-01-191	357-55-320	NEW-P	05-01-240
357-49-020	NEW-P	04-13-192	357-52-160	NEW-P	04-18-118	357-55-330	NEW-P	05-01-240
357-49-020	NEW-C	04-18-126	357-52-160	NEW	05-01-191	357-55-410	NEW-P	05-01-240
357-49-020	NEW	05-01-183	357-52-165	NEW-P	04-18-118	357-55-415	NEW-P	05-01-240
357-52-005	NEW-P	04-18-119	357-52-165	NEW	05-01-191	357-55-420	NEW-P	05-01-240
357-52-005	NEW	05-01-190	357-52-170	NEW-P	04-18-118	357-55-425	NEW-P	05-01-240
357-52-010	NEW-P	04-18-119	357-52-170	NEW	05-01-191	357-55-430	NEW-P	05-01-240
357-52-010	NEW	05-01-190	357-52-175	NEW-P	04-18-118	357-55-510	NEW-P	05-01-240
357-52-015	NEW-P	04-18-119	357-52-175	NEW	05-01-191	357-55-515	NEW-P	05-01-240
357-52-015	NEW	05-01-190	357-52-180	NEW-P	04-18-118	357-55-520	NEW-P	05-01-240
357-52-020	NEW-P	04-18-119	357-52-180	NEW	05-01-191	357-55-610	NEW-P	05-01-240
357-52-020	NEW	05-01-190	357-52-185	NEW-P	04-18-118	357-55-615	NEW-P	05-01-240
357-52-025	NEW-P	04-18-119	357-52-185	NEW	05-01-191	357-55-620	NEW-P	05-01-240
357-52-025	NEW	05-01-190	357-52-190	NEW-P	04-18-118	357-55-625	NEW-P	05-01-240
357-52-030	NEW-P	04-18-119	357-52-190	NEW	05-01-191	357-55-630	NEW-P	05-01-240
357-52-030	NEW	05-01-190	357-52-195	NEW-P	04-18-118	357-55-635	NEW-P	05-01-240
357-52-035	NEW-P	04-18-119	357-52-195	NEW	05-01-191	357-55-640	NEW-P	05-01-240
357-52-035	NEW	05-01-190	357-52-200	NEW-P	04-18-118	357-55-645	NEW-P	05-01-240
357-52-040	NEW-P	04-18-119	357-52-200	NEW	05-01-191	363-116-070	AMD-P	04-10-030
357-52-040	NEW	05-01-190	357-52-205	NEW-P	04-18-118	363-116-070	AMD	04-14-017
357-52-045	NEW-P	04-18-119	357-52-205	NEW	05-01-191	363-116-082	AMD-E	04-23-048
357-52-045	NEW	05-01-190	357-52-210	NEW-P	04-18-118	363-116-082	AMD-P	04-24-070
357-52-050	NEW-P	04-18-119	357-52-210	NEW	05-01-191	363-116-185	AMD-P	04-10-031
357-52-050	NEW	05-01-190	357-52-215	NEW-P	04-18-118	363-116-185	AMD	04-14-018
357-52-055	NEW-P	04-18-119	357-52-215	NEW	05-01-191	363-116-300	AMD-P	04-08-008
357-52-055	NEW	05-01-190	357-52-220	NEW-P	04-18-118	363-116-300	AMD	04-12-014
357-52-060	NEW-P	04-18-119	357-52-220	NEW	05-01-191	365-110-035	AMD-X	04-17-139
357-52-060	NEW	05-01-190	357-52-225	NEW-P	04-18-118	365-230-010	NEW-P	04-05-062
357-52-065	NEW-P	04-18-119	357-52-225	NEW	05-01-191	365-230-010	NEW	04-10-037
357-52-065	NEW	05-01-190	357-52-230	NEW-P	04-18-118	365-230-015	NEW-P	04-05-062
357-52-070	NEW-P	04-18-119	357-52-230	NEW	05-01-191	365-230-015	NEW	04-10-037
357-52-070	NEW	05-01-190	357-52-235	NEW-P	04-18-118	365-230-016	NEW-P	04-05-062
357-52-075	NEW-P	04-18-119	357-52-235	NEW	05-01-191	365-230-016	NEW	04-10-037
357-52-075	NEW	05-01-190	357-52-240	NEW-P	04-18-118	365-230-020	NEW-P	04-05-062
357-52-077	NEW-P	04-18-119	357-52-240	NEW	05-01-191	365-230-020	NEW	04-10-037
357-52-077	NEW	05-01-190	357-52-245	NEW-P	04-18-118	365-230-030	NEW-P	04-05-062
357-52-080	NEW-P	04-18-119	357-52-245	NEW	05-01-191	365-230-030	NEW	04-10-037
357-52-080	NEW	05-01-190	357-52-250	NEW-P	04-18-118	365-230-035	NEW-P	04-05-062
357-52-085	NEW-P	04-18-119	357-52-250	NEW	05-01-191	365-230-035	NEW	04-10-037
357-52-085	NEW	05-01-190	357-52-255	NEW-P	04-18-118	365-230-040	NEW-P	04-05-062

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365-230-040	NEW	04-10-037	388- 14A	PREP	04-19-129	388- 14A-4135	NEW-P	04-13-139
365-230-050	NEW-P	04-05-062	388- 14A-1020	PREP	04-06-053	388- 14A-4135	NEW-E	04-14-054
365-230-050	NEW	04-10-037	388- 14A-1020	AMD-E	04-07-057	388- 14A-4135	NEW	04-17-119
365-230-060	NEW-P	04-05-062	388- 14A-1020	PREP	04-09-036	388- 14A-4140	NEW-E	04-07-057
365-230-060	NEW	04-10-037	388- 14A-1020	AMD-P	04-13-139	388- 14A-4140	NEW-P	04-13-139
365-230-070	NEW-P	04-05-062	388- 14A-1020	AMD-E	04-14-054	388- 14A-4140	NEW-E	04-14-054
365-230-070	NEW	04-10-037	388- 14A-1020	AMD	04-17-119	388- 14A-4140	NEW	04-17-119
365-230-080	NEW-P	04-05-062	388- 14A-3140	PREP	04-09-036	388- 14A-4143	NEW-E	04-07-057
365-230-080	NEW	04-10-037	388- 14A-3350	PREP	04-19-130	388- 14A-4143	NEW-P	04-13-139
365-230-090	NEW-P	04-05-062	388- 14A-3370	PREP	04-09-036	388- 14A-4143	NEW-E	04-14-054
365-230-090	NEW	04-10-037	388- 14A-3600	PREP	04-09-036	388- 14A-4143	NEW	04-17-119
365-230-100	NEW-P	04-05-062	388- 14A-3810	PREP	04-06-053	388- 14A-4145	NEW-E	04-07-057
365-230-100	NEW	04-10-037	388- 14A-3810	PREP	04-09-036	388- 14A-4145	NEW-P	04-13-139
365-230-110	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-07-057	388- 14A-4145	NEW-E	04-14-054
365-230-110	NEW	04-10-037	388- 14A-4040	AMD-P	04-13-139	388- 14A-4145	NEW	04-17-119
365-230-120	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-14-054	388- 14A-4150	NEW-E	04-07-057
365-230-120	NEW	04-10-037	388- 14A-4040	AMD	04-17-119	388- 14A-4150	NEW-P	04-13-139
365-230-130	NEW-P	04-05-062	388- 14A-4100	PREP-W	04-07-022	388- 14A-4150	NEW-E	04-14-054
365-230-130	NEW	04-10-037	388- 14A-4100	AMD-E	04-07-057	388- 14A-4150	NEW	04-17-119
365-230-132	NEW-P	04-05-062	388- 14A-4100	PREP	04-07-062	388- 14A-4160	NEW-E	04-07-057
365-230-132	NEW	04-10-037	388- 14A-4100	AMD-P	04-13-139	388- 14A-4160	NEW-P	04-13-139
365-230-134	NEW-P	04-05-062	388- 14A-4100	AMD-E	04-14-054	388- 14A-4160	NEW-E	04-14-054
365-230-134	NEW	04-10-037	388- 14A-4100	AMD	04-17-119	388- 14A-4160	NEW	04-17-119
365-230-140	NEW-P	04-05-062	388- 14A-4110	PREP-W	04-07-022	388- 14A-4165	NEW-E	04-07-057
365-230-140	NEW	04-10-037	388- 14A-4110	AMD-E	04-07-057	388- 14A-4165	NEW-P	04-13-139
365-230-150	NEW-P	04-05-062	388- 14A-4110	PREP	04-07-062	388- 14A-4165	NEW-E	04-14-054
365-230-150	NEW	04-10-037	388- 14A-4110	AMD-P	04-13-139	388- 14A-4165	NEW	04-17-119
365-230-160	NEW-P	04-05-062	388- 14A-4110	AMD-E	04-14-054	388- 14A-4170	NEW-E	04-07-057
365-230-160	NEW	04-10-037	388- 14A-4110	AMD	04-17-119	388- 14A-4170	NEW-P	04-13-139
365-230-170	NEW-P	04-05-062	388- 14A-4119	NEW-E	04-20-001	388- 14A-4170	NEW-E	04-14-054
365-230-170	NEW	04-10-037	388- 14A-4120	PREP-W	04-07-022	388- 14A-4170	NEW	04-17-119
365-230-180	NEW-P	04-05-062	388- 14A-4120	AMD-E	04-07-057	388- 14A-4175	NEW-E	04-07-057
365-230-180	NEW	04-10-037	388- 14A-4120	PREP	04-07-062	388- 14A-4175	NEW-P	04-13-139
365-230-190	NEW-P	04-05-062	388- 14A-4120	AMD-P	04-13-139	388- 14A-4175	NEW-E	04-14-054
365-230-190	NEW	04-10-037	388- 14A-4120	AMD-E	04-14-054	388- 14A-4175	NEW	04-17-119
365-230-200	NEW-P	04-05-062	388- 14A-4120	AMD	04-17-119	388- 14A-4180	NEW-E	04-20-001
365-230-200	NEW	04-10-037	388- 14A-4121	NEW-E	04-07-057	388- 14A-4304	AMD-X	05-02-019
365-230-210	NEW-P	04-05-062	388- 14A-4121	NEW-P	04-13-139	388- 14A-5000	PREP	04-07-166
365-230-210	NEW	04-10-037	388- 14A-4121	NEW-E	04-14-054	388- 14A-5001	PREP	04-08-069
365-230-220	NEW-P	04-05-062	388- 14A-4121	NEW	04-17-119	388- 14A-6300	PREP	04-09-036
365-230-220	NEW	04-10-037	388- 14A-4122	NEW-E	04-07-057	388- 14A-6300	PREP	04-19-099
365-230-230	NEW-P	04-05-062	388- 14A-4122	NEW-P	04-13-139	388- 14A-8100	PREP	04-23-037
365-230-230	NEW	04-10-037	388- 14A-4122	NEW-E	04-14-054	388- 14A-8100	AMD-E	04-23-055
365-230-240	NEW-P	04-05-062	388- 14A-4122	NEW	04-17-119	388- 25	PREP	04-07-059
365-230-240	NEW	04-10-037	388- 14A-4123	NEW-E	04-07-057	388- 25-0225	PREP	04-08-068
365-230-250	NEW-P	04-05-062	388- 14A-4123	NEW-P	04-13-139	388- 25-0225	AMD-E	04-15-082
365-230-250	NEW	04-10-037	388- 14A-4123	NEW-E	04-14-054	388- 25-0225	AMD-E	04-23-038
365-230-260	NEW-P	04-05-062	388- 14A-4123	NEW	04-17-119	388- 25-0226	PREP	04-08-068
365-230-260	NEW	04-10-037	388- 14A-4124	NEW-E	04-07-057	388- 25-0226	NEW-E	04-15-082
365-230-270	NEW-P	04-05-062	388- 14A-4124	NEW-P	04-13-139	388- 25-0226	NEW-E	04-23-038
365-230-270	NEW	04-10-037	388- 14A-4124	NEW-E	04-14-054	388- 25-0227	NEW-E	04-15-082
371- 08	PREP	04-15-009	388- 14A-4124	NEW	04-17-119	388- 25-0227	NEW-E	04-23-038
371- 08-305	AMD-E	04-15-010	388- 14A-4125	NEW-E	04-07-057	388- 25-0228	NEW-E	04-15-082
371- 08-306	NEW	04-03-001	388- 14A-4125	NEW-P	04-13-139	388- 25-0228	NEW-E	04-23-038
371- 08-315	AMD	04-03-001	388- 14A-4125	NEW-E	04-14-054	388- 25-0229	NEW-E	04-23-038
371- 08-335	AMD-E	04-15-010	388- 14A-4125	NEW	04-17-119	388- 25-0230	PREP	04-08-068
388- 02-0215	AMD-E	04-07-090	388- 14A-4126	NEW-E	04-07-057	388- 25-0230	REP-E	04-15-082
388- 02-0215	AMD-E	04-15-056	388- 14A-4126	NEW-P	04-13-139	388- 25-0230	REP-E	04-23-038
388- 02-0215	AMD-P	04-20-042	388- 14A-4126	NEW-E	04-14-054	388- 25-0231	NEW-E	04-23-038
388- 02-0215	AMD	05-02-018	388- 14A-4126	NEW	04-17-119	388- 25-1000	NEW-E	04-07-091
388- 11-032	PREP-W	04-07-112	388- 14A-4130	PREP-W	04-07-022	388- 25-1000	NEW-E	04-15-055
388- 11-045	PREP-W	04-07-112	388- 14A-4130	AMD-E	04-07-057	388- 25-1000	NEW-E	04-23-024
388- 11-048	PREP-W	04-07-112	388- 14A-4130	PREP	04-07-062	388- 25-1010	NEW-E	04-07-091
388- 11-205	PREP-W	04-07-112	388- 14A-4130	AMD-P	04-13-139	388- 25-1010	NEW-E	04-15-055
388- 14-045	PREP-W	04-07-112	388- 14A-4130	AMD-E	04-14-054	388- 25-1010	NEW-E	04-23-024
388- 14-450	PREP-W	04-07-112	388- 14A-4130	AMD	04-17-119	388- 25-1020	NEW-E	04-07-091
388- 14A	PREP	04-07-113	388- 14A-4135	NEW-E	04-07-057	388- 25-1020	NEW-E	04-15-055

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-25-1020	NEW-E	04-23-024	388-71-0121	NEW-P	04-13-138	388-71-0480	AMD-E	04-10-062
388-25-1030	NEW-E	04-07-091	388-71-0121	NEW	04-19-136	388-71-0480	AMD-P	04-10-101
388-25-1030	NEW-E	04-15-055	388-71-01210	NEW-P	04-13-138	388-71-0480	AMD	04-16-029
388-25-1030	NEW-E	04-23-024	388-71-01210	NEW	04-19-136	388-71-0510	AMD-E	04-10-062
388-25-1040	NEW-E	04-07-091	388-71-01215	NEW-P	04-13-138	388-71-0510	AMD-P	04-10-101
388-25-1040	NEW-E	04-15-055	388-71-01215	NEW	04-19-136	388-71-0510	AMD	04-16-029
388-25-1040	NEW-E	04-23-024	388-71-01220	NEW-P	04-13-138	388-71-0531	NEW	04-04-042
388-25-1050	NEW-E	04-07-091	388-71-01220	NEW	04-19-136	388-71-0531	REP-E	04-07-058
388-25-1050	NEW-E	04-15-055	388-71-01225	NEW-P	04-13-138	388-71-0531	PREP	04-07-060
388-25-1050	NEW-E	04-23-024	388-71-01225	NEW	04-19-136	388-71-0531	REP-P	04-11-085
388-27-0120	AMD-E	04-03-018	388-71-01230	NEW-P	04-13-138	388-71-0531	REP	04-15-001
388-27-0120	AMD	04-06-024	388-71-01230	NEW	04-19-136	388-71-0531	REP-E	04-15-011
388-27-0130	AMD-E	04-03-018	388-71-01235	NEW-P	04-13-138	388-71-05665	AMD-E	04-10-062
388-27-0130	AMD	04-06-024	388-71-01235	NEW	04-19-136	388-71-05665	AMD-P	04-10-101
388-27-0135	AMD-E	04-03-018	388-71-01240	NEW-P	04-13-138	388-71-05665	AMD	04-16-029
388-27-0135	AMD	04-06-024	388-71-01240	NEW	04-19-136	388-71-0700	AMD-E	04-10-062
388-27-0155	AMD-E	04-03-018	388-71-01245	NEW-P	04-13-138	388-71-0700	AMD-P	04-10-101
388-27-0155	AMD	04-06-024	388-71-01245	NEW	04-19-136	388-71-0700	AMD	04-16-029
388-27-0160	AMD-E	04-03-018	388-71-01250	NEW-P	04-13-138	388-71-0708	AMD-E	04-10-062
388-27-0160	AMD	04-06-024	388-71-01250	NEW	04-19-136	388-71-0708	AMD-P	04-10-101
388-27-0165	AMD-E	04-03-018	388-71-01255	NEW-P	04-13-138	388-71-0708	AMD	04-16-029
388-27-0165	AMD	04-06-024	388-71-01255	NEW	04-19-136	388-71-0734	AMD-P	04-23-068
388-27-0175	AMD-E	04-03-018	388-71-01260	NEW-P	04-13-138	388-71-0900	PREP	04-07-061
388-27-0175	AMD	04-06-024	388-71-01260	NEW	04-19-136	388-71-0900	PREP-W	05-01-130
388-27-0190	AMD-E	04-03-018	388-71-01265	NEW-P	04-13-138	388-71-0905	PREP	04-07-061
388-27-0190	AMD	04-06-024	388-71-01265	NEW	04-19-136	388-71-0905	PREP-W	05-01-130
388-27-0195	AMD-E	04-03-018	388-71-01270	NEW-P	04-13-138	388-71-0910	PREP	04-07-061
388-27-0195	AMD	04-06-024	388-71-01270	NEW	04-19-136	388-71-0910	PREP-W	05-01-130
388-27-0200	AMD-E	04-03-018	388-71-01275	NEW-P	04-13-138	388-71-0915	PREP	04-07-061
388-27-0200	AMD	04-06-024	388-71-01275	NEW	04-19-136	388-71-0915	AMD-E	04-10-062
388-27-0210	AMD-E	04-03-018	388-71-01280	NEW-P	04-13-138	388-71-0915	AMD-P	04-10-101
388-27-0210	AMD	04-06-024	388-71-01280	NEW	04-19-136	388-71-0915	AMD	04-16-029
388-27-0215	AMD-E	04-03-018	388-71-0150	REP-P	04-13-138	388-71-0915	PREP-W	05-01-130
388-27-0215	AMD	04-06-024	388-71-0150	REP	04-19-136	388-71-0920	PREP	04-07-061
388-27-0220	AMD-E	04-03-018	388-71-0155	REP-P	04-13-138	388-71-0920	PREP-W	05-01-130
388-27-0220	AMD	04-06-024	388-71-0155	REP	04-19-136	388-71-0925	PREP	04-07-061
388-27-0225	REP-E	04-03-018	388-71-0194	AMD-E	04-10-062	388-71-0925	PREP-W	05-01-130
388-27-0225	REP	04-06-024	388-71-0194	AMD-P	04-10-101	388-71-0930	PREP	04-07-061
388-27-0230	AMD-E	04-03-018	388-71-0194	AMD	04-16-029	388-71-0930	PREP-W	05-01-130
388-27-0230	AMD	04-06-024	388-71-0202	AMD	04-04-042	388-71-0935	PREP	04-07-061
388-27-0235	REP-E	04-03-018	388-71-0202	AMD-E	04-10-062	388-71-0935	PREP-W	05-01-130
388-27-0235	REP	04-06-024	388-71-0202	AMD-P	04-10-101	388-71-0940	PREP	04-07-061
388-27-0240	REP-E	04-03-018	388-71-0202	AMD	04-16-029	388-71-0940	PREP-W	05-01-130
388-27-0240	REP	04-06-024	388-71-0405	AMD-E	04-10-062	388-71-0945	PREP	04-07-061
388-27-0245	REP-E	04-03-018	388-71-0405	AMD-P	04-10-101	388-71-0945	PREP-W	05-01-130
388-27-0245	REP	04-06-024	388-71-0405	AMD	04-16-029	388-71-0950	PREP	04-07-061
388-27-0270	REP-E	04-03-018	388-71-0410	AMD-E	04-10-062	388-71-0950	PREP-W	05-01-130
388-27-0270	REP	04-06-024	388-71-0410	AMD-P	04-10-101	388-71-0955	PREP	04-07-061
388-61-001	AMD-P	04-16-105	388-71-0410	AMD	04-16-029	388-71-0955	PREP-W	05-01-130
388-61-001	AMD	04-21-028	388-71-0415	AMD-E	04-10-062	388-71-0960	PREP	04-07-061
388-71	PREP	04-19-100	388-71-0415	AMD-P	04-10-101	388-71-0960	AMD-E	04-10-062
388-71-0100	AMD-P	04-13-138	388-71-0415	AMD	04-16-029	388-71-0960	AMD-P	04-10-101
388-71-0100	AMD	04-19-136	388-71-0420	AMD-E	04-10-062	388-71-0960	AMD	04-16-029
388-71-0105	AMD-E	04-06-039	388-71-0420	AMD-P	04-10-101	388-71-0960	PREP-W	05-01-130
388-71-0105	AMD-P	04-13-138	388-71-0420	AMD	04-16-029	388-71-0965	PREP	04-07-061
388-71-0105	AMD-E	04-14-013	388-71-0425	AMD-E	04-10-062	388-71-0965	PREP-W	05-01-130
388-71-0105	AMD	04-19-136	388-71-0425	AMD-P	04-10-101	388-71-1105	AMD-E	04-10-062
388-71-0110	AMD-P	04-13-138	388-71-0425	AMD	04-16-029	388-71-1105	AMD-P	04-10-101
388-71-0110	AMD	04-19-136	388-71-0440	AMD-E	04-10-062	388-71-1105	AMD	04-16-029
388-71-0115	AMD-P	04-13-138	388-71-0440	AMD-P	04-10-101	388-72A	PREP	04-09-089
388-71-0115	AMD	04-19-136	388-71-0440	AMD	04-16-029	388-72A	PREP	04-19-100
388-71-0116	NEW-E	04-06-039	388-71-0465	AMD-E	04-10-062	388-72A-0010	AMD-E	04-09-094
388-71-0116	NEW-E	04-14-013	388-71-0465	AMD-P	04-10-101	388-72A-0010	AMD-P	04-10-097
388-71-0120	REP-P	04-13-138	388-71-0465	AMD	04-16-029	388-72A-0010	AMD-W	04-11-082
388-71-0120	REP	04-19-136	388-71-0470	AMD-E	04-10-062	388-72A-0010	AMD-S	04-11-086
388-71-01205	NEW-P	04-13-138	388-71-0470	AMD-P	04-10-101	388-72A-0010	AMD-W	04-14-096
388-71-01205	NEW	04-19-136	388-71-0470	AMD	04-16-029	388-72A-0010	AMD-P	04-14-099

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-72A-0010	AMD-E	04-15-013	388-72A-0060	AMD-E	04-15-013	388-72A-0095	AMD-P	04-10-097
388-72A-0010	AMD	04-19-103	388-72A-0060	AMD	04-16-029	388-72A-0095	AMD-W	04-11-082
388-72A-0035	AMD-P	04-14-099	388-72A-0060	AMD	04-19-103	388-72A-0095	AMD-S	04-11-086
388-72A-0035	AMD-E	04-15-013	388-72A-0065	AMD-E	04-09-094	388-72A-0095	AMD-W	04-14-096
388-72A-0035	AMD	04-19-103	388-72A-0065	AMD-E	04-10-062	388-72A-0095	AMD-P	04-14-099
388-72A-0036	NEW-E	04-09-094	388-72A-0065	AMD-P	04-10-101	388-72A-0095	AMD-E	04-15-013
388-72A-0036	NEW-P	04-10-097	388-72A-0065	AMD-P	04-14-099	388-72A-0095	AMD	04-19-103
388-72A-0036	NEW-W	04-11-082	388-72A-0065	AMD-E	04-15-013	388-72A-0100	AMD-E	04-10-062
388-72A-0036	NEW-S	04-11-086	388-72A-0065	AMD	04-16-029	388-72A-0100	AMD-P	04-10-101
388-72A-0036	NEW-W	04-14-096	388-72A-0065	AMD	04-19-103	388-72A-0100	AMD	04-16-029
388-72A-0036	NEW-P	04-14-099	388-72A-0069	NEW-E	04-09-094	388-72A-0115	NEW-E	04-09-094
388-72A-0036	NEW-E	04-15-013	388-72A-0069	NEW-P	04-14-099	388-72A-0115	NEW-P	04-14-099
388-72A-0036	NEW	04-19-103	388-72A-0069	NEW-E	04-15-013	388-72A-0115	NEW-E	04-15-013
388-72A-0037	NEW-E	04-09-094	388-72A-0069	NEW	04-19-103	388-72A-0115	NEW	04-19-103
388-72A-0037	NEW-P	04-14-099	388-72A-0070	AMD-E	04-09-094	388-72A-0120	NEW-P	04-14-099
388-72A-0037	NEW-E	04-15-013	388-72A-0070	AMD-P	04-14-099	388-72A-0120	NEW-E	04-15-013
388-72A-0037	NEW	04-19-103	388-72A-0070	AMD-E	04-15-013	388-72A-0120	NEW	04-19-103
388-72A-0038	NEW-E	04-09-094	388-72A-0070	AMD	04-19-103	388-78A	PREP	04-06-072
388-72A-0038	NEW-P	04-14-099	388-72A-0075	REP-E	04-09-094	388-78A	PREP	04-07-189
388-72A-0038	NEW-E	04-15-013	388-72A-0075	REP-P	04-14-099	388-78A	PREP-W	04-08-034
388-72A-0038	NEW	04-19-103	388-72A-0075	REP-E	04-15-013	388-78A-0010	REP-P	04-11-116
388-72A-0038	NEW-E	04-09-094	388-72A-0075	REP	04-19-103	388-78A-0010	REP	04-16-065
388-72A-0039	NEW-E	04-09-094	388-72A-0080	AMD-E	04-09-094	388-78A-0020	REP-P	04-11-116
388-72A-0039	NEW-P	04-14-099	388-72A-0080	AMD-P	04-14-099	388-78A-0020	REP	04-16-065
388-72A-0039	NEW-E	04-15-013	388-72A-0080	AMD-E	04-15-013	388-78A-0030	REP-P	04-11-116
388-72A-0039	NEW	04-19-103	388-72A-0080	AMD	04-19-103	388-78A-0030	REP	04-16-065
388-72A-0040	REP-E	04-09-094	388-72A-0080	NEW-E	04-09-094	388-78A-0040	REP-P	04-11-116
388-72A-0040	REP-P	04-14-099	388-72A-0081	NEW-P	04-14-099	388-78A-0040	REP	04-16-065
388-72A-0040	REP-E	04-15-013	388-72A-0081	NEW-E	04-15-013	388-78A-0050	REP-P	04-11-116
388-72A-0040	REP	04-19-103	388-72A-0081	NEW	04-19-103	388-78A-0050	REP	04-16-065
388-72A-0041	NEW-E	04-09-094	388-72A-0082	NEW-E	04-09-094	388-78A-0060	REP-P	04-11-116
388-72A-0041	NEW-P	04-10-097	388-72A-0082	NEW-P	04-14-099	388-78A-0060	REP	04-16-065
388-72A-0041	NEW-W	04-11-082	388-72A-0082	NEW-E	04-15-013	388-78A-0070	REP-P	04-11-116
388-72A-0041	NEW-S	04-11-086	388-72A-0082	NEW	04-19-103	388-78A-0070	REP	04-16-065
388-72A-0041	NEW-W	04-14-096	388-72A-0082	NEW-E	04-09-094	388-78A-0080	REP-P	04-11-116
388-72A-0041	NEW-P	04-14-099	388-72A-0083	NEW-E	04-09-094	388-78A-0080	REP	04-16-065
388-72A-0041	NEW-E	04-15-013	388-72A-0083	NEW-P	04-14-099	388-78A-0080	REP	04-16-065
388-72A-0041	NEW	04-19-103	388-72A-0083	NEW-E	04-15-013	388-78A-0090	REP-P	04-11-116
388-72A-0042	NEW-P	04-10-097	388-72A-0083	NEW	04-19-103	388-78A-0090	REP	04-16-065
388-72A-0042	NEW-W	04-11-082	388-72A-0083	NEW	04-19-103	388-78A-0100	REP-P	04-11-116
388-72A-0042	NEW-S	04-11-086	388-72A-0084	NEW-E	04-09-094	388-78A-0100	REP	04-16-065
388-72A-0042	NEW-W	04-14-096	388-72A-0084	NEW-P	04-14-099	388-78A-0110	REP-P	04-11-116
388-72A-0042	NEW-P	04-14-099	388-72A-0084	NEW-E	04-15-013	388-78A-0110	REP-P	04-11-116
388-72A-0042	NEW-E	04-15-013	388-72A-0084	NEW	04-19-103	388-78A-0110	REP	04-16-065
388-72A-0042	NEW-W	04-18-070	388-72A-0085	AMD-E	04-09-094	388-78A-0120	REP-P	04-11-116
388-72A-0042	NEW-S	04-18-071	388-72A-0085	AMD-P	04-14-099	388-78A-0120	REP	04-16-065
388-72A-0042	NEW-E	04-18-083	388-72A-0085	AMD-E	04-15-013	388-78A-0130	REP-P	04-11-116
388-72A-0042	NEW	04-21-029	388-72A-0085	AMD	04-19-103	388-78A-0130	REP	04-16-065
388-72A-0043	NEW-S	04-18-071	388-72A-0086	NEW-E	04-09-094	388-78A-0140	REP-P	04-11-116
388-72A-0043	NEW-E	04-18-083	388-72A-0086	NEW-P	04-10-097	388-78A-0140	REP	04-16-065
388-72A-0043	NEW	04-21-029	388-72A-0086	NEW-W	04-11-082	388-78A-0150	REP-P	04-11-116
388-72A-0053	NEW-E	04-10-062	388-72A-0086	NEW-S	04-11-086	388-78A-0150	REP	04-16-065
388-72A-0053	NEW-P	04-10-101	388-72A-0086	NEW-W	04-14-096	388-78A-0160	REP-P	04-11-116
388-72A-0053	NEW	04-16-029	388-72A-0086	NEW-P	04-14-099	388-78A-0160	REP	04-16-065
388-72A-0055	AMD-E	04-09-094	388-72A-0086	NEW-E	04-15-013	388-78A-0170	REP-P	04-11-116
388-72A-0055	AMD-P	04-14-099	388-72A-0086	NEW	04-19-103	388-78A-0170	REP	04-16-065
388-72A-0055	AMD-E	04-15-013	388-72A-0087	NEW-E	04-09-094	388-78A-0180	REP-P	04-11-116
388-72A-0055	AMD	04-19-103	388-72A-0087	NEW-P	04-14-099	388-78A-0180	REP	04-16-065
388-72A-0057	NEW-E	04-10-062	388-72A-0087	NEW-E	04-15-013	388-78A-0190	REP-P	04-11-116
388-72A-0057	NEW-P	04-10-101	388-72A-0087	NEW	04-19-103	388-78A-0190	REP	04-16-065
388-72A-0057	NEW	04-16-029	388-72A-0090	AMD-E	04-09-094	388-78A-0200	REP-P	04-11-116
388-72A-0058	NEW-E	04-10-062	388-72A-0090	AMD-P	04-14-099	388-78A-0200	REP	04-16-065
388-72A-0058	NEW-P	04-10-101	388-72A-0090	AMD-E	04-15-013	388-78A-0210	REP-P	04-11-116
388-72A-0058	NEW	04-16-029	388-72A-0090	AMD	04-19-103	388-78A-0210	REP	04-16-065
388-72A-0060	AMD-E	04-09-094	388-72A-0092	NEW-E	04-09-094	388-78A-0220	REP-P	04-11-116
388-72A-0060	AMD-E	04-10-062	388-72A-0092	NEW-P	04-14-099	388-78A-0220	REP	04-16-065
388-72A-0060	AMD-P	04-10-101	388-72A-0092	NEW-E	04-15-013	388-78A-0230	REP-P	04-11-116
388-72A-0060	AMD-P	04-14-099	388-72A-0092	NEW	04-19-103	388-78A-0230	REP	04-16-065
			388-72A-0095	AMD-E	04-09-094	388-78A-0240	REP-P	04-11-116

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-3000	NEW	04-16-065	388-96-723	AMD	04-21-027	388-105-0045	NEW-P	04-06-075
388-78A-3010	NEW-P	04-11-116	388-96-724	AMD-P	04-17-144	388-105-0045	NEW	04-09-092
388-78A-3010	NEW	04-16-065	388-96-724	AMD	04-21-027	388-106	PREP	05-01-128
388-78A-3020	NEW-P	04-11-116	388-96-725	AMD-P	04-17-144	388-110	AMD-P	04-13-021
388-78A-3020	NEW	04-16-065	388-96-725	AMD	04-21-027	388-110	AMD	04-16-063
388-78A-3030	NEW-P	04-11-116	388-96-726	AMD-P	04-17-144	388-110-005	AMD-P	04-13-021
388-78A-3030	NEW	04-16-065	388-96-726	AMD	04-21-027	388-110-005	AMD	04-16-063
388-78A-3040	NEW-P	04-11-116	388-96-728	REP-P	04-17-144	388-110-010	AMD-P	04-13-021
388-78A-3040	NEW	04-16-065	388-96-728	REP	04-21-027	388-110-010	AMD	04-16-063
388-78A-3050	NEW-P	04-11-116	388-96-729	REP-P	04-17-144	388-110-020	AMD-P	04-13-021
388-78A-3050	NEW	04-16-065	388-96-729	REP	04-21-027	388-110-020	AMD	04-16-063
388-78A-3060	NEW-P	04-11-116	388-96-730	AMD-P	04-17-144	388-110-020	AMD	04-18-001
388-78A-3060	NEW	04-16-065	388-96-730	AMD	04-21-027	388-110-030	AMD-P	04-13-021
388-78A-3070	NEW-P	04-11-116	388-96-731	AMD-P	04-17-144	388-110-030	AMD	04-16-063
388-78A-3070	NEW	04-16-065	388-96-731	AMD	04-21-027	388-110-040	AMD-P	04-13-021
388-78A-3080	NEW-P	04-11-116	388-96-732	REP-P	04-17-144	388-110-040	AMD	04-16-063
388-78A-3080	NEW	04-16-065	388-96-732	REP	04-21-027	388-110-050	AMD-P	04-13-021
388-78A-3090	NEW-P	04-11-116	388-96-740	AMD-P	04-17-144	388-110-050	AMD	04-16-063
388-78A-3090	NEW	04-16-065	388-96-740	AMD	04-21-027	388-110-060	REP-P	04-13-021
388-78A-3100	NEW-P	04-11-116	388-96-742	AMD-P	04-17-144	388-110-060	REP	04-16-063
388-78A-3100	NEW	04-16-065	388-96-742	AMD	04-21-027	388-110-070	AMD-P	04-13-021
388-78A-3110	NEW-P	04-11-116	388-96-749	NEW-P	04-17-144	388-110-070	AMD	04-16-063
388-78A-3110	NEW	04-16-065	388-96-749	NEW	04-21-027	388-110-080	REP-P	04-13-021
388-78A-3120	NEW-P	04-11-116	388-96-766	AMD-P	04-17-144	388-110-080	REP	04-16-063
388-78A-3120	NEW	04-16-065	388-96-766	AMD	04-21-027	388-110-090	AMD-P	04-13-021
388-78A-3130	NEW-P	04-11-116	388-96-776	AMD-P	04-17-144	388-110-090	AMD	04-16-063
388-78A-3130	NEW	04-16-065	388-96-776	AMD	04-21-027	388-110-100	AMD-P	04-13-021
388-78A-3140	NEW-P	04-11-116	388-96-779	REP-P	04-17-144	388-110-100	AMD	04-16-063
388-78A-3140	NEW	04-16-065	388-96-779	REP	04-21-027	388-110-120	AMD-P	04-13-021
388-78A-3150	NEW-P	04-11-116	388-96-780	REP-P	04-17-144	388-110-120	AMD	04-16-063
388-78A-3150	NEW	04-16-065	388-96-780	REP	04-21-027	388-110-140	AMD-P	04-13-021
388-78A-3160	NEW-P	04-11-116	388-96-782	AMD-P	04-17-144	388-110-140	AMD	04-16-063
388-78A-3160	NEW	04-16-065	388-96-782	AMD	04-21-027	388-110-140	AMD	04-18-001
388-78A-3170	NEW-P	04-11-116	388-96-783	NEW-P	04-17-144	388-110-150	AMD-P	04-13-021
388-78A-3170	NEW	04-16-065	388-96-783	NEW	04-21-027	388-110-150	AMD	04-16-063
388-78A-3180	NEW-P	04-11-116	388-96-901	AMD-P	04-17-144	388-110-170	REP-P	04-13-021
388-78A-3180	NEW	04-16-065	388-96-901	AMD	04-21-027	388-110-170	REP	04-16-063
388-78A-3190	NEW-P	04-11-116	388-96-904	AMD-P	04-17-144	388-110-180	REP-P	04-13-021
388-78A-3190	NEW	04-16-065	388-96-904	AMD	04-21-027	388-110-180	REP	04-16-063
388-78A-3200	NEW-P	04-11-116	388-97-017	PREP	04-12-095	388-110-190	REP-P	04-13-021
388-78A-3200	NEW	04-16-065	388-97-017	AMD-P	04-17-107	388-110-190	REP	04-16-063
388-78A-3210	NEW-P	04-11-116	388-97-017	AMD	04-20-055	388-110-200	REP-P	04-13-021
388-78A-3210	NEW	04-16-065	388-97-125	PREP	04-06-055	388-110-200	REP	04-16-063
388-78A-3220	NEW-P	04-11-116	388-97-125	AMD-P	04-20-056	388-110-220	AMD-P	04-13-021
388-78A-3220	NEW	04-16-065	388-97-125	AMD	04-23-085	388-110-220	AMD	04-16-063
388-78A-3230	NEW-P	04-11-116	388-105	PREP	04-10-089	388-110-220	AMD	04-18-001
388-78A-3230	NEW	04-16-065	388-105	PREP	04-18-066	388-110-240	AMD-P	04-13-021
388-96	PREP	04-08-133	388-105	PREP	04-20-100	388-110-240	AMD	04-16-063
388-96-117	AMD-P	04-17-144	388-105	PREP-W	04-20-102	388-110-260	AMD-P	04-13-021
388-96-117	AMD	04-21-027	388-105-0005	AMD-P	04-04-044	388-110-260	AMD	04-16-063
388-96-217	AMD-P	04-17-144	388-105-0005	AMD-E	04-06-038	388-110-270	AMD-P	04-13-021
388-96-217	AMD	04-21-027	388-105-0005	AMD-W	04-06-056	388-110-270	AMD	04-16-063
388-96-218	AMD-P	04-17-144	388-105-0005	AMD-P	04-06-075	388-110-280	AMD-P	04-13-021
388-96-218	AMD	04-21-027	388-105-0005	AMD	04-09-092	388-110-280	AMD	04-16-063
388-96-369	AMD-P	04-17-144	388-105-0030	AMD-P	04-04-044	388-140-0005	NEW-E	04-03-010D
388-96-369	AMD	04-21-027	388-105-0030	AMD-E	04-06-038	388-140-0010	NEW-E	04-03-010D
388-96-372	AMD-P	04-17-144	388-105-0030	AMD-W	04-06-056	388-140-0015	NEW-E	04-03-010D
388-96-372	AMD	04-21-027	388-105-0030	AMD-P	04-06-075	388-140-0020	NEW-E	04-03-010D
388-96-708	AMD-P	04-17-144	388-105-0040	AMD	04-09-092	388-140-0025	NEW-E	04-03-010D
388-96-708	AMD	04-21-027	388-105-0040	AMD-P	04-04-044	388-140-0030	NEW-E	04-03-010D
388-96-709	AMD-P	04-17-144	388-105-0040	AMD-E	04-06-038	388-140-0035	NEW-E	04-03-010D
388-96-709	AMD	04-21-027	388-105-0040	AMD-W	04-06-056	388-140-0040	NEW-E	04-03-010D
388-96-713	AMD-P	04-17-144	388-105-0040	AMD-P	04-06-075	388-140-0045	NEW-E	04-03-010D
388-96-713	AMD	04-21-027	388-105-0040	AMD	04-09-092	388-140-0050	NEW-E	04-03-010D
388-96-714	REP-P	04-17-144	388-105-0045	NEW-P	04-04-044	388-140-0055	NEW-E	04-03-010D
388-96-714	REP	04-21-027	388-105-0045	NEW-E	04-06-038	388-140-0060	NEW-E	04-03-010D
388-96-723	AMD-P	04-17-144	388-105-0045	NEW-W	04-06-056	388-140-0065	NEW-E	04-03-010D

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388-147-0440	NEW-P	04-18-045	388-148-0020	AMD	04-08-073	388-148-0180	AMD-P	04-03-116
388-147-0440	NEW	05-01-075	388-148-0025	AMD-P	04-03-116	388-148-0180	AMD	04-08-073
388-147-0450	NEW-P	04-18-045	388-148-0025	AMD	04-08-073	388-148-0185	AMD-P	04-03-116
388-147-0450	NEW	05-01-075	388-148-0035	AMD-P	04-03-116	388-148-0185	AMD	04-08-073
388-147-0460	NEW-P	04-18-045	388-148-0035	AMD-E	04-05-035	388-148-0200	AMD-P	04-03-116
388-147-0460	NEW	05-01-075	388-148-0035	AMD	04-08-073	388-148-0200	AMD	04-08-073
388-147-0470	NEW-P	04-18-045	388-148-0040	AMD-P	04-03-116	388-148-0210	AMD-P	04-03-116
388-147-0470	NEW	05-01-075	388-148-0040	AMD-E	04-05-035	388-148-0210	AMD	04-08-073
388-147-0480	NEW-P	04-18-045	388-148-0040	AMD	04-08-073	388-148-0220	AMD-P	04-03-116
388-147-0480	NEW	05-01-075	388-148-0045	AMD-P	04-03-116	388-148-0220	AMD-E	04-05-035
388-147-0490	NEW-P	04-18-045	388-148-0045	AMD-E	04-05-035	388-148-0220	AMD	04-08-073
388-147-0490	NEW	05-01-075	388-148-0045	AMD	04-08-073	388-148-0225	AMD-P	04-03-116
388-147-0500	NEW-P	04-18-045	388-148-0050	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-147-0500	NEW	05-01-075	388-148-0050	AMD-E	04-05-035	388-148-0230	AMD-P	04-03-116
388-147-0510	NEW-P	04-18-045	388-148-0050	AMD	04-08-073	388-148-0230	AMD	04-08-073
388-147-0510	NEW	05-01-075	388-148-0050	AMD-P	04-16-001	388-148-0235	AMD-P	04-03-116
388-147-0520	NEW-P	04-18-045	388-148-0050	AMD	04-21-063	388-148-0235	AMD	04-08-073
388-147-0520	NEW	05-01-075	388-148-0055	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-147-0530	NEW-P	04-18-045	388-148-0055	AMD	04-08-073	388-148-0240	AMD	04-08-073
388-147-0530	NEW	05-01-075	388-148-0058	NEW-P	04-03-116	388-148-0245	AMD-P	04-03-116
388-147-0540	NEW-P	04-18-045	388-148-0058	NEW-E	04-05-035	388-148-0245	AMD	04-08-073
388-147-0540	NEW	05-01-075	388-148-0058	NEW	04-08-073	388-148-0250	AMD-P	04-03-116
388-147-0550	NEW-P	04-18-045	388-148-0060	AMD-P	04-03-116	388-148-0250	AMD	04-08-073
388-147-0550	NEW	05-01-075	388-148-0060	AMD-E	04-05-035	388-148-0255	AMD-P	04-03-116
388-147-0560	NEW-P	04-18-045	388-148-0060	AMD	04-08-073	388-148-0255	AMD	04-08-073
388-147-0560	NEW	05-01-075	388-148-0065	AMD-P	04-03-116	388-148-0260	AMD-P	04-03-116
388-147-0570	NEW-P	04-18-045	388-148-0065	AMD-E	04-05-035	388-148-0260	AMD-E	04-05-035
388-147-0570	NEW	05-01-075	388-148-0065	AMD	04-08-073	388-148-0260	AMD	04-08-073
388-147-0580	NEW-P	04-18-045	388-148-0070	AMD-P	04-03-116	388-148-0265	AMD-P	04-03-116
388-147-0580	NEW	05-01-075	388-148-0070	AMD	04-08-073	388-148-0265	AMD	04-08-073
388-147-0590	NEW-P	04-18-045	388-148-0075	AMD-P	04-03-116	388-148-0270	AMD-P	04-03-116
388-147-0590	NEW	05-01-075	388-148-0075	AMD	04-08-073	388-148-0270	AMD-E	04-05-035
388-147-0600	NEW-P	04-18-045	388-148-0085	AMD-P	04-03-116	388-148-0270	AMD	04-08-073
388-147-0600	NEW	05-01-075	388-148-0085	AMD	04-08-073	388-148-0275	AMD-P	04-03-116
388-147-0610	NEW-P	04-18-045	388-148-0090	AMD-P	04-03-116	388-148-0275	AMD	04-08-073
388-147-0610	NEW	05-01-075	388-148-0090	AMD	04-08-073	388-148-0285	REP-P	04-03-116
388-147-0620	NEW-P	04-18-045	388-148-0095	AMD-P	04-03-116	388-148-0285	REP	04-08-073
388-147-0620	NEW	05-01-075	388-148-0095	AMD-E	04-05-035	388-148-0300	AMD-P	04-03-116
388-147-0630	NEW-P	04-18-045	388-148-0095	AMD	04-08-073	388-148-0300	AMD	04-08-073
388-147-0630	NEW	05-01-075	388-148-0098	NEW-P	04-03-116	388-148-0305	AMD-P	04-03-116
388-147-0640	NEW-P	04-18-045	388-148-0098	NEW	04-08-073	388-148-0305	AMD	04-08-073
388-147-0640	NEW	05-01-075	388-148-0100	AMD-P	04-03-116	388-148-0315	AMD-P	04-03-116
388-147-0650	NEW-P	04-18-045	388-148-0100	AMD	04-08-073	388-148-0315	AMD	04-08-073
388-147-0650	NEW	05-01-075	388-148-0110	AMD-P	04-03-116	388-148-0320	AMD-P	04-03-116
388-147-0660	NEW-P	04-18-045	388-148-0110	AMD	04-08-073	388-148-0320	AMD	04-08-073
388-147-0660	NEW	05-01-075	388-148-0120	AMD-P	04-03-116	388-148-0325	AMD-P	04-03-116
388-147-0670	NEW-P	04-18-045	388-148-0120	AMD-E	04-05-035	388-148-0325	AMD	04-08-073
388-147-0670	NEW	05-01-075	388-148-0120	AMD	04-08-073	388-148-0335	AMD-P	04-03-116
388-147-0680	NEW-P	04-18-045	388-148-0125	AMD-P	04-03-116	388-148-0335	AMD-E	04-05-035
388-147-0680	NEW	05-01-075	388-148-0125	AMD-E	04-05-035	388-148-0335	AMD	04-08-073
388-147-0690	NEW-P	04-18-045	388-148-0125	AMD	04-08-073	388-148-0340	AMD-P	04-03-116
388-147-0690	NEW	05-01-075	388-148-0127	NEW-P	04-03-116	388-148-0340	AMD	04-08-073
388-147-0700	NEW-P	04-18-045	388-148-0127	NEW	04-08-073	388-148-0345	AMD-P	04-03-116
388-147-0700	NEW	05-01-075	388-148-0130	AMD-P	04-03-116	388-148-0345	AMD-E	04-05-035
388-147-0710	NEW-P	04-18-045	388-148-0130	AMD	04-08-073	388-148-0345	AMD	04-08-073
388-147-0710	NEW	05-01-075	388-148-0135	AMD-P	04-03-116	388-148-0350	AMD-P	04-03-116
388-147-0720	NEW-P	04-18-045	388-148-0135	AMD	04-08-073	388-148-0350	AMD-E	04-05-035
388-147-0720	NEW	05-01-075	388-148-0140	AMD-P	04-03-116	388-148-0350	AMD	04-08-073
388-148	AMD-P	04-03-116	388-148-0140	AMD-E	04-05-035	388-148-0352	NEW-P	04-03-116
388-148	AMD	04-08-073	388-148-0140	AMD	04-08-073	388-148-0352	NEW	04-08-073
388-148-0005	AMD-P	04-03-116	388-148-0150	AMD-P	04-03-116	388-148-0355	AMD-P	04-03-116
388-148-0005	AMD	04-08-073	388-148-0150	AMD	04-08-073	388-148-0355	AMD	04-08-073
388-148-0010	AMD-P	04-03-116	388-148-0165	AMD-P	04-03-116	388-148-0360	REP-P	04-03-116
388-148-0010	AMD	04-08-073	388-148-0165	AMD	04-08-073	388-148-0360	REP	04-08-073
388-148-0015	AMD-P	04-03-116	388-148-0170	AMD-P	04-03-116	388-148-0365	AMD-P	04-03-116
388-148-0015	AMD	04-08-073	388-148-0170	AMD-E	04-05-035	388-148-0365	AMD	04-08-073
388-148-0020	AMD-P	04-03-116	388-148-0170	AMD	04-08-073	388-148-0375	AMD-P	04-03-116

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388-148-0380	AMD-P	04-03-116	388-148-0610	AMD	04-08-073	388-148-0810	AMD-P	04-03-116
388-148-0380	AMD	04-08-073	388-148-0615	REP-P	04-03-116	388-148-0810	AMD	04-08-073
388-148-0385	AMD-P	04-03-116	388-148-0615	REP	04-08-073	388-148-0830	AMD-P	04-03-116
388-148-0385	AMD	04-08-073	388-148-0620	AMD-P	04-03-116	388-148-0830	AMD	04-08-073
388-148-0395	AMD-P	04-03-116	388-148-0620	AMD	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0395	AMD-E	04-05-035	388-148-0625	AMD-P	04-03-116	388-148-0860	AMD	04-08-073
388-148-0395	AMD	04-08-073	388-148-0625	AMD	04-08-073	388-148-0870	AMD-P	04-03-116
388-148-0400	AMD-P	04-03-116	388-148-0630	REP-P	04-03-116	388-148-0870	AMD	04-08-073
388-148-0400	AMD	04-08-073	388-148-0630	AMD-E	04-05-035	388-148-0875	AMD-P	04-03-116
388-148-0422	NEW-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0875	AMD	04-08-073
388-148-0422	NEW	04-08-073	388-148-0635	REP-P	04-03-116	388-148-0880	AMD-P	04-03-116
388-148-0425	AMD-P	04-03-116	388-148-0635	REP	04-08-073	388-148-0880	AMD-E	04-05-035
388-148-0425	AMD	04-08-073	388-148-0640	AMD-P	04-03-116	388-148-0880	AMD	04-08-073
388-148-0427	NEW-E	04-05-035	388-148-0640	AMD	04-08-073	388-148-0885	AMD-P	04-03-116
388-148-0430	AMD-P	04-03-116	388-148-0645	AMD-P	04-03-116	388-148-0885	AMD	04-08-073
388-148-0430	AMD	04-08-073	388-148-0645	AMD	04-08-073	388-148-0890	AMD-P	04-03-116
388-148-0445	AMD-P	04-03-116	388-148-0650	REP-P	04-03-116	388-148-0890	AMD	04-08-073
388-148-0445	AMD	04-08-073	388-148-0650	REP	04-08-073	388-148-0892	NEW-P	04-03-116
388-148-0450	REP-P	04-03-116	388-148-0655	AMD-P	04-03-116	388-148-0892	NEW-E	04-05-035
388-148-0450	REP	04-08-073	388-148-0655	AMD	04-08-073	388-148-0892	NEW	04-08-073
388-148-0455	AMD-P	04-03-116	388-148-0660	AMD-P	04-03-116	388-148-0895	AMD-P	04-03-116
388-148-0455	AMD	04-08-073	388-148-0660	AMD	04-08-073	388-148-0895	AMD	04-08-073
388-148-0460	AMD-P	04-03-116	388-148-0670	AMD-P	04-03-116	388-148-0900	AMD-P	04-03-116
388-148-0460	AMD-E	04-05-035	388-148-0670	AMD	04-08-073	388-148-0900	AMD	04-08-073
388-148-0460	AMD	04-08-073	388-148-0670	AMD	04-08-073	388-148-0900	AMD	04-08-073
388-148-0462	NEW-E	04-05-035	388-148-0685	AMD-P	04-03-116	388-148-0905	AMD-P	04-03-116
388-148-0470	AMD-P	04-03-116	388-148-0685	AMD	04-08-073	388-148-0905	AMD	04-08-073
388-148-0470	AMD	04-08-073	388-148-0695	AMD-P	04-03-116	388-148-0915	AMD-P	04-03-116
388-148-0480	AMD-P	04-03-116	388-148-0695	AMD	04-08-073	388-148-0915	AMD-E	04-05-035
388-148-0480	AMD	04-08-073	388-148-0700	AMD-P	04-03-116	388-148-0915	AMD	04-08-073
388-148-0485	AMD-P	04-03-116	388-148-0700	AMD-E	04-05-035	388-148-0935	REP-P	04-03-116
388-148-0485	AMD	04-08-073	388-148-0700	AMD	04-08-073	388-148-0935	REP	04-08-073
388-148-0487	NEW-P	04-03-116	388-148-0705	AMD-P	04-03-116	388-148-0995	AMD-P	04-03-116
388-148-0487	NEW	04-08-073	388-148-0705	AMD	04-08-073	388-148-0995	AMD-E	04-05-035
388-148-0488	NEW-P	04-03-116	388-148-0710	AMD-P	04-03-116	388-148-0995	AMD	04-08-073
388-148-0488	NEW	04-08-073	388-148-0710	AMD	04-08-073	388-148-1020	REP-P	04-03-116
388-148-0490	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116	388-148-1020	REP	04-08-073
388-148-0490	AMD	04-08-073	388-148-0715	AMD	04-08-073	388-148-1025	AMD-P	04-03-116
388-148-0500	REP-P	04-03-116	388-148-0718	NEW-P	04-03-116	388-148-1025	AMD	04-08-073
388-148-0500	REP	04-08-073	388-148-0718	NEW	04-08-073	388-148-1030	AMD-P	04-03-116
388-148-0520	AMD-P	04-03-116	388-148-0720	AMD-P	04-03-116	388-148-1030	AMD	04-08-073
388-148-0520	AMD-E	04-05-035	388-148-0720	AMD-E	04-05-035	388-148-1035	AMD-P	04-03-116
388-148-0520	AMD	04-08-073	388-148-0720	AMD	04-08-073	388-148-1035	AMD	04-08-073
388-148-0525	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116	388-148-1045	AMD-P	04-03-116
388-148-0525	AMD	04-08-073	388-148-0722	NEW-E	04-05-035	388-148-1045	AMD	04-08-073
388-148-0535	AMD-P	04-03-116	388-148-0722	NEW	04-08-073	388-148-1050	AMD-P	04-03-116
388-148-0535	AMD	04-08-073	388-148-0725	AMD-P	04-03-116	388-148-1050	AMD	04-08-073
388-148-0540	AMD-P	04-03-116	388-148-0725	AMD-E	04-05-035	388-148-1060	AMD-P	04-03-116
388-148-0540	AMD	04-08-073	388-148-0725	AMD	04-08-073	388-148-1060	AMD-E	04-05-035
388-148-0541	NEW-P	04-03-116	388-148-0730	AMD-P	04-03-116	388-148-1060	AMD	04-08-073
388-148-0541	NEW	04-08-073	388-148-0730	AMD	04-08-073	388-148-1065	REP-P	04-03-116
388-148-0542	NEW-P	04-03-116	388-148-0735	REP-P	04-03-116	388-148-1065	REP	04-08-073
388-148-0542	NEW-E	04-05-035	388-148-0735	REP	04-08-073	388-148-1066	NEW-P	04-03-116
388-148-0542	NEW	04-08-073	388-148-0750	AMD-P	04-03-116	388-148-1066	NEW	04-08-073
388-148-0555	AMD-P	04-03-116	388-148-0750	AMD	04-08-073	388-148-1070	AMD-P	04-03-116
388-148-0555	AMD	04-08-073	388-148-0765	AMD-P	04-03-116	388-148-1070	AMD-E	04-05-035
388-148-0560	AMD-P	04-03-116	388-148-0765	AMD	04-08-073	388-148-1070	AMD	04-08-073
388-148-0560	AMD-E	04-05-035	388-148-0775	AMD-P	04-03-116	388-148-1076	NEW-P	04-03-116
388-148-0560	AMD	04-08-073	388-148-0775	AMD	04-08-073	388-148-1076	NEW-E	04-05-035
388-148-0585	AMD-P	04-03-116	388-148-0785	AMD-P	04-03-116	388-148-1076	NEW	04-08-073
388-148-0585	AMD-E	04-05-035	388-148-0785	AMD-E	04-05-035	388-148-1077	NEW-P	04-03-116
388-148-0585	AMD	04-08-073	388-148-0785	AMD	04-08-073	388-148-1077	NEW-E	04-05-035
388-148-0600	AMD-P	04-03-116	388-148-0795	AMD-P	04-03-116	388-148-1077	NEW	04-08-073
388-148-0600	AMD	04-08-073	388-148-0795	AMD	04-08-073	388-148-1078	NEW-P	04-03-116
388-148-0605	AMD-P	04-03-116	388-148-0800	AMD-P	04-03-116	388-148-1078	NEW-E	04-05-035
388-148-0605	AMD	04-08-073	388-148-0800	AMD	04-08-073	388-148-1078	NEW	04-08-073
388-148-0605	AMD	04-08-073	388-148-0805	AMD-P	04-03-116	388-148-1079	NEW-P	04-03-116

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-1079	NEW-E	04-05-035	388-155-093	REP-P	04-07-134	388-155-380	REP	04-18-082
388-148-1079	NEW	04-08-073	388-155-093	REP	04-18-082	388-155-390	REP-P	04-07-134
388-148-1085	AMD-P	04-03-116	388-155-094	REP-P	04-07-134	388-155-390	REP	04-18-082
388-148-1085	AMD	04-08-073	388-155-094	REP	04-18-082	388-155-400	REP-P	04-07-134
388-148-1115	AMD-P	04-03-116	388-155-095	REP-P	04-07-134	388-155-400	REP	04-18-082
388-148-1115	AMD-E	04-05-035	388-155-095	REP	04-18-082	388-155-410	REP-P	04-07-134
388-148-1115	AMD	04-08-073	388-155-096	REP-P	04-07-134	388-155-410	REP	04-18-082
388-148-1120	AMD-P	04-03-116	388-155-096	REP	04-18-082	388-155-420	REP-P	04-07-134
388-148-1120	AMD-E	04-05-035	388-155-097	REP-P	04-07-134	388-155-420	REP	04-18-082
388-148-1120	AMD	04-08-073	388-155-097	REP	04-18-082	388-155-430	REP-P	04-07-134
388-148-1205	NEW-P	04-03-116	388-155-098	REP-P	04-07-134	388-155-430	REP	04-18-082
388-148-1205	NEW	04-08-073	388-155-098	REP	04-18-082	388-155-440	REP-P	04-07-134
388-148-1210	NEW-P	04-03-116	388-155-100	REP-P	04-07-134	388-155-440	REP	04-18-082
388-148-1210	NEW	04-08-073	388-155-100	REP	04-18-082	388-155-450	REP-P	04-07-134
388-148-1215	NEW-P	04-03-116	388-155-110	REP-P	04-07-134	388-155-450	REP	04-18-082
388-148-1215	NEW	04-08-073	388-155-110	REP	04-18-082	388-155-460	REP-P	04-07-134
388-148-1220	NEW-P	04-03-116	388-155-120	REP-P	04-07-134	388-155-460	REP	04-18-082
388-148-1220	NEW	04-08-073	388-155-120	REP	04-18-082	388-155-470	REP-P	04-07-134
388-148-1225	NEW-P	04-03-116	388-155-130	REP-P	04-07-134	388-155-470	REP	04-18-082
388-148-1225	NEW	04-08-073	388-155-130	REP	04-18-082	388-155-480	REP-P	04-07-134
388-148-1230	NEW-P	04-03-116	388-155-140	REP-P	04-07-134	388-155-480	REP	04-18-082
388-148-1230	NEW	04-08-073	388-155-140	REP	04-18-082	388-155-490	REP-P	04-07-134
388-148-1235	NEW-P	04-03-116	388-155-150	REP-P	04-07-134	388-155-490	REP	04-18-082
388-148-1235	NEW	04-08-073	388-155-150	REP	04-18-082	388-155-500	REP-P	04-07-134
388-148-1240	NEW-P	04-03-116	388-155-160	REP-P	04-07-134	388-155-500	REP	04-18-082
388-148-1240	NEW	04-08-073	388-155-160	REP	04-18-082	388-155-600	REP-P	04-07-134
388-148-1245	NEW-P	04-03-116	388-155-165	REP-P	04-07-134	388-155-600	REP	04-18-082
388-148-1245	NEW	04-08-073	388-155-165	REP	04-18-082	388-155-605	REP-P	04-07-134
388-148-1250	NEW-P	04-03-116	388-155-170	REP-P	04-07-134	388-155-605	REP	04-18-082
388-148-1250	NEW	04-08-073	388-155-170	REP	04-18-082	388-155-610	REP-P	04-07-134
388-148-1255	NEW-P	04-03-116	388-155-180	REP-P	04-07-134	388-155-610	REP	04-18-082
388-148-1255	NEW	04-08-073	388-155-180	REP	04-18-082	388-155-620	REP-P	04-07-134
388-148-1260	NEW-P	04-03-116	388-155-190	REP-P	04-07-134	388-155-620	REP	04-18-082
388-148-1260	NEW	04-08-073	388-155-190	REP	04-18-082	388-155-630	REP-P	04-07-134
388-148-1265	NEW-P	04-03-116	388-155-200	REP-P	04-07-134	388-155-630	REP	04-18-082
388-148-1265	NEW	04-08-073	388-155-200	REP	04-18-082	388-155-640	REP-P	04-07-134
388-148-1270	NEW-P	04-03-116	388-155-220	REP-P	04-07-134	388-155-640	REP	04-18-082
388-148-1270	NEW	04-08-073	388-155-220	REP	04-18-082	388-155-650	REP-P	04-07-134
388-148-1275	NEW-P	04-03-116	388-155-230	REP-P	04-07-134	388-155-650	REP	04-18-082
388-148-1275	NEW	04-08-073	388-155-230	REP	04-18-082	388-155-660	REP-P	04-07-134
388-148-1280	NEW-P	04-03-116	388-155-240	REP-P	04-07-134	388-155-660	REP	04-18-082
388-148-1280	NEW	04-08-073	388-155-240	REP	04-18-082	388-155-670	REP-P	04-07-134
388-155	REP-C	04-10-095	388-155-250	REP-P	04-07-134	388-155-670	REP	04-18-082
388-155-005	REP-P	04-07-134	388-155-250	REP	04-18-082	388-155-680	REP-P	04-07-134
388-155-005	REP	04-18-082	388-155-270	REP-P	04-07-134	388-155-680	REP	04-18-082
388-155-010	REP-P	04-07-134	388-155-280	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-155-010	REP	04-18-082	388-155-280	REP	04-18-082	388-155-991	REP	04-18-082
388-155-020	REP-P	04-07-134	388-155-280	REP	04-18-082	388-155-992	REP-P	04-07-134
388-155-020	REP	04-18-082	388-155-290	REP-P	04-07-134	388-155-992	REP	04-18-082
388-155-040	REP-P	04-07-134	388-155-290	REP	04-18-082	388-155-993	REP-P	04-07-134
388-155-040	REP	04-18-082	388-155-295	REP-P	04-07-134	388-155-993	REP	04-18-082
388-155-050	REP-P	04-07-134	388-155-295	REP	04-18-082	388-160-0075	PREP	04-18-067
388-155-050	REP	04-18-082	388-155-310	REP-P	04-07-134	388-160-0195	PREP	04-18-067
388-155-060	REP-P	04-07-134	388-155-310	REP	04-18-082	388-273-0025	AMD-E	04-03-097
388-155-060	REP	04-18-082	388-155-320	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-155-070	REP-P	04-07-134	388-155-320	REP	04-18-082	388-273-0025	AMD-E	04-11-080
388-155-070	REP	04-18-082	388-155-330	REP-P	04-07-134	388-273-0025	AMD	04-13-136
388-155-080	REP-P	04-07-134	388-155-330	REP	04-18-082	388-273-0030	AMD-E	04-03-097
388-155-080	REP-W	04-18-046	388-155-340	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
388-155-083	REP-P	04-07-134	388-155-340	REP	04-18-082	388-273-0030	AMD-E	04-11-080
388-155-083	REP	04-18-082	388-155-350	REP-P	04-07-134	388-273-0030	AMD	04-13-136
388-155-085	REP-P	04-07-134	388-155-350	REP	04-18-082	388-273-0035	AMD-E	04-03-097
388-155-085	REP	04-18-082	388-155-360	REP-P	04-07-134	388-273-0035	AMD-P	04-07-089
388-155-090	REP-P	04-07-134	388-155-360	REP	04-18-082	388-273-0035	AMD-E	04-11-080
388-155-090	REP	04-18-082	388-155-370	REP-P	04-07-134	388-273-0035	AMD	04-13-136
388-155-092	REP-P	04-07-134	388-155-370	REP	04-18-082	388-290-0001	AMD-P	04-02-047
388-155-092	REP	04-18-082	388-155-380	REP-P	04-07-134	388-290-0001	AMD	04-08-021

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-290-0001	AMD	04-08-134	388-290-0082	NEW	04-08-021	388-290-0165	AMD	04-08-021
388-290-0005	AMD-P	04-02-047	388-290-0082	NEW	04-08-134	388-290-0165	AMD	04-08-134
388-290-0005	AMD	04-08-021	388-290-0085	AMD-P	04-02-047	388-290-0165	PREP	04-13-046
388-290-0005	AMD	04-08-134	388-290-0085	AMD-E	04-05-079	388-290-0167	AMD-P	04-02-047
388-290-0010	AMD-P	04-02-047	388-290-0085	AMD	04-08-021	388-290-0167	AMD	04-08-021
388-290-0010	AMD	04-08-021	388-290-0085	AMD	04-08-134	388-290-0167	AMD	04-08-134
388-290-0010	AMD	04-08-134	388-290-0085	PREP	04-13-046	388-290-0180	AMD-P	04-02-047
388-290-0012	NEW-P	04-02-047	388-290-0090	AMD-P	04-02-047	388-290-0180	AMD	04-08-021
388-290-0012	NEW	04-08-021	388-290-0090	AMD	04-08-021	388-290-0180	AMD	04-08-134
388-290-0012	NEW	04-08-134	388-290-0090	AMD	04-08-134	388-290-0190	AMD-P	04-02-047
388-290-0015	AMD-P	04-02-047	388-290-0090	PREP	04-13-046	388-290-0190	AMD-E	04-05-079
388-290-0015	AMD	04-08-021	388-290-0095	AMD-P	04-02-047	388-290-0190	AMD	04-08-021
388-290-0015	AMD	04-08-134	388-290-0095	AMD	04-08-021	388-290-0190	AMD	04-08-134
388-290-0020	AMD-P	04-02-047	388-290-0095	AMD	04-08-134	388-290-0200	AMD-P	04-02-047
388-290-0020	AMD	04-08-021	388-290-0100	AMD-P	04-02-047	388-290-0200	AMD	04-08-021
388-290-0020	AMD	04-08-134	388-290-0100	AMD	04-08-021	388-290-0200	AMD	04-08-134
388-290-0020	PREP	04-13-046	388-290-0100	AMD	04-08-134	388-290-0200	AMD-E	04-14-014
388-290-0025	AMD-P	04-02-047	388-290-0105	AMD-P	04-02-047	388-290-0200	PREP	04-19-102
388-290-0025	AMD	04-08-021	388-290-0105	AMD	04-08-021	388-290-0200	AMD-E	04-21-024
388-290-0025	AMD	04-08-134	388-290-0105	AMD	04-08-134	388-290-0205	AMD-P	04-02-047
388-290-0025	PREP	04-13-046	388-290-0105	PREP	04-13-046	388-290-0205	AMD	04-08-021
388-290-0030	AMD-P	04-02-047	388-290-0107	NEW-P	04-02-047	388-290-0205	AMD	04-08-134
388-290-0030	AMD	04-08-021	388-290-0107	NEW	04-08-021	388-290-0205	AMD-E	04-14-014
388-290-0030	AMD	04-08-134	388-290-0107	NEW	04-08-134	388-290-0205	PREP	04-19-102
388-290-0030	PREP	04-13-046	388-290-0107	NEW	04-08-134	388-290-0205	PREP	04-19-102
388-290-0031	NEW-P	04-02-047	388-290-0108	NEW-P	04-02-047	388-290-0205	AMD-E	04-21-024
388-290-0031	NEW	04-08-021	388-290-0108	NEW	04-08-021	388-290-0210	REP-P	04-02-047
388-290-0031	NEW	04-08-134	388-290-0108	NEW	04-08-134	388-290-0210	REP-E	04-05-079
388-290-0032	NEW-P	04-02-047	388-290-0108	PREP	04-13-046	388-290-0210	REP	04-08-021
388-290-0032	NEW	04-08-021	388-290-0110	AMD-P	04-02-047	388-290-0210	REP	04-08-134
388-290-0032	NEW	04-08-134	388-290-0110	AMD	04-08-021	388-290-0220	AMD-P	04-02-047
388-290-0032	PREP	04-13-046	388-290-0110	AMD	04-08-134	388-290-0220	AMD	04-08-021
388-290-0032	PREP	04-13-046	388-290-0110	PREP	04-13-046	388-290-0220	AMD	04-08-134
388-290-0035	AMD-P	04-02-047	388-290-0110	PREP	04-13-046	388-290-0225	AMD-P	04-02-047
388-290-0035	AMD	04-08-021	388-290-0120	AMD-P	04-02-047	388-290-0225	AMD	04-08-021
388-290-0035	AMD	04-08-134	388-290-0120	AMD	04-08-021	388-290-0225	AMD	04-08-134
388-290-0040	AMD-P	04-02-047	388-290-0120	AMD	04-08-134	388-290-0230	AMD-P	04-02-047
388-290-0040	AMD	04-08-021	388-290-0125	AMD-P	04-02-047	388-290-0230	AMD	04-08-021
388-290-0040	AMD	04-08-134	388-290-0125	AMD	04-08-021	388-290-0230	AMD	04-08-134
388-290-0040	PREP	04-13-046	388-290-0125	AMD	04-08-134	388-290-0230	AMD	04-08-134
388-290-0045	AMD-P	04-02-047	388-290-0130	AMD-P	04-02-047	388-290-0235	AMD-P	04-02-047
388-290-0045	AMD	04-08-021	388-290-0130	AMD-E	04-04-030	388-290-0235	AMD	04-08-021
388-290-0045	AMD	04-08-134	388-290-0130	AMD	04-08-021	388-290-0235	AMD	04-08-134
388-290-0045	PREP	04-13-046	388-290-0130	AMD	04-08-134	388-290-0245	AMD-P	04-02-047
388-290-0050	AMD-P	04-02-047	388-290-0130	PREP	04-13-046	388-290-0245	AMD	04-08-021
388-290-0050	AMD	04-08-021	388-290-0135	AMD-P	04-02-047	388-290-0245	AMD	04-08-134
388-290-0050	AMD	04-08-134	388-290-0135	AMD	04-08-021	388-290-0247	NEW-P	04-02-047
388-290-0055	AMD-P	04-02-047	388-290-0135	AMD	04-08-134	388-290-0247	NEW	04-08-021
388-290-0055	AMD	04-08-021	388-290-0140	AMD-P	04-02-047	388-290-0247	NEW	04-08-134
388-290-0055	AMD	04-08-134	388-290-0140	AMD	04-08-021	388-290-0250	AMD-P	04-02-047
388-290-0060	AMD-P	04-02-047	388-290-0140	AMD	04-08-021	388-290-0250	AMD	04-08-021
388-290-0060	AMD	04-08-021	388-290-0140	PREP	04-13-046	388-290-0250	AMD	04-08-134
388-290-0060	AMD	04-08-134	388-290-0143	AMD-P	04-02-047	388-290-0255	AMD-P	04-02-047
388-290-0060	PREP	04-13-046	388-290-0143	AMD	04-08-021	388-290-0255	AMD	04-08-021
388-290-0065	AMD-P	04-02-047	388-290-0143	AMD	04-08-134	388-290-0255	AMD	04-08-134
388-290-0065	AMD	04-08-021	388-290-0145	AMD-P	04-02-047	388-290-0260	AMD-P	04-02-047
388-290-0065	AMD	04-08-134	388-290-0145	AMD	04-08-021	388-290-0260	AMD	04-08-021
388-290-0070	AMD-P	04-02-047	388-290-0145	AMD	04-08-134	388-290-0260	AMD	04-08-134
388-290-0070	AMD	04-08-021	388-290-0150	AMD-P	04-02-047	388-290-0265	AMD-P	04-02-047
388-290-0070	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0265	AMD	04-08-021
388-290-0075	AMD-P	04-02-047	388-290-0155	AMD	04-08-134	388-290-0265	AMD	04-08-134
388-290-0075	AMD-E	04-05-079	388-290-0155	AMD-P	04-02-047	388-290-0270	AMD-P	04-02-047
388-290-0075	AMD	04-08-021	388-290-0155	AMD	04-08-021	388-290-0270	AMD	04-08-021
388-290-0075	AMD	04-08-134	388-290-0155	AMD	04-08-134	388-290-0270	AMD	04-08-134
388-290-0080	REP-P	04-02-047	388-290-0155	PREP	04-13-046	388-290-0270	PREP	04-13-046
388-290-0080	REP	04-08-021	388-290-0160	AMD-P	04-02-047	388-290-0271	NEW-P	04-02-047
388-290-0080	REP	04-08-134	388-290-0160	AMD	04-08-021	388-290-0271	NEW	04-08-021
388-290-0082	NEW-P	04-02-047	388-290-0160	AMD	04-08-134	388-290-0271	NEW	04-08-134
			388-290-0165	AMD-P	04-02-047	388-290-0273	NEW-P	04-02-047

Table

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-290-0273	NEW	04-08-021	388-296-0200	NEW-P	04-07-134	388-296-0520	NEW	04-18-082
388-290-0273	NEW	04-08-134	388-296-0200	NEW	04-18-082	388-296-0530	NEW-P	04-07-134
388-295-0020	AMD-P	04-05-084	388-296-0205	NEW	04-18-082	388-296-0530	NEW	04-18-082
388-295-0020	AMD	04-09-093	388-296-0210	NEW-P	04-07-134	388-296-0540	NEW-P	04-07-134
388-295-0060	AMD-P	04-05-084	388-296-0210	NEW	04-18-082	388-296-0540	NEW	04-18-082
388-295-0060	AMD	04-09-093	388-296-0215	NEW	04-18-082	388-296-0550	NEW-P	04-07-134
388-295-0070	AMD-P	04-05-084	388-296-0220	NEW-P	04-07-134	388-296-0550	NEW	04-18-082
388-295-0070	AMD	04-09-093	388-296-0220	NEW	04-18-082	388-296-0560	NEW-P	04-07-134
388-295-0090	AMD-P	04-05-084	388-296-0230	NEW-P	04-07-134	388-296-0560	NEW	04-18-082
388-295-0090	AMD	04-09-093	388-296-0230	NEW	04-18-082	388-296-0570	NEW-P	04-07-134
388-295-0100	AMD-P	04-05-084	388-296-0240	NEW-P	04-07-134	388-296-0570	NEW	04-18-082
388-295-0100	AMD	04-09-093	388-296-0240	NEW	04-18-082	388-296-0580	NEW-P	04-07-134
388-295-0110	AMD-P	04-05-084	388-296-0250	NEW-P	04-07-134	388-296-0580	NEW	04-18-082
388-295-0110	AMD	04-09-093	388-296-0250	NEW	04-18-082	388-296-0590	NEW-P	04-07-134
388-295-1070	AMD-P	04-05-084	388-296-0260	NEW-P	04-07-134	388-296-0590	NEW	04-18-082
388-295-1070	AMD	04-09-093	388-296-0260	NEW	04-18-082	388-296-0600	NEW-P	04-07-134
388-295-1110	AMD-P	04-05-084	388-296-0270	NEW-P	04-07-134	388-296-0600	NEW	04-18-082
388-295-1110	AMD	04-09-093	388-296-0270	NEW	04-18-082	388-296-0610	NEW-P	04-07-134
388-295-2010	AMD-P	04-05-084	388-296-0280	NEW-P	04-07-134	388-296-0610	NEW	04-18-082
388-295-2010	AMD	04-09-093	388-296-0280	NEW	04-18-082	388-296-0620	NEW-P	04-07-134
388-295-2090	AMD-P	04-05-084	388-296-0290	NEW-P	04-07-134	388-296-0620	NEW	04-18-082
388-295-2090	AMD	04-09-093	388-296-0290	NEW	04-18-082	388-296-0630	NEW-P	04-07-134
388-295-2100	AMD-P	04-05-084	388-296-0300	NEW-P	04-07-134	388-296-0630	NEW	04-18-082
388-295-2100	AMD	04-09-093	388-296-0300	NEW	04-18-082	388-296-0640	NEW-P	04-07-134
388-295-3010	AMD-P	04-05-084	388-296-0310	NEW-P	04-07-134	388-296-0640	NEW	04-18-082
388-295-3010	AMD	04-09-093	388-296-0310	NEW-W	04-18-046	388-296-0650	NEW-P	04-07-134
388-295-4010	AMD-P	04-05-084	388-296-0320	NEW-P	04-07-134	388-296-0650	NEW	04-18-082
388-295-4010	AMD	04-09-093	388-296-0320	NEW	04-18-082	388-296-0700	NEW-P	04-07-134
388-295-4100	AMD-P	04-05-084	388-296-0330	NEW-P	04-07-134	388-296-0700	NEW	04-18-082
388-295-4100	AMD	04-09-093	388-296-0330	NEW	04-18-082	388-296-0710	NEW-P	04-07-134
388-295-5030	AMD-P	04-05-084	388-296-0340	NEW-P	04-07-134	388-296-0710	NEW	04-18-082
388-295-5030	AMD	04-09-093	388-296-0340	NEW	04-18-082	388-296-0720	NEW-P	04-07-134
388-295-5150	AMD-P	04-05-084	388-296-0350	NEW-P	04-07-134	388-296-0720	NEW	04-18-082
388-295-5150	AMD	04-09-093	388-296-0350	NEW	04-18-082	388-296-0730	NEW-P	04-07-134
388-295-6010	PREP	04-17-105	388-296-0360	NEW-P	04-07-134	388-296-0730	NEW	04-18-082
388-295-7010	AMD-P	04-05-084	388-296-0360	NEW	04-18-082	388-296-0740	NEW-P	04-07-134
388-295-7010	AMD	04-09-093	388-296-0370	NEW-P	04-07-134	388-296-0740	NEW	04-18-082
388-295-7040	AMD-P	04-05-084	388-296-0370	NEW	04-18-082	388-296-0750	NEW-P	04-07-134
388-295-7040	AMD	04-09-093	388-296-0380	NEW-P	04-07-134	388-296-0750	NEW	04-18-082
388-295-7050	AMD-P	04-05-084	388-296-0380	NEW	04-18-082	388-296-0760	NEW-P	04-07-134
388-295-7050	AMD	04-09-093	388-296-0390	NEW-P	04-07-134	388-296-0760	NEW	04-18-082
388-296	NEW-C	04-10-095	388-296-0390	NEW	04-18-082	388-296-0770	NEW-P	04-07-134
388-296-0010	NEW-P	04-07-134	388-296-0400	NEW-P	04-07-134	388-296-0770	NEW	04-18-082
388-296-0010	NEW	04-18-082	388-296-0400	NEW	04-18-082	388-296-0780	NEW-P	04-07-134
388-296-0020	NEW-P	04-07-134	388-296-0410	NEW-P	04-07-134	388-296-0780	NEW	04-18-082
388-296-0020	NEW	04-18-082	388-296-0410	NEW	04-18-082	388-296-0790	NEW-P	04-07-134
388-296-0110	NEW-P	04-07-134	388-296-0420	NEW-P	04-07-134	388-296-0790	NEW	04-18-082
388-296-0110	NEW	04-18-082	388-296-0420	NEW	04-18-082	388-296-0800	NEW-P	04-07-134
388-296-0120	NEW-P	04-07-134	388-296-0430	NEW-P	04-07-134	388-296-0800	NEW	04-18-082
388-296-0120	NEW	04-18-082	388-296-0430	NEW	04-18-082	388-296-0810	NEW-P	04-07-134
388-296-0125	NEW-P	04-07-134	388-296-0440	NEW-P	04-07-134	388-296-0810	NEW	04-18-082
388-296-0125	NEW	04-18-082	388-296-0440	NEW	04-18-082	388-296-0820	NEW-P	04-07-134
388-296-0130	NEW-P	04-07-134	388-296-0450	NEW-P	04-07-134	388-296-0820	NEW	04-18-082
388-296-0130	NEW	04-18-082	388-296-0450	NEW	04-18-082	388-296-0830	NEW-P	04-07-134
388-296-0140	NEW-P	04-07-134	388-296-0460	NEW-P	04-07-134	388-296-0830	NEW	04-18-082
388-296-0140	NEW	04-18-082	388-296-0460	NEW	04-18-082	388-296-0840	NEW-P	04-07-134
388-296-0150	NEW-P	04-07-134	388-296-0470	NEW-P	04-07-134	388-296-0840	NEW	04-18-082
388-296-0150	NEW	04-18-082	388-296-0470	NEW	04-18-082	388-296-0850	NEW-P	04-07-134
388-296-0160	NEW-P	04-07-134	388-296-0480	NEW-P	04-07-134	388-296-0850	NEW	04-18-082
388-296-0160	NEW	04-18-082	388-296-0480	NEW	04-18-082	388-296-0860	NEW-P	04-07-134
388-296-0170	NEW-P	04-07-134	388-296-0490	NEW-P	04-07-134	388-296-0860	NEW	04-18-082
388-296-0170	NEW	04-18-082	388-296-0490	NEW	04-18-082	388-296-0870	NEW-P	04-07-134
388-296-0180	NEW-P	04-07-134	388-296-0500	NEW-P	04-07-134	388-296-0870	NEW	04-18-082
388-296-0180	NEW	04-18-082	388-296-0500	NEW	04-18-082	388-296-0880	NEW-P	04-07-134
388-296-0190	NEW-P	04-07-134	388-296-0510	NEW-P	04-07-134	388-296-0880	NEW	04-18-082
388-296-0190	NEW	04-18-082	388-296-0510	NEW	04-18-082	388-296-0890	NEW-P	04-07-134
388-296-0195	NEW	04-18-082	388-296-0520	NEW-P	04-07-134	388-296-0890	NEW	04-18-082

TABLE

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-296-0900	NEW-P	04-07-134	388-296-1230	NEW	04-18-082	388-400-0025	AMD-P	04-19-131
388-296-0900	NEW	04-18-082	388-296-1240	NEW-P	04-07-134	388-400-0025	AMD-E	04-20-043
388-296-0910	NEW-P	04-07-134	388-296-1240	NEW	04-18-082	388-400-0025	AMD	04-23-027
388-296-0910	NEW	04-18-082	388-296-1250	NEW-P	04-07-134	388-400-0030	AMD-P	04-15-054
388-296-0920	NEW-P	04-07-134	388-296-1250	NEW	04-18-082	388-400-0030	AMD	04-19-135
388-296-0920	NEW	04-18-082	388-296-1260	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-096
388-296-0930	NEW-P	04-07-134	388-296-1260	NEW	04-18-082	388-400-0040	AMD-P	04-10-099
388-296-0930	NEW	04-18-082	388-296-1270	NEW-P	04-07-134	388-400-0040	AMD-E	04-14-039
388-296-0940	NEW-P	04-07-134	388-296-1270	NEW-W	04-22-079	388-400-0040	AMD	04-14-040
388-296-0940	NEW	04-18-082	388-296-1280	NEW-P	04-07-134	388-400-0040	AMD	04-15-057
388-296-0950	NEW-P	04-07-134	388-296-1280	NEW	04-18-082	388-400-0040	AMD-P	04-17-117
388-296-0950	NEW	04-18-082	388-296-1290	NEW-P	04-07-134	388-400-0040	AMD-E	04-20-043
388-296-0960	NEW-P	04-07-134	388-296-1290	NEW	04-18-082	388-400-0040	AMD	04-21-025
388-296-0960	NEW	04-18-082	388-296-1300	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0970	NEW-P	04-07-134	388-296-1300	NEW	04-18-082	388-408-0025	AMD-P	04-17-115
388-296-0970	NEW	04-18-082	388-296-1320	NEW-P	04-07-134	388-408-0025	AMD	05-02-017
388-296-0980	NEW-P	04-07-134	388-296-1320	NEW	04-18-082	388-408-0034	AMD-P	04-02-050
388-296-0980	NEW	04-18-082	388-296-1330	NEW-P	04-07-134	388-408-0034	AMD	04-06-025
388-296-0990	NEW-P	04-07-134	388-296-1330	NEW	04-18-082	388-408-0035	AMD-P	04-02-050
388-296-0990	NEW	04-18-082	388-296-1340	NEW-P	04-07-134	388-408-0035	AMD	04-06-025
388-296-1000	NEW-P	04-07-134	388-296-1340	NEW	04-18-082	388-408-0035	AMD-P	04-10-096
388-296-1000	NEW	04-18-082	388-296-1350	NEW-P	04-07-134	388-408-0035	AMD-E	04-14-039
388-296-1010	NEW-P	04-07-134	388-296-1350	NEW	04-18-082	388-408-0035	AMD	04-14-040
388-296-1010	NEW	04-18-082	388-296-1360	NEW-P	04-07-134	388-408-0055	PREP	04-18-068
388-296-1020	NEW-P	04-07-134	388-296-1360	NEW	04-18-082	388-410-0001	AMD-C	04-02-058
388-296-1020	NEW	04-18-082	388-296-1370	NEW-P	04-07-134	388-410-0001	AMD	04-05-010
388-296-1030	NEW-P	04-07-134	388-296-1370	NEW	04-18-082	388-410-0001	PREP	04-21-074
388-296-1030	NEW	04-18-082	388-296-1380	NEW-P	04-07-134	388-412-0005	PREP	04-13-100
388-296-1040	NEW-P	04-07-134	388-296-1380	NEW	04-18-082	388-412-0005	AMD-P	04-17-116
388-296-1040	NEW	04-18-082	388-296-1390	NEW-P	04-07-134	388-412-0005	AMD	05-02-015
388-296-1050	NEW-P	04-07-134	388-296-1390	NEW	04-18-082	388-412-0015	AMD-P	04-13-098
388-296-1050	NEW	04-18-082	388-296-1400	NEW-P	04-07-134	388-412-0015	AMD	05-02-016
388-296-1060	NEW-P	04-07-134	388-296-1400	NEW	04-18-082	388-414-0001	AMD-P	04-04-076
388-296-1060	NEW	04-18-082	388-296-1410	NEW-P	04-07-134	388-414-0001	AMD	04-07-139
388-296-1070	NEW-P	04-07-134	388-296-1410	NEW	04-18-082	388-414-0001	PREP	04-08-036
388-296-1070	NEW	04-18-082	388-296-1420	NEW-P	04-07-134	388-414-0001	AMD-E	04-10-061
388-296-1080	NEW-P	04-07-134	388-296-1420	NEW	04-18-082	388-414-0001	AMD-P	04-10-098
388-296-1080	NEW	04-18-082	388-296-1430	NEW-P	04-07-134	388-414-0001	AMD	04-14-038
388-296-1090	NEW-P	04-07-134	388-296-1430	NEW	04-18-082	388-416-0005	AMD-P	04-15-052
388-296-1090	NEW	04-18-082	388-296-1440	NEW-P	04-07-134	388-416-0005	AMD	04-19-134
388-296-1100	NEW-P	04-07-134	388-296-1440	NEW	04-18-082	388-416-0010	PREP	04-21-074
388-296-1100	NEW	04-18-082	388-296-1450	NEW-P	04-07-134	388-416-0015	AMD	04-03-019
388-296-1110	NEW-P	04-07-134	388-296-1450	NEW	04-18-082	388-416-0015	AMD-P	04-17-117
388-296-1110	NEW	04-18-082	388-310-0800	AMD-E	04-14-044	388-416-0015	AMD-E	04-20-043
388-296-1120	NEW-P	04-07-134	388-310-0800	PREP	04-15-129	388-416-0015	AMD	04-21-064
388-296-1120	NEW	04-18-082	388-310-0800	AMD-E	04-22-023	388-416-0020	PREP	04-13-102
388-296-1130	NEW-P	04-07-134	388-310-0800	AMD-P	04-22-115	388-416-0030	REP-P	04-04-074
388-296-1130	NEW	04-18-082	388-310-0800	AMD	05-02-014	388-416-0030	REP	04-07-141
388-296-1140	NEW-P	04-07-134	388-310-1400	PREP	04-22-065	388-416-0035	PREP	04-12-098
388-296-1140	NEW	04-18-082	388-310-1500	AMD-C	04-02-058	388-416-0035	AMD-P	04-21-059
388-296-1150	NEW-P	04-07-134	388-310-1500	AMD	04-05-010	388-416-0035	AMD	05-01-126
388-296-1150	NEW	04-18-082	388-310-1600	AMD-P	04-03-095	388-418-0005	AMD-W	04-02-052
388-296-1160	NEW-P	04-07-134	388-310-1600	AMD	04-07-025	388-418-0005	AMD-P	04-02-072
388-296-1160	NEW	04-18-082	388-310-1650	AMD-P	04-03-095	388-418-0005	AMD-E	04-02-073
388-296-1170	NEW-P	04-07-134	388-310-1650	AMD	04-07-025	388-418-0005	AMD	04-06-026
388-296-1170	NEW	04-18-082	388-310-2000	AMD-C	04-02-058	388-418-0005	AMD-P	04-15-053
388-296-1180	NEW-P	04-07-134	388-310-2000	AMD	04-05-010	388-418-0005	AMD-S	04-17-108
388-296-1180	NEW	04-18-082	388-400-0005	AMD-P	04-10-099	388-418-0005	AMD-E	04-20-044
388-296-1190	NEW-P	04-07-134	388-400-0005	PREP	04-12-096	388-418-0005	AMD	04-21-026
388-296-1190	NEW	04-18-082	388-400-0005	AMD	04-15-057	388-418-0005	PREP	04-21-074
388-296-1200	NEW-P	04-07-134	388-400-0005	AMD-P	04-19-131	388-418-0007	AMD-P	04-15-052
388-296-1200	NEW	04-18-082	388-400-0005	AMD-E	04-20-043	388-418-0007	AMD	04-19-134
388-296-1210	NEW-P	04-07-134	388-400-0005	AMD	04-23-027	388-418-0011	NEW-P	04-15-052
388-296-1210	NEW	04-18-082	388-400-0010	AMD-P	04-10-099	388-418-0011	NEW	04-19-134
388-296-1220	NEW-P	04-07-134	388-400-0010	AMD	04-15-057	388-418-0011	PREP	04-21-074
388-296-1220	NEW	04-18-082	388-400-0025	AMD-P	04-10-099	388-418-0020	AMD-P	04-15-052
388-296-1230	NEW-P	04-07-134	388-400-0025	AMD	04-15-057	388-418-0020	AMD	04-19-134

Table of WAC Sections Affected as of 12/31/04

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-418-0025	AMD	04-03-019	388-448-0160	AMD-E	04-03-010E	388-462-0020	AMD-P	04-10-099
388-424-0001	NEW-P	04-10-100	388-448-0160	AMD	04-07-140	388-462-0020	AMD	04-15-057
388-424-0001	NEW	04-15-004	388-448-0170	REP-P	04-02-048	388-466-0130	AMD-C	04-02-058
388-424-0005	REP-P	04-10-100	388-448-0170	REP-E	04-02-051	388-466-0130	AMD	04-05-010
388-424-0005	REP	04-15-004	388-448-0170	REP-E	04-03-010E	388-470-0040	REP	04-09-003
388-424-0006	NEW-P	04-10-100	388-448-0170	REP	04-07-140	388-472-0010	AMD-P	04-03-093
388-424-0006	NEW	04-15-004	388-448-0180	AMD-P	04-02-048	388-472-0010	AMD	04-14-037
388-424-0007	NEW-P	04-10-100	388-448-0180	AMD	04-07-140	388-473-0010	PREP	04-12-097
388-424-0007	NEW	04-15-004	388-448-0190	REP-P	04-02-048	388-474-0012	PREP	04-17-075
388-424-0008	NEW-P	04-10-100	388-448-0190	REP-E	04-02-051	388-474-0012	AMD-P	04-24-076
388-424-0008	NEW	04-15-004	388-448-0190	REP-E	04-03-010E	388-475-0050	NEW	04-09-002
388-424-0009	NEW-P	04-10-100	388-448-0190	REP	04-07-140	388-475-0100	NEW	04-09-002
388-424-0009	NEW	04-15-004	388-448-0200	AMD-P	04-02-048	388-475-0150	NEW	04-09-002
388-424-0010	AMD-P	04-10-100	388-448-0200	AMD	04-07-140	388-475-0200	NEW	04-09-002
388-424-0010	AMD	04-15-004	388-448-0210	AMD-P	04-02-048	388-475-0250	NEW	04-09-002
388-424-0015	AMD-P	04-10-100	388-448-0210	AMD	04-07-140	388-475-0300	NEW	04-09-002
388-424-0015	AMD	04-15-004	388-450-0005	AMD-C	04-02-058	388-475-0350	NEW	04-09-003
388-424-0016	NEW-P	04-10-100	388-450-0005	AMD-W	04-04-034	388-475-0400	NEW	04-09-003
388-424-0016	NEW	04-15-004	388-450-0005	PREP	04-10-094	388-475-0450	NEW	04-09-003
388-424-0020	AMD-P	04-10-100	388-450-0005	PREP-W	04-13-099	388-475-0500	NEW	04-09-003
388-424-0020	AMD	04-15-004	388-450-0015	PREP	04-13-107	388-475-0550	NEW	04-09-004
388-424-0025	AMD-P	04-10-100	388-450-0015	AMD-P	04-22-067	388-475-0550	PREP	04-23-101
388-424-0025	AMD	04-15-004	388-450-0020	REP	04-09-005	388-475-0600	NEW	04-09-004
388-426	PREP-W	04-03-052	388-450-0050	AMD-P	04-11-084	388-475-0650	NEW	04-09-004
388-426-0005	AMD	04-03-050	388-450-0050	AMD	04-14-043	388-475-0700	NEW	04-09-004
388-434-0005	AMD	04-03-019	388-450-0100	PREP	04-05-034	388-475-0700	PREP	04-23-101
388-434-0005	PREP	04-07-086	388-450-0100	AMD-P	04-10-099	388-475-0750	NEW	04-09-004
388-434-0005	AMD-P	04-15-052	388-450-0100	AMD	04-15-057	388-475-0800	NEW	04-09-005
388-434-0005	AMD	04-19-134	388-450-0106	AMD-P	04-10-099	388-475-0800	PREP	04-23-101
388-434-0010	PREP	04-11-083	388-450-0106	AMD	04-15-057	388-475-0820	NEW	04-09-005
388-434-0010	AMD-P	04-16-104	388-450-0116	AMD-P	04-10-099	388-475-0820	PREP	04-23-101
388-434-0010	AMD	04-19-133	388-450-0116	AMD	04-15-057	388-475-0840	NEW	04-09-005
388-436-0002	AMD-P	04-02-049	388-450-0140	AMD-P	04-10-096	388-475-0860	NEW	04-09-005
388-436-0002	AMD-E	04-03-098	388-450-0140	AMD-E	04-14-039	388-475-0860	PREP	04-23-101
388-436-0002	AMD	04-07-023	388-450-0140	AMD	04-14-040	388-475-0880	NEW	04-09-005
388-436-0015	AMD-C	04-02-057	388-450-0150	REP	04-09-005	388-475-0900	NEW	04-09-005
388-436-0015	AMD	04-05-013	388-450-0156	AMD-P	04-10-099	388-475-1050	AMD-X	04-09-091
388-436-0040	AMD-C	04-02-058	388-450-0156	AMD	04-15-057	388-475-1050	AMD	04-15-002
388-436-0040	AMD	04-05-010	388-450-0165	AMD-C	04-02-058	388-475-1250	AMD-X	04-09-091
388-438-0100	REP-P	04-04-074	388-450-0165	AMD	04-05-010	388-475-1250	AMD	04-15-002
388-438-0100	REP-E	04-06-023	388-450-0170	AMD	04-03-051	388-478-0005	AMD-C	04-02-058
388-438-0100	REP	04-07-141	388-450-0185	PREP	04-12-092	388-478-0005	AMD	04-05-010
388-438-0110	AMD-P	04-10-099	388-450-0185	AMD-P	04-19-111	388-478-0015	PREP	04-17-102
388-438-0110	AMD	04-15-057	388-450-0185	AMD-E	04-19-114	388-478-0015	AMD-P	04-20-103
388-440	PREP-W	04-03-052	388-450-0185	AMD	04-23-025	388-478-0015	AMD	05-01-074
388-440-0001	AMD-C	04-02-058	388-450-0190	AMD-P	04-04-075	388-478-0055	AMD-S	04-03-096
388-440-0001	AMD	04-05-010	388-450-0190	AMD	04-07-138	388-478-0055	AMD	04-07-024
388-442-0010	PREP	04-10-091	388-450-0190	PREP	04-12-092	388-478-0060	PREP	04-12-092
388-442-0010	AMD-E	04-14-041	388-450-0190	AMD-P	04-19-111	388-478-0060	AMD-P	04-19-111
388-442-0010	AMD-P	04-14-042	388-450-0190	AMD-E	04-19-114	388-478-0060	AMD-E	04-19-114
388-442-0010	AMD	04-18-002	388-450-0190	AMD	04-23-025	388-478-0060	AMD	04-23-025
388-444-0055	AMD-C	04-02-058	388-450-0195	PREP	04-12-092	388-478-0065	PREP	04-21-073
388-444-0055	AMD	04-05-010	388-450-0195	AMD-P	04-19-111	388-478-0070	PREP	04-23-065
388-446-0005	AMD-P	04-03-094	388-450-0195	AMD-E	04-19-114	388-478-0070	AMD-E	05-01-125
388-446-0005	AMD	04-13-097	388-450-0195	AMD	04-23-025	388-478-0075	AMD-E	04-07-143
388-448-0001	AMD-P	04-02-048	388-450-0195	PREP	04-24-045	388-478-0075	PREP	04-07-165
388-448-0001	AMD	04-07-140	388-450-0200	PREP	04-17-103	388-478-0075	AMD-E	04-09-001
388-448-0010	AMD-P	04-02-048	388-450-0200	AMD-E	04-19-132	388-478-0075	AMD-P	04-12-042
388-448-0010	AMD	04-07-140	388-450-0200	AMD-P	05-01-073	388-478-0075	AMD	04-15-092
388-448-0020	AMD-P	04-02-048	388-450-0215	AMD	04-06-052	388-478-0080	AMD-E	04-11-013
388-448-0020	AMD	04-07-140	388-450-0500	PREP	04-07-085	388-478-0080	AMD-P	04-13-134
388-448-0030	AMD-P	04-02-048	388-450A-0010	PREP	04-19-101	388-478-0080	AMD	04-16-107
388-448-0030	AMD	04-07-140	388-452-0005	AMD-P	04-06-040	388-478-0080	PREP	04-23-065
388-448-0120	AMD-P	04-02-048	388-452-0005	AMD	04-10-102	388-478-0080	AMD-E	05-01-125
388-448-0120	AMD	04-07-140	388-454-0010	AMD-C	04-03-010E	388-478-0085	AMD-E	04-07-167
388-448-0160	AMD-P	04-02-048	388-454-0010	AMD	04-05-012	388-478-0085	AMD-P	04-13-135
388-448-0160	AMD-E	04-02-051	388-462-0015	PREP	04-14-097	388-478-0085	AMD-E	04-16-106

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388-484-0005	AMD-C	04-02-058	388-492-0120	AMD-P	04-19-112	388-527-2733	AMD	04-10-060
388-484-0005	AMD	04-05-010	388-492-0120	AMD-E	04-19-116	388-527-2740	AMD-P	04-05-082
388-492	PREP-W	04-04-094	388-492-0120	AMD	04-23-026	388-527-2740	AMD	04-10-060
388-492	PREP	04-04-097	388-492-0130	AMD-E	04-05-003	388-527-2742	AMD-P	04-05-082
388-492-0010	REP-E	04-05-003	388-492-0130	AMD-E	04-13-001	388-527-2742	AMD	04-10-060
388-492-0010	REP-E	04-13-001	388-492-0130	AMD-P	04-19-112	388-527-2750	AMD-P	04-05-082
388-492-0010	REP-P	04-19-112	388-492-0130	AMD-E	04-19-116	388-527-2750	AMD	04-10-060
388-492-0010	REP-E	04-19-116	388-492-0130	AMD-E	04-19-116	388-527-2754	AMD-P	04-05-082
388-492-0010	REP	04-23-026	388-500-0005	AMD-W	04-11-060	388-527-2754	AMD	04-10-060
388-492-0020	AMD-E	04-05-003	388-501-0165	AMD-W	04-11-059	388-527-2790	AMD-P	04-05-082
388-492-0020	AMD-E	04-13-001	388-502-0150	PREP	04-23-100	388-527-2790	AMD	04-10-060
388-492-0020	AMD-P	04-19-112	388-502-0160	PREP	04-07-088	388-527-2792	NEW-P	04-05-082
388-492-0020	AMD-E	04-19-116	388-502-0160	PREP	04-16-087	388-527-2792	NEW	04-10-060
388-492-0020	AMD	04-23-026	388-503-0505	AMD-P	04-04-074	388-527-2795	AMD-P	04-05-082
388-492-0030	AMD-E	04-05-003	388-503-0505	AMD-E	04-06-023	388-527-2795	AMD	04-10-060
388-492-0030	AMD-E	04-13-001	388-503-0505	AMD	04-07-141	388-529	PREP	04-06-054
388-492-0030	AMD-P	04-19-112	388-503-0510	PREP	04-18-065	388-530-1050	PREP	04-09-035
388-492-0030	AMD-E	04-19-116	388-503-0510	AMD-P	04-23-066	388-530-1050	AMD-P	04-19-109
388-492-0030	AMD	04-23-026	388-505-0110	PREP	04-04-095	388-530-1050	AMD	05-02-044
388-492-0040	AMD-E	04-05-003	388-505-0110	AMD-P	04-09-090	388-530-1100	AMD-P	04-19-109
388-492-0040	PREP	04-12-092	388-505-0110	AMD	04-15-003	388-530-1100	AMD	05-02-044
388-492-0040	AMD-E	04-13-001	388-505-0210	AMD-P	04-10-099	388-530-1125	PREP	04-09-035
388-492-0040	AMD-P	04-19-112	388-505-0210	AMD	04-15-057	388-530-1125	AMD-P	04-19-109
388-492-0040	AMD-E	04-19-116	388-505-0211	NEW	04-08-125	388-530-1125	AMD	05-02-044
388-492-0040	AMD	04-23-026	388-505-0211	AMD-P	04-13-140	388-530-1150	AMD-P	04-19-109
388-492-0040	PREP	05-02-041	388-505-0211	AMD	04-16-064	388-530-1150	AMD	05-02-044
388-492-0040	AMD-E	05-02-042	388-505-0220	PREP	04-17-106	388-530-1200	PREP	04-09-035
388-492-0050	AMD-E	04-05-003	388-511-1130	REP	04-09-004	388-530-1200	AMD-P	04-19-109
388-492-0050	AMD-E	04-13-001	388-513-1301	AMD-E	04-08-019	388-530-1200	AMD	05-02-044
388-492-0050	AMD-P	04-19-112	388-513-1301	AMD-P	04-12-101	388-530-1250	PREP	04-09-035
388-492-0050	AMD-E	04-19-116	388-513-1301	AMD-E	04-15-091	388-530-1250	AMD-P	04-19-109
388-492-0050	AMD	04-23-026	388-513-1301	AMD	04-18-054	388-530-1250	AMD	05-02-044
388-492-0060	AMD-E	04-05-003	388-513-1315	AMD-E	04-08-019	388-530-1260	PREP	04-09-035
388-492-0060	AMD-E	04-13-001	388-513-1315	AMD-P	04-12-101	388-530-1260	AMD-P	04-19-109
388-492-0060	AMD-P	04-19-112	388-513-1315	AMD-E	04-15-091	388-530-1260	AMD	05-02-044
388-492-0060	AMD-E	04-19-116	388-513-1315	AMD	04-18-054	388-530-1270	AMD-P	04-19-109
388-492-0060	AMD	04-23-026	388-513-1350	AMD-C	04-02-056	388-530-1270	AMD	05-02-044
388-492-0070	AMD-E	04-05-003	388-513-1350	AMD	04-04-072	388-530-1280	NEW-P	04-19-109
388-492-0070	PREP	04-12-092	388-513-1350	PREP	04-16-027	388-530-1280	NEW	05-02-044
388-492-0070	AMD-E	04-13-001	388-513-1350	AMD-E	05-02-043	388-530-1290	NEW-P	04-19-109
388-492-0070	AMD-P	04-19-112	388-513-1380	AMD-C	04-02-056	388-530-1290	NEW	05-02-044
388-492-0070	AMD-E	04-19-116	388-513-1380	AMD	04-04-072	388-530-1400	AMD-P	04-19-109
388-492-0070	AMD	04-23-026	388-513-1380	PREP	04-16-027	388-530-1400	AMD	05-02-044
388-492-0070	PREP	05-02-012	388-513-1380	AMD-E	04-16-028	388-530-1400	PREP	04-03-089
388-492-0070	AMD-E	05-02-013	388-513-1380	AMD-E	05-02-043	388-530-1850	AMD-P	04-07-137
388-492-0080	AMD-E	04-05-003	388-515-1505	PREP	04-19-085	388-530-1850	AMD	04-11-009
388-492-0080	AMD-E	04-13-001	388-515-1505	AMD-P	04-24-077	388-530-1900	AMD-P	04-19-109
388-492-0080	AMD-P	04-19-112	388-515-1505	AMD-E	05-01-219	388-530-1900	AMD	05-02-044
388-492-0080	AMD-E	04-19-116	388-515-1510	AMD-E	04-08-019	388-530-1950	AMD-P	04-19-109
388-492-0080	AMD	04-23-026	388-515-1510	AMD-P	04-12-101	388-530-1950	AMD	05-02-044
388-492-0090	AMD-E	04-05-003	388-515-1510	AMD	04-18-054	388-531	PREP	04-12-093
388-492-0090	AMD-E	04-13-001	388-515-1550	NEW-E	04-10-062	388-531-0050	PREP	04-13-103
388-492-0090	AMD-P	04-19-112	388-515-1550	NEW-P	04-10-101	388-531-0050	AMD-E	04-15-090
388-492-0090	AMD-E	04-19-116	388-515-1550	NEW	04-16-029	388-531-0050	AMD-P	04-17-113
388-492-0090	AMD	04-23-026	388-517-0300	PREP	04-10-090	388-531-0050	AMD	04-20-059
388-492-0100	AMD-E	04-05-003	388-519-0100	PREP	04-13-102	388-531-0150	AMD-E	04-15-090
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388-492-0100	AMD-E	04-19-116	388-519-0110	AMD-E	04-23-069	388-531-0200	AMD-E	04-23-054
388-492-0100	AMD	04-23-026	388-519-0120	REP-X	04-15-012	388-531-0650	AMD-E	04-15-090
388-492-0110	AMD-E	04-05-003	388-519-0120	REP	04-20-045	388-531-0650	AMD-E	04-23-054
388-492-0110	AMD-E	04-13-001	388-526	PREP	04-04-096	388-531-1600	AMD-E	04-15-090
388-492-0110	AMD-P	04-19-112	388-527-2700	AMD-P	04-05-082	388-531-1600	AMD-E	04-23-054
388-492-0110	AMD-E	04-19-116	388-527-2700	AMD	04-10-060	388-531-2000	NEW-P	04-16-017
388-492-0110	AMD	04-23-026	388-527-2730	AMD-P	04-05-082	388-531-2000	NEW	04-19-113
388-492-0120	AMD-E	04-05-003	388-527-2730	AMD	04-10-060	388-532	PREP	04-12-094

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388-532-050	AMD	04-05-011	388-533-730	NEW	04-11-008	388-542-0150	REP-P	04-13-140
388-532-100	AMD	04-05-011	388-535	PREP	04-07-115	388-542-0150	REP	04-16-064
388-532-110	NEW	04-05-011	388-535-1050	AMD-X	04-07-142	388-542-0200	REP-P	04-13-140
388-532-120	NEW	04-05-011	388-535-1050	AMD	04-14-100	388-542-0200	REP	04-16-064
388-532-130	NEW	04-05-011	388-535-1065	AMD-X	04-07-142	388-542-0220	REP-P	04-13-140
388-532-140	NEW	04-05-011	388-535-1065	AMD	04-14-100	388-542-0220	REP	04-16-064
388-532-500	NEW	04-05-011	388-535-1070	PREP	04-20-101	388-542-0250	AMD-E	04-13-137
388-532-510	NEW	04-05-011	388-535A-0010	AMD-P	04-19-110	388-542-0250	REP-P	04-13-140
388-532-520	NEW	04-05-011	388-535A-0010	AMD	05-01-064	388-542-0250	REP	04-16-064
388-532-530	NEW	04-05-011	388-535A-0020	AMD-P	04-19-110	388-542-0275	REP-P	04-13-140
388-532-540	NEW	04-05-011	388-535A-0020	AMD	05-01-064	388-542-0275	REP	04-16-064
388-532-550	NEW	04-05-011	388-535A-0030	AMD-P	04-19-110	388-542-0300	AMD-P	04-13-140
388-532-720	AMD-P	04-10-099	388-535A-0030	AMD	05-01-064	388-542-0300	AMD	04-16-064
388-532-720	AMD	04-15-057	388-535A-0040	AMD-P	04-19-110	388-542-0500	AMD	04-08-018
388-533-0300	AMD-P	04-05-083	388-535A-0040	AMD	05-01-064	388-542-0500	REP-P	04-13-140
388-533-0300	AMD	04-13-049	388-535A-0050	AMD-E	04-04-073	388-542-0500	REP	04-16-064
388-533-0310	NEW-P	04-05-083	388-535A-0050	AMD-E	04-12-041	388-543-1000	PREP	04-23-102
388-533-0310	NEW	04-13-049	388-535A-0050	AMD-P	04-19-110	388-543-1100	PREP	04-23-102
388-533-0315	NEW-P	04-05-083	388-535A-0050	AMD-E	04-19-115	388-543-1150	PREP	04-23-102
388-533-0315	NEW	04-13-049	388-535A-0050	AMD	05-01-064	388-543-1400	PREP	04-23-102
388-533-0320	NEW-P	04-05-083	388-535A-0060	AMD-E	04-04-073	388-543-1500	PREP	04-23-102
388-533-0320	NEW	04-13-049	388-535A-0060	AMD-E	04-12-041	388-543-2100	PREP	04-23-102
388-533-0325	NEW-P	04-05-083	388-535A-0060	AMD-P	04-19-110	388-543-2500	PREP	04-23-102
388-533-0325	NEW	04-13-049	388-535A-0060	AMD-E	04-19-115	388-543-2900	PREP	04-23-102
388-533-0330	NEW-P	04-05-083	388-535A-0060	AMD	05-01-064	388-544	PREP-W	04-04-031
388-533-0330	NEW	04-13-049	388-538	PREP	04-13-101	388-544	PREP	04-07-087
388-533-0340	NEW-P	04-05-083	388-538	PREP-W	04-16-082	388-545	PREP-W	04-04-031
388-533-0340	NEW	04-13-049	388-538	PREP	04-16-086	388-546	PREP	04-02-060
388-533-0345	NEW-P	04-05-083	388-538-050	AMD-P	04-21-057	388-546-0001	AMD-P	04-12-103
388-533-0345	NEW	04-13-049	388-538-050	AMD	05-01-066	388-546-0001	AMD	04-17-118
388-533-0350	REP-P	04-05-083	388-538-060	PREP-W	04-14-034	388-546-0100	AMD-P	04-12-103
388-533-0350	REP	04-13-049	388-538-060	AMD-P	04-21-057	388-546-0100	AMD	04-17-118
388-533-0360	NEW-P	04-05-083	388-538-060	AMD	05-01-066	388-546-0150	AMD-P	04-12-103
388-533-0360	NEW	04-13-049	388-538-061	NEW-P	04-21-057	388-546-0150	AMD	04-17-118
388-533-0365	NEW-P	04-05-083	388-538-061	NEW	05-01-066	388-546-0200	AMD-P	04-12-103
388-533-0365	NEW	04-13-049	388-538-063	PREP	04-04-095	388-546-0200	AMD	04-17-118
388-533-0370	NEW-P	04-05-083	388-538-063	NEW-P	04-09-090	388-546-0250	AMD-P	04-12-103
388-533-0370	NEW	04-13-049	388-538-063	NEW	04-15-003	388-546-0250	AMD	04-17-118
388-533-0375	NEW-P	04-05-083	388-538-065	AMD-P	04-21-058	388-546-0300	AMD-P	04-12-103
388-533-0375	NEW	04-13-049	388-538-065	AMD	05-01-066	388-546-0300	AMD	04-17-118
388-533-0380	NEW-P	04-05-083	388-538-067	AMD-P	04-21-058	388-546-0400	AMD-P	04-12-103
388-533-0380	NEW	04-13-049	388-538-067	AMD	05-01-066	388-546-0400	AMD	04-17-118
388-533-0385	NEW-P	04-05-083	388-538-070	AMD-P	04-21-058	388-546-0425	NEW-P	04-12-103
388-533-0385	NEW	04-13-049	388-538-070	AMD	05-01-066	388-546-0425	NEW	04-17-118
388-533-0386	NEW-P	04-05-083	388-538-095	AMD-P	04-21-058	388-546-0450	AMD-P	04-12-103
388-533-0386	NEW	04-13-049	388-538-095	AMD	05-01-066	388-546-0450	AMD	04-17-118
388-533-0390	NEW-P	04-05-083	388-538-112	AMD-P	04-07-135	388-546-0500	AMD-P	04-12-103
388-533-0390	NEW	04-13-049	388-538-112	AMD	04-13-002	388-546-0500	AMD	04-17-118
388-533-0400	PREP	04-14-098	388-538-112	AMD-P	04-21-058	388-546-0600	AMD-P	04-12-103
388-533-0400	AMD-P	04-21-060	388-538-112	AMD	05-01-066	388-546-0600	AMD	04-17-118
388-533-0400	AMD	05-01-065	388-538-120	AMD-P	04-21-058	388-546-0700	AMD-P	04-12-103
388-533-0500	PREP	04-14-098	388-538-120	AMD	05-01-066	388-546-0700	AMD	04-17-118
388-533-0500	REP-P	04-21-060	388-542	PREP	04-10-093	388-546-0800	AMD-P	04-12-103
388-533-0500	REP	05-01-065	388-542	AMD-P	04-13-140	388-546-0800	AMD	04-17-118
388-533-0600	PREP	04-14-098	388-542	AMD	04-16-064	388-546-0900	NEW-P	04-12-103
388-533-0600	AMD-P	04-21-060	388-542-0010	NEW-P	04-13-140	388-546-0900	NEW	04-17-118
388-533-0600	AMD	05-01-065	388-542-0010	NEW	04-16-064	388-546-1000	AMD-P	04-12-103
388-533-0710	PREP	04-22-066	388-542-0020	NEW-P	04-13-140	388-546-1000	AMD	04-17-118
388-533-0720	PREP	04-22-066	388-542-0020	NEW	04-16-064	388-546-1500	NEW-P	04-12-103
388-533-0730	PREP	04-22-066	388-542-0050	AMD-P	04-13-140	388-546-1500	NEW	04-17-118
388-533-701	NEW-P	04-07-136	388-542-0050	AMD	04-16-064	388-546-2500	NEW-P	04-12-103
388-533-701	NEW	04-11-008	388-542-0100	AMD	04-08-018	388-546-2500	NEW	04-17-118
388-533-710	NEW-P	04-07-136	388-542-0100	REP-P	04-13-140	388-546-3000	NEW-P	04-12-103
388-533-710	NEW	04-11-008	388-542-0100	REP	04-16-064	388-546-3000	NEW	04-17-118
388-533-720	NEW-P	04-07-136	388-542-0125	AMD	04-08-018	388-546-4000	NEW-P	04-12-103
388-533-720	NEW	04-11-008	388-542-0125	REP-P	04-13-140	388-546-4000	NEW	04-17-118

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-547	PREP-W	04-04-031	388-550-7500	NEW-P	04-17-109	388-820-230	AMD-P	04-19-022
388-550	PREP	04-03-092	388-550-7500	NEW	04-20-061	388-820-230	AMD	04-23-070
388-550	PREP	04-12-093	388-550-7600	NEW-P	04-17-109	388-820-240	AMD-P	04-19-022
388-550	PREP	04-13-103	388-550-7600	NEW	04-20-061	388-820-240	AMD	04-23-070
388-550-1050	PREP	04-13-103	388-551	PREP	04-02-061	388-820-250	AMD-P	04-19-022
388-550-1050	AMD-P	04-17-111	388-551	PREP-W	04-07-111	388-820-250	AMD	04-23-070
388-550-1050	AMD	04-20-057	388-551	PREP	04-07-114	388-820-260	AMD	04-04-043
388-550-1700	PREP	04-13-103	388-553-100	NEW-C	04-02-055	388-820-260	AMD-P	04-19-022
388-550-1700	AMD-P	04-17-112	388-553-100	NEW	04-11-007	388-820-260	AMD	04-23-070
388-550-1700	AMD	04-20-058	388-553-200	NEW-C	04-02-055	388-820-290	AMD	04-04-043
388-550-1750	PREP	04-13-103	388-553-200	NEW	04-11-007	388-820-290	AMD-P	04-19-022
388-550-1750	REP-P	04-17-112	388-553-300	NEW-C	04-02-055	388-820-290	AMD	04-23-070
388-550-1750	REP	04-20-058	388-553-300	NEW	04-11-007	388-820-300	AMD	04-04-043
388-550-2301	NEW-E	04-15-090	388-553-400	NEW-C	04-02-055	388-820-310	AMD	04-04-043
388-550-2301	NEW-E	04-23-054	388-553-400	NEW	04-11-007	388-820-310	AMD-P	04-19-022
388-550-2598	AMD-P	04-21-061	388-553-500	NEW-C	04-02-055	388-820-310	AMD	04-23-070
388-550-2598	AMD	05-01-026	388-553-500	NEW	04-11-007	388-820-320	AMD	04-04-043
388-550-2800	PREP	04-03-091	388-554-100	NEW-P	04-23-067	388-820-330	AMD	04-04-043
388-550-2800	AMD-P	04-16-017	388-554-200	NEW-P	04-23-067	388-820-330	AMD-P	04-19-022
388-550-2800	AMD	04-19-113	388-554-300	NEW-P	04-23-067	388-820-330	AMD	04-23-070
388-550-2900	PREP	04-03-091	388-554-400	NEW-P	04-23-067	388-820-340	AMD	04-04-043
388-550-2900	PREP	04-13-103	388-554-500	NEW-P	04-23-067	388-820-350	AMD	04-04-043
388-550-2900	AMD-P	04-17-112	388-554-600	NEW-P	04-23-067	388-820-360	AMD-P	04-19-022
388-550-2900	AMD	04-20-058	388-554-700	NEW-P	04-23-067	388-820-360	AMD	04-23-070
388-550-3000	PREP	05-01-129	388-554-800	NEW-P	04-23-067	388-820-400	AMD	04-04-043
388-550-3100	PREP	04-05-085A	388-720-0020	AMD-C	04-02-059	388-820-400	AMD-P	04-19-022
388-550-3100	AMD-P	04-08-123	388-720-0020	AMD	04-05-080	388-820-400	AMD	04-23-070
388-550-3100	AMD	04-13-048	388-800-0048	AMD-P	04-10-099	388-820-405	NEW	04-04-043
388-550-3700	PREP	04-15-130	388-800-0048	AMD	04-15-057	388-820-405	AMD-P	04-19-022
388-550-3800	PREP	04-13-105	388-820	PREP	04-13-106	388-820-405	AMD	04-23-070
388-550-3800	AMD-P	04-17-114	388-820	PREP	05-01-127	388-820-410	AMD	04-04-043
388-550-4800	AMD-P	04-16-017	388-820-020	AMD	04-04-043	388-820-430	AMD-P	04-19-022
388-550-4800	AMD	04-19-113	388-820-020	AMD-P	04-19-022	388-820-430	AMD	04-23-070
388-550-4900	PREP	04-03-090	388-820-020	AMD	04-23-070	388-820-440	AMD-P	04-19-022
388-550-4900	AMD-P	04-08-124	388-820-030	AMD	04-04-043	388-820-440	AMD	04-23-070
388-550-4900	AMD	04-12-044	388-820-030	AMD-P	04-19-022	388-820-520	AMD-P	04-19-022
388-550-5000	PREP	04-03-090	388-820-030	AMD	04-23-070	388-820-520	AMD	04-23-070
388-550-5100	PREP	04-03-090	388-820-040	AMD-P	04-19-022	388-820-530	AMD-P	04-19-022
388-550-5100	AMD-P	04-08-124	388-820-040	AMD	04-23-070	388-820-530	AMD	04-23-070
388-550-5100	AMD	04-12-044	388-820-050	AMD	04-04-043	388-820-540	AMD-P	04-19-022
388-550-5200	PREP	04-03-090	388-820-056	NEW	04-04-043	388-820-540	AMD	04-23-070
388-550-5200	AMD-P	04-08-124	388-820-060	AMD	04-04-043	388-820-550	AMD	04-04-043
388-550-5200	AMD	04-12-044	388-820-070	AMD	04-04-043	388-820-550	AMD-P	04-19-022
388-550-5210	NEW-P	04-08-124	388-820-076	NEW	04-04-043	388-820-550	AMD	04-23-070
388-550-5210	NEW	04-12-044	388-820-086	NEW	04-04-043	388-820-555	NEW	04-04-043
388-550-5220	NEW-P	04-08-124	388-820-090	AMD	04-04-043	388-820-560	AMD	04-04-043
388-550-5220	NEW	04-12-044	388-820-090	AMD-P	04-19-022	388-820-560	AMD-P	04-19-022
388-550-5450	NEW-P	04-16-017	388-820-090	AMD	04-23-070	388-820-560	AMD	04-23-070
388-550-5450	NEW	04-19-113	388-820-100	AMD	04-04-043	388-820-600	AMD	04-04-043
388-550-5900	PREP	04-13-103	388-820-120	AMD	04-04-043	388-820-630	AMD-P	04-19-022
388-550-5900	REP-P	04-17-112	388-820-140	AMD-P	04-19-022	388-820-630	AMD	04-23-070
388-550-5900	REP	04-20-058	388-820-140	AMD	04-23-070	388-820-650	AMD	04-04-043
388-550-6000	PREP	04-13-104	388-820-150	AMD-P	04-19-022	388-820-650	AMD-P	04-19-022
388-550-6000	AMD-P	04-17-110	388-820-150	AMD	04-23-070	388-820-650	AMD	04-23-070
388-550-6000	AMD	04-20-060	388-820-160	AMD-P	04-19-022	388-820-690	AMD	04-04-043
388-550-7000	NEW-P	04-17-109	388-820-160	AMD	04-23-070	388-820-720	AMD-P	04-19-022
388-550-7000	NEW	04-20-061	388-820-180	AMD-P	04-19-022	388-820-720	AMD	04-23-070
388-550-7050	NEW-P	04-17-109	388-820-180	AMD	04-23-070	388-820-880	AMD-P	04-19-022
388-550-7050	NEW	04-20-061	388-820-190	AMD-P	04-19-022	388-820-880	AMD	04-23-070
388-550-7100	NEW-P	04-17-109	388-820-190	AMD	04-23-070	388-820-890	AMD-P	04-19-022
388-550-7100	NEW	04-20-061	388-820-200	AMD-P	04-19-022	388-820-890	AMD	04-23-070
388-550-7200	NEW-P	04-17-109	388-820-200	AMD	04-23-070	388-820-900	AMD-P	04-19-022
388-550-7200	NEW	04-20-061	388-820-210	AMD-P	04-19-022	388-820-900	AMD	04-23-070
388-550-7300	NEW-P	04-17-109	388-820-210	AMD	04-23-070	388-820-910	AMD-P	04-19-022
388-550-7300	NEW	04-20-061	388-820-220	AMD-P	04-19-022	388-820-910	AMD	04-23-070
388-550-7400	NEW-P	04-17-109	388-820-220	AMD	04-23-070	388-820-920	AMD-P	04-19-022
388-550-7400	NEW	04-20-061	388-820-230	AMD	04-04-043	388-820-920	AMD	04-23-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-820-930	AMD-P	04-19-022	388-825-165	NEW-E	04-23-084	388-825-254	AMD-E	04-18-048
388-820-930	AMD	04-23-070	388-825-170	REP-E	04-08-020	388-825-254	AMD-E	04-20-017
388-824	PREP	04-23-103	388-825-170	REP-E	04-16-019	388-825-254	AMD	04-22-068
388-825	PREP	04-08-071	388-825-170	REP-E	04-23-084	388-825-260	REP-E	04-08-020
388-825	PREP	04-24-046	388-825-180	REP-E	04-08-020	388-825-260	REP-E	04-16-019
388-825-030	AMD-E	04-14-003	388-825-180	REP-E	04-16-019	388-825-260	REP-E	04-23-084
388-825-030	AMD-E	04-21-062	388-825-180	REP-E	04-23-084	388-825-262	REP-E	04-08-020
388-825-030	AMD-E	04-23-086	388-825-190	REP-E	04-08-020	388-825-262	REP-E	04-16-019
388-825-055	AMD-E	05-01-123	388-825-190	REP-E	04-16-019	388-825-262	REP-E	04-23-084
388-825-060	REP-E	05-01-123	388-825-190	REP-E	04-23-084	388-825-264	REP-E	04-08-020
388-825-064	REP-E	05-01-123	388-825-210	PREP	04-12-091	388-825-264	REP-E	04-16-019
388-825-070	AMD-P	04-08-072	388-825-210	AMD-P	04-16-088	388-825-264	REP-E	04-23-084
388-825-070	AMD	04-11-087	388-825-210	AMD-E	04-18-048	388-825-266	REP-E	04-08-020
388-825-070	REP-E	05-01-123	388-825-210	AMD-E	04-20-017	388-825-266	REP-E	04-16-019
388-825-075	REP-E	05-01-123	388-825-210	AMD	04-22-068	388-825-266	REP-E	04-23-084
388-825-076	REP-E	05-01-123	388-825-228	PREP	04-12-091	388-825-268	REP-E	04-08-020
388-825-077	REP-E	05-01-123	388-825-228	AMD-P	04-16-088	388-825-268	REP-E	04-16-019
388-825-078	REP-E	05-01-123	388-825-228	AMD-E	04-18-048	388-825-268	REP-E	04-23-084
388-825-085	REP-E	05-01-123	388-825-228	AMD-E	04-20-017	388-825-270	REP-E	04-08-020
388-825-086	REP-E	05-01-123	388-825-228	AMD	04-22-068	388-825-270	REP-E	04-16-019
388-825-087	REP-E	05-01-123	388-825-230	PREP	04-12-091	388-825-270	REP-E	04-23-084
388-825-090	AMD-P	04-08-072	388-825-230	AMD-P	04-16-088	388-825-272	REP-E	04-08-020
388-825-090	AMD	04-11-087	388-825-230	AMD-E	04-18-048	388-825-272	REP-E	04-16-019
388-825-090	REP-E	05-01-123	388-825-230	AMD-E	04-20-017	388-825-272	REP-E	04-23-084
388-825-095	REP-E	05-01-123	388-825-230	AMD	04-22-068	388-825-276	REP-E	04-08-020
388-825-100	AMD-P	04-12-100	388-825-232	PREP	04-12-091	388-825-276	REP-E	04-16-019
388-825-100	AMD	04-15-093	388-825-232	AMD-P	04-16-088	388-825-276	REP-E	04-23-084
388-825-101	NEW-P	04-12-100	388-825-232	AMD-E	04-18-048	388-825-278	REP-E	04-08-020
388-825-101	NEW	04-15-093	388-825-232	AMD-E	04-20-017	388-825-278	REP-E	04-16-019
388-825-102	NEW-P	04-12-100	388-825-232	AMD	04-22-068	388-825-278	REP-E	04-23-084
388-825-102	NEW	04-15-093	388-825-234	PREP	04-12-091	388-825-280	REP-E	04-08-020
388-825-103	NEW-P	04-12-100	388-825-234	AMD-P	04-16-088	388-825-280	REP-E	04-16-019
388-825-103	NEW	04-15-093	388-825-234	AMD-E	04-18-048	388-825-280	REP-E	04-23-084
388-825-103	AMD-E	05-01-123	388-825-234	AMD-E	04-20-017	388-825-282	REP-E	04-08-020
388-825-104	NEW-P	04-12-100	388-825-234	AMD	04-22-068	388-825-282	REP-E	04-16-019
388-825-104	NEW	04-15-093	388-825-236	PREP	04-12-091	388-825-282	REP-E	04-23-084
388-825-105	NEW-P	04-12-100	388-825-236	AMD-P	04-16-088	388-825-284	REP-E	04-08-020
388-825-105	NEW	04-15-093	388-825-236	AMD-E	04-18-048	388-825-284	REP-E	04-16-019
388-825-120	AMD-E	04-08-020	388-825-236	AMD-E	04-20-017	388-825-284	REP-E	04-23-084
388-825-120	AMD-E	04-16-019	388-825-236	AMD	04-22-068	388-825-300	NEW-E	04-08-020
388-825-120	AMD-E	04-23-084	388-825-238	PREP	04-12-091	388-825-300	NEW-E	04-16-019
388-825-125	NEW-E	04-08-020	388-825-238	AMD-P	04-16-088	388-825-300	NEW-E	04-23-084
388-825-125	NEW-E	04-16-019	388-825-238	AMD-E	04-18-048	388-825-305	NEW-E	04-08-020
388-825-125	NEW-E	04-23-084	388-825-238	AMD-E	04-20-017	388-825-305	NEW-E	04-16-019
388-825-130	NEW-E	04-08-020	388-825-238	AMD	04-22-068	388-825-305	NEW-E	04-23-084
388-825-130	NEW-E	04-16-019	388-825-242	PREP	04-12-091	388-825-310	NEW-E	04-08-020
388-825-130	NEW-E	04-23-084	388-825-242	AMD-P	04-16-088	388-825-310	NEW-E	04-16-019
388-825-135	NEW-E	04-08-020	388-825-242	AMD-E	04-18-048	388-825-310	NEW-E	04-23-084
388-825-135	NEW-E	04-16-019	388-825-242	AMD-E	04-20-017	388-825-315	NEW-E	04-08-020
388-825-135	NEW-E	04-23-084	388-825-242	AMD	04-22-068	388-825-315	NEW-E	04-16-019
388-825-140	NEW-E	04-08-020	388-825-248	PREP	04-12-091	388-825-315	NEW-E	04-23-084
388-825-140	NEW-E	04-16-019	388-825-248	AMD-P	04-16-088	388-825-320	NEW-E	04-08-020
388-825-140	NEW-E	04-23-084	388-825-248	AMD-E	04-18-048	388-825-320	NEW-E	04-16-019
388-825-145	NEW-E	04-08-020	388-825-248	AMD-E	04-20-017	388-825-320	NEW-E	04-23-084
388-825-145	NEW-E	04-16-019	388-825-248	AMD	04-22-068	388-825-325	NEW-E	04-08-020
388-825-145	NEW-E	04-23-084	388-825-252	PREP	04-12-091	388-825-325	NEW-E	04-16-019
388-825-150	NEW-E	04-08-020	388-825-252	AMD-P	04-16-088	388-825-325	NEW-E	04-23-084
388-825-150	NEW-E	04-16-019	388-825-252	AMD-E	04-18-048	388-825-330	NEW-E	04-08-020
388-825-150	NEW-E	04-23-084	388-825-252	AMD-E	04-20-017	388-825-330	NEW-E	04-16-019
388-825-155	NEW-E	04-08-020	388-825-252	AMD	04-22-068	388-825-330	NEW-E	04-23-084
388-825-155	NEW-E	04-16-019	388-825-253	PREP	04-12-091	388-825-335	NEW-E	04-08-020
388-825-155	NEW-E	04-23-084	388-825-253	NEW-P	04-16-088	388-825-335	NEW-E	04-16-019
388-825-160	NEW-E	04-08-020	388-825-253	NEW-E	04-18-048	388-825-335	NEW-E	04-23-084
388-825-160	NEW-E	04-16-019	388-825-253	NEW-E	04-20-017	388-825-340	NEW-E	04-08-020
388-825-160	NEW-E	04-23-084	388-825-253	NEW	04-22-068	388-825-340	NEW-E	04-16-019
388-825-165	NEW-E	04-08-020	388-825-254	PREP	04-12-091	388-825-340	NEW-E	04-23-084
388-825-165	NEW-E	04-16-019	388-825-254	AMD-P	04-16-088	388-825-345	NEW-E	04-08-020

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388-825-345	NEW-E	04-16-019	388-837-9005	NEW	04-16-018	388-845-0100	NEW-E	04-08-020
388-825-345	NEW-E	04-23-084	388-837-9015	NEW-E	04-10-016	388-845-0100	NEW-E	04-16-019
388-825-355	NEW-E	04-08-020	388-837-9015	NEW-P	04-12-099	388-845-0100	NEW-E	04-20-018
388-825-355	NEW-E	04-16-019	388-837-9015	NEW	04-16-018	388-845-0105	NEW-E	04-08-020
388-825-355	NEW-E	04-23-084	388-837-9020	NEW-E	04-10-016	388-845-0105	NEW-E	04-16-019
388-825-360	NEW-E	04-08-020	388-837-9020	NEW-P	04-12-099	388-845-0105	NEW-E	04-20-018
388-825-360	NEW-E	04-16-019	388-837-9020	NEW	04-16-018	388-845-0110	NEW-E	04-08-020
388-825-360	NEW-E	04-23-084	388-837-9030	NEW-E	04-10-016	388-845-0110	NEW-E	04-16-019
388-825-365	NEW-E	04-08-020	388-837-9030	NEW-P	04-12-099	388-845-0110	NEW-E	04-20-018
388-825-365	NEW-E	04-16-019	388-837-9030	NEW	04-16-018	388-845-0115	NEW-E	04-08-020
388-825-365	NEW-E	04-23-084	388-837-9040	NEW-E	04-10-016	388-845-0115	NEW-E	04-16-019
388-825-370	NEW-E	04-08-020	388-837-9040	NEW-P	04-12-099	388-845-0115	NEW-E	04-20-018
388-825-370	NEW-E	04-16-019	388-837-9040	NEW	04-16-018	388-845-0120	NEW-E	04-08-020
388-825-370	NEW-E	04-23-084	388-845-0010	NEW-E	04-08-020	388-845-0120	NEW-E	04-16-019
388-825-375	NEW-E	04-08-020	388-845-0010	NEW-E	04-16-019	388-845-0120	NEW-E	04-20-018
388-825-375	NEW-E	04-16-019	388-845-0010	NEW-E	04-20-018	388-845-0200	NEW-E	04-08-020
388-825-375	NEW-E	04-23-084	388-845-0015	NEW-E	04-08-020	388-845-0200	NEW-E	04-16-019
388-825-380	NEW-E	04-08-020	388-845-0015	NEW-E	04-16-019	388-845-0200	NEW-E	04-20-018
388-825-380	NEW-E	04-16-019	388-845-0015	NEW-E	04-20-018	388-845-0205	NEW-E	04-08-020
388-825-380	NEW-E	04-23-084	388-845-0020	NEW-E	04-08-020	388-845-0205	NEW-E	04-16-019
388-825-385	NEW-E	04-08-020	388-845-0020	NEW-E	04-16-019	388-845-0205	NEW-E	04-20-018
388-825-385	NEW-E	04-16-019	388-845-0020	NEW-E	04-20-018	388-845-0210	NEW-E	04-08-020
388-825-385	NEW-E	04-23-084	388-845-0025	NEW-E	04-08-020	388-845-0210	NEW-E	04-16-019
388-825-390	NEW-E	04-08-020	388-845-0025	NEW-E	04-16-019	388-845-0210	NEW-E	04-20-018
388-825-390	NEW-E	04-16-019	388-845-0025	NEW-E	04-20-018	388-845-0215	NEW-E	04-08-020
388-825-390	NEW-E	04-23-084	388-845-0030	NEW-E	04-08-020	388-845-0215	NEW-E	04-16-019
388-825-395	NEW-E	04-08-020	388-845-0030	NEW-E	04-16-019	388-845-0215	NEW-E	04-20-018
388-825-395	NEW-E	04-16-019	388-845-0030	NEW-E	04-20-018	388-845-0220	NEW-E	04-08-020
388-825-395	NEW-E	04-23-084	388-845-0035	NEW-E	04-08-020	388-845-0220	NEW-E	04-16-019
388-825-400	NEW-E	04-08-020	388-845-0035	NEW-E	04-16-019	388-845-0220	NEW-E	04-20-018
388-825-400	NEW-E	04-16-019	388-845-0035	NEW-E	04-20-018	388-845-0300	NEW-E	04-08-020
388-825-400	NEW-E	04-23-084	388-845-0040	NEW-E	04-08-020	388-845-0300	NEW-E	04-16-019
388-826	PREP	04-17-104	388-845-0040	NEW-E	04-16-019	388-845-0300	NEW-E	04-20-018
388-827	PREP	04-08-070	388-845-0040	NEW-E	04-20-018	388-845-0305	NEW-E	04-08-020
388-827	PREP	04-24-047	388-845-0045	NEW-E	04-08-020	388-845-0305	NEW-E	04-16-019
388-827-0110	AMD-P	04-12-102	388-845-0045	NEW-E	04-16-019	388-845-0305	NEW-E	04-20-018
388-827-0110	AMD	04-15-094	388-845-0045	NEW-E	04-20-018	388-845-0310	NEW-E	04-08-020
388-827-0115	AMD-P	04-12-102	388-845-0050	NEW-E	04-08-020	388-845-0310	NEW-E	04-16-019
388-827-0115	AMD	04-15-094	388-845-0050	NEW-E	04-16-019	388-845-0310	NEW-E	04-20-018
388-827-0115	AMD-E	05-01-124	388-845-0050	NEW-E	04-20-018	388-845-0400	NEW-E	04-08-020
388-827-0145	AMD-E	05-01-124	388-845-0055	NEW-E	04-08-020	388-845-0400	NEW-E	04-16-019
388-827-0175	AMD-P	04-12-102	388-845-0055	NEW-E	04-16-019	388-845-0400	NEW-E	04-20-018
388-827-0175	AMD	04-15-094	388-845-0055	NEW-E	04-20-018	388-845-0405	NEW-E	04-08-020
388-827-0185	AMD-P	04-12-102	388-845-0060	NEW-E	04-08-020	388-845-0405	NEW-E	04-16-019
388-827-0185	AMD	04-15-094	388-845-0060	NEW-E	04-16-019	388-845-0405	NEW-E	04-20-018
388-827-0410	AMD-P	04-12-102	388-845-0060	NEW-E	04-20-018	388-845-0410	NEW-E	04-08-020
388-827-0410	AMD	04-15-094	388-845-0065	NEW-E	04-08-020	388-845-0410	NEW-E	04-16-019
388-835-0085	AMD-E	04-10-016	388-845-0065	NEW-E	04-16-019	388-845-0410	NEW-E	04-20-018
388-835-0085	AMD-P	04-12-099	388-845-0065	NEW-E	04-20-018	388-845-0500	NEW-E	04-08-020
388-835-0085	AMD	04-16-018	388-845-0065	NEW-E	04-08-020	388-845-0500	NEW-E	04-16-019
388-835-0090	AMD-E	04-10-016	388-845-0070	NEW-E	04-16-019	388-845-0500	NEW-E	04-20-018
388-835-0090	AMD-P	04-12-099	388-845-0070	NEW-E	04-20-018	388-845-0505	NEW-E	04-08-020
388-835-0090	AMD	04-16-018	388-845-0075	NEW-E	04-08-020	388-845-0505	NEW-E	04-16-019
388-835-0100	AMD-E	04-10-016	388-845-0075	NEW-E	04-16-019	388-845-0505	NEW-E	04-20-018
388-835-0100	AMD-P	04-12-099	388-845-0075	NEW-E	04-20-018	388-845-0510	NEW-E	04-08-020
388-835-0100	AMD	04-16-018	388-845-0080	NEW-E	04-08-020	388-845-0510	NEW-E	04-16-019
388-835-0115	AMD-E	04-10-016	388-845-0080	NEW-E	04-16-019	388-845-0510	NEW-E	04-20-018
388-835-0115	AMD-P	04-12-099	388-845-0080	NEW-E	04-20-018	388-845-0600	NEW-E	04-08-020
388-835-0115	AMD	04-16-018	388-845-0085	NEW-E	04-08-020	388-845-0600	NEW-E	04-16-019
388-835-0135	REP-E	04-10-016	388-845-0085	NEW-E	04-16-019	388-845-0600	NEW-E	04-20-018
388-835-0135	REP-P	04-12-099	388-845-0085	NEW-E	04-20-018	388-845-0605	NEW-E	04-08-020
388-835-0135	REP	04-16-018	388-845-0090	NEW-E	04-08-020	388-845-0605	NEW-E	04-16-019
388-835-0140	AMD-E	04-10-016	388-845-0090	NEW-E	04-16-019	388-845-0605	NEW-E	04-20-018
388-835-0140	AMD-P	04-12-099	388-845-0090	NEW-E	04-20-018	388-845-0610	NEW-E	04-08-020
388-835-0140	AMD	04-16-018	388-845-0095	NEW-E	04-08-020	388-845-0610	NEW-E	04-16-019
388-837-9005	NEW-E	04-10-016	388-845-0095	NEW-E	04-16-019	388-845-0610	NEW-E	04-20-018
388-837-9005	NEW-P	04-12-099	388-845-0095	NEW-E	04-20-018	388-845-0700	NEW-E	04-08-020

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388-845-4015	NEW-E	04-08-020	390-20-0101	AMD-X	05-01-139	392-168	PREP	05-01-175
388-845-4015	NEW-E	04-16-019	390-20-110	AMD-X	05-01-139	399-30-060	AMD-X	04-05-024
388-845-4015	NEW-E	04-20-018	390-20-130	PREP	05-02-008	399-30-060	AMD	04-09-085
388-850-035	AMD-E	05-01-123	390-24-010	AMD-X	05-01-139	415-02-030	AMD	04-04-037
388-850-045	AMD-E	05-01-123	390-24-020	AMD-X	05-01-139	415-02-175	NEW-P	04-17-083
388-865	PREP	04-08-122	390-37-030	AMD-P	04-08-086	415-02-175	NEW	04-20-005
388-865	PREP	04-24-044	390-37-030	AMD	04-12-058	415-02-200	NEW	04-04-038
388-865-0335	PREP	04-05-085	390-37-041	AMD-E	04-07-049	415-02-520	AMD-P	04-05-039
388-865-0340	PREP	04-05-085	390-37-041	AMD-P	04-08-086	415-02-520	AMD	04-09-043
388-865-0400	PREP	04-24-044	390-37-041	AMD	04-12-059	415-02-720	NEW	04-04-040
388-865-0465	AMD-P	04-05-081	390-37-160	AMD-P	05-01-028	415-04-040	AMD-P	04-05-017
388-865-0465	AMD	04-12-043	390-37-165	AMD-P	05-01-028	415-04-040	AMD	04-09-042
388-865-0500	AMD	04-07-014	390-37-170	AMD-P	05-01-028	415-100-055	PREP	04-24-064
388-865-0501	REP	04-07-014	390-37-175	AMD-P	05-01-028	415-103-225	PREP	04-24-064
388-865-0502	REP	04-07-014	392-121-124	AMD-P	04-08-127	415-104	PREP	04-09-040
388-865-0504	REP	04-07-014	392-121-124	AMD	04-14-068	415-104-111	PREP	04-20-010
388-865-0505	REP	04-07-014	392-136-020	PREP	04-06-048	415-104-215	PREP	04-24-064
388-865-0510	REP	04-07-014	392-140-600	AMD-P	04-04-005	415-104-374	AMD-P	04-17-083
388-865-0511	NEW	04-07-014	392-140-600	AMD	04-08-118	415-104-374	AMD	04-20-005
388-865-0515	REP	04-07-014	392-140-605	AMD-P	04-04-005	415-104-450	PREP	04-17-001
388-865-0516	NEW	04-07-014	392-140-605	AMD	04-08-118	415-104-475	NEW	04-04-039
388-865-0520	NEW	04-07-014	392-140-608	AMD-P	04-04-005	415-104-480	NEW-E	04-12-035
388-865-0525	REP	04-07-014	392-140-608	AMD	04-08-118	415-104-480	NEW-P	04-19-104
388-865-0526	NEW	04-07-014	392-140-609	AMD-P	04-04-005	415-104-480	NEW-E	04-19-105
388-865-0530	REP	04-07-014	392-140-609	AMD	04-08-118	415-104-480	NEW	04-22-074
388-865-0531	NEW	04-07-014	392-140-626	AMD-P	04-04-005	415-108-315	PREP	04-17-001
388-865-0535	REP	04-07-014	392-140-626	AMD	04-08-118	415-108-326	PREP	04-24-064
388-865-0536	NEW	04-07-014	392-140-630	AMD-P	04-04-005	415-108-491	AMD-P	04-17-083
388-865-0540	REP	04-07-014	392-140-630	AMD	04-08-118	415-108-491	AMD	04-20-005
388-865-0541	NEW	04-07-014	392-140-640	AMD-P	04-04-005	415-108-680	AMD	04-14-023
388-865-0545	REP-W	04-08-028	392-140-640	AMD	04-08-118	415-108-710	AMD	04-04-037
388-865-0546	REP-W	04-08-028	392-140-643	AMD-P	04-04-005	415-108-728	AMD-P	04-24-014
388-865-0547	NEW	04-07-014	392-140-643	AMD	04-08-118	415-108-805	NEW-P	04-17-077
388-865-0550	REP	04-07-014	392-140-646	AMD-P	04-04-005	415-108-805	NEW	04-20-004
388-865-0551	NEW	04-07-014	392-140-646	AMD	04-08-118	415-108-830	PREP	04-20-010
388-865-0555	REP	04-07-014	392-140-653	AMD-P	04-04-005	415-108-990	NEW-P	04-13-036
388-865-0557	REP	04-07-014	392-140-653	AMD	04-08-118	415-108-990	NEW	04-17-002
388-865-0560	REP	04-07-014	392-142-115	REP-P	04-05-054	415-110-010	AMD	04-04-041
388-865-0561	NEW	04-07-014	392-142-115	REP	04-08-116	415-110-315	PREP	04-17-001
388-865-0565	REP	04-07-014	392-142-130	REP-P	04-05-054	415-110-326	PREP	04-24-064
388-865-0566	NEW	04-07-014	392-142-130	REP	04-08-116	415-110-491	AMD-P	04-17-083
388-865-0570	NEW	04-07-014	392-142-135	REP-P	04-05-054	415-110-491	AMD	04-20-005
388-865-0575	NEW	04-07-014	392-142-135	REP	04-08-116	415-110-680	AMD	04-04-041
388-865-0580	NEW	04-07-014	392-142-165	AMD-P	04-05-054	415-110-685	NEW	04-04-041
388-865-0585	NEW	04-07-014	392-142-165	AMD	04-08-116	415-110-710	AMD	04-04-037
388-885	PREP	04-10-092	392-142-205	AMD-P	04-05-054	415-110-728	AMD	04-04-041
390	PREP	04-05-070	392-142-205	AMD	04-08-116	415-110-817	NEW-P	04-13-036
390	PREP	04-18-042	392-143-010	AMD-P	04-05-055	415-110-817	NEW	04-17-002
390	PREP	05-01-027	392-143-010	AMD	04-08-117	415-110-830	PREP	04-20-010
390-05-295	NEW-P	04-08-086	392-143-015	AMD-P	04-05-055	415-110-910	AMD	04-04-041
390-05-295	NEW	04-12-052	392-143-015	AMD	04-08-117	415-112	PREP	04-15-037
390-12-010	AMD-P	04-08-086	392-143-030	AMD-P	04-05-055	415-112	AMD-C	04-19-067
390-12-010	AMD	04-12-053	392-143-030	AMD	04-08-117	415-112-015	AMD-P	04-18-062
390-16-011	AMD-X	05-01-139	392-143-031	AMD-P	04-05-055	415-112-015	AMD	04-21-080
390-16-012	AMD-X	05-01-139	392-143-031	AMD	04-08-117	415-112-125	AMD-P	04-18-062
390-16-207	AMD-P	04-08-086	392-143-032	AMD-P	04-05-055	415-112-125	AMD	04-21-080
390-16-207	AMD	04-12-054	392-143-032	AMD	04-08-117	415-112-140	AMD-P	04-18-062
390-16-238	AMD-P	04-08-086	392-143-050	AMD-P	04-05-055	415-112-140	AMD	04-21-080
390-16-238	AMD	04-12-055	392-143-050	AMD	04-08-117	415-112-150	NEW-P	04-13-036
390-16-310	AMD-X	05-01-139	392-143-061	REP-P	04-05-055	415-112-150	NEW	04-17-002
390-16-311	REP-E	04-22-042	392-143-061	REP	04-08-117	415-112-155	AMD-P	04-18-062
390-16-311	REP-X	05-01-139	392-143-065	REP-P	04-05-055	415-112-155	AMD	04-21-080
390-17-030	AMD-P	04-08-086	392-143-065	REP	04-08-117	415-112-155	AMD-P	04-24-014
390-17-030	AMD	04-12-056	392-143-070	AMD-P	04-05-055	415-112-156	AMD-P	04-18-062
390-17-310	AMD-P	04-22-057	392-143-070	AMD	04-08-117	415-112-156	AMD	04-21-080
390-18-030	AMD-P	04-08-086	392-143-080	AMD-P	04-05-055	415-112-330	AMD-P	04-18-062
390-18-030	AMD	04-12-057	392-143-080	AMD	04-08-117	415-112-330	AMD	04-21-080

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415-112-400	AMD	04-21-080	415-501-450	AMD	04-22-053	434-12-140	REP	04-05-041
415-112-430	AMD-P	04-05-063	415-501-470	REP-P	04-19-024	434-12-150	REP	04-05-041
415-112-430	AMD	04-12-020	415-501-470	REP	04-22-053	434-12-160	REP	04-05-041
415-112-440	AMD-P	04-18-062	415-501-475	AMD-P	04-19-024	434-12-170	REP	04-05-041
415-112-440	AMD	04-21-080	415-501-475	AMD	04-22-053	434-12-180	REP	04-05-041
415-112-541	AMD-P	04-18-062	415-501-480	AMD-P	04-19-024	434-12-200	REP	04-05-041
415-112-555	NEW-P	04-17-077	415-501-480	AMD	04-22-053	434-12-210	REP	04-05-041
415-112-555	NEW	04-20-004	415-501-485	AMD-P	04-19-024	434-12-220	REP	04-05-041
415-112-600	AMD-P	04-18-062	415-501-485	AMD	04-22-053	434-12-230	REP	04-05-041
415-112-600	AMD	04-21-080	415-501-486	AMD-P	04-19-024	434-110-070	REP	04-04-018
415-112-727	PREP	04-24-064	415-501-486	AMD	04-22-053	434-110-080	REP	04-04-018
415-112-810	AMD-P	04-18-062	415-501-487	AMD-P	04-19-024	434-110-090	REP	04-04-018
415-112-810	AMD	04-21-080	415-501-487	AMD	04-22-053	434-110-100	AMD	04-04-018
415-112-820	AMD-P	04-18-062	415-501-488	NEW-P	04-19-024	434-112-010	NEW	04-04-018
415-112-820	AMD	04-21-080	415-501-488	NEW	04-22-053	434-112-020	NEW	04-04-018
415-112-830	AMD-P	04-18-062	415-501-491	AMD-P	04-19-024	434-112-025	NEW	04-04-018
415-112-830	AMD	04-21-080	415-501-491	AMD	04-22-053	434-112-030	NEW	04-04-018
415-112-835	NEW-P	04-18-062	415-501-492	REP-P	04-19-024	434-112-040	NEW	04-04-018
415-112-835	NEW	04-21-080	415-501-492	REP	04-22-053	434-112-045	NEW	04-04-018
415-112-840	PREP	04-20-010	415-501-493	AMD-P	04-19-024	434-112-050	NEW	04-04-018
415-113	PREP	04-15-135	415-501-493	AMD	04-22-053	434-112-065	NEW	04-04-018
415-501	PREP	04-12-019	415-501-494	AMD-P	04-19-024	434-112-070	NEW	04-04-018
415-501-010	AMD-P	04-19-024	415-501-494	AMD	04-22-053	434-112-075	NEW	04-04-018
415-501-010	AMD	04-22-053	415-501-495	AMD-P	04-19-024	434-112-080	NEW	04-04-018
415-501-020	REP-P	04-19-024	415-501-495	AMD	04-22-053	434-112-085	NEW	04-04-018
415-501-020	REP	04-22-053	415-501-510	AMD-P	04-19-024	434-112-090	NEW	04-04-018
415-501-110	AMD-P	04-19-024	415-501-510	AMD	04-22-053	434-112-095	NEW	04-04-018
415-501-110	AMD	04-22-053	415-501-520	AMD-P	04-19-024	434-120-015	REP	04-04-018
415-501-305	REP-P	04-19-024	415-501-520	AMD	04-22-053	434-120-017	NEW	04-04-018
415-501-305	REP	04-22-053	415-501-530	AMD-P	04-19-024	434-120-020	REP	04-04-018
415-501-310	REP-P	04-19-024	415-501-530	AMD	04-22-053	434-120-025	AMD	04-04-018
415-501-310	REP	04-22-053	415-501-540	AMD-P	04-19-024	434-120-040	AMD	04-04-018
415-501-312	NEW-P	04-19-024	415-501-540	AMD	04-22-053	434-120-045	NEW	04-04-018
415-501-312	NEW	04-22-053	415-501-550	AMD-P	04-19-024	434-120-050	NEW	04-04-018
415-501-315	AMD-P	04-19-024	415-501-550	AMD	04-22-053	434-120-103	AMD	04-04-018
415-501-315	AMD	04-22-053	415-501-560	AMD-P	04-19-024	434-120-105	AMD	04-04-018
415-501-320	AMD-P	04-19-024	415-501-560	AMD	04-22-053	434-120-110	NEW	04-04-018
415-501-320	AMD	04-22-053	415-501-570	AMD-P	04-19-024	434-120-145	AMD	04-04-018
415-501-330	AMD-P	04-19-024	415-501-570	AMD	04-22-053	434-120-155	REP	04-04-018
415-501-330	AMD	04-22-053	415-501-580	AMD-P	04-19-024	434-120-160	AMD	04-04-018
415-501-340	AMD-P	04-19-024	415-501-580	AMD	04-22-053	434-120-170	AMD	04-04-018
415-501-340	AMD	04-22-053	415-501-590	AMD-P	04-19-024	434-120-212	AMD	04-04-018
415-501-350	REP-P	04-19-024	415-501-590	AMD	04-22-053	434-120-215	AMD	04-04-018
415-501-350	REP	04-22-053	415-501-600	AMD-P	04-19-024	434-120-240	AMD	04-04-018
415-501-360	REP-P	04-19-024	415-501-600	AMD	04-22-053	434-120-250	AMD	04-04-018
415-501-360	REP	04-22-053	415-501-610	AMD-P	04-19-024	434-120-260	AMD	04-04-018
415-501-370	AMD-P	04-19-024	415-501-610	AMD	04-22-053	434-120-305	AMD	04-04-018
415-501-370	AMD	04-22-053	415-501-710	REP-P	04-19-024	434-120-307	NEW	04-04-018
415-501-380	AMD-P	04-19-024	415-501-710	REP	04-22-053	434-120-310	AMD	04-04-018
415-501-380	AMD	04-22-053	415-501-720	REP-P	04-19-024	434-120-320	REP	04-04-018
415-501-390	AMD-P	04-19-024	415-501-720	REP	04-22-053	434-120-330	AMD	04-04-018
415-501-390	AMD	04-22-053	434-12-005	NEW	04-04-018	434-120-345	NEW	04-04-018
415-501-410	AMD-P	04-19-024	434-12-010	REP	04-05-041	434-120-355	NEW	04-04-018
415-501-410	AMD	04-22-053	434-12-015	NEW	04-05-041	434-120-360	NEW	04-04-018
415-501-415	AMD-P	04-19-024	434-12-020	REP	04-05-041	434-130-020	REP	04-04-018
415-501-415	AMD	04-22-053	434-12-025	NEW	04-04-018	434-130-030	REP	04-04-018
415-501-416	AMD-P	04-19-024	434-12-030	REP	04-05-041	434-135-020	REP	04-04-018
415-501-416	AMD	04-22-053	434-12-040	REP	04-05-041	434-135-030	REP	04-04-018
415-501-417	AMD-P	04-19-024	434-12-050	REP	04-05-041	434-135-070	REP	04-04-018
415-501-417	AMD	04-22-053	434-12-060	REP	04-05-041	434-180-110	REP	04-04-018
415-501-420	AMD-P	04-19-024	434-12-070	REP	04-05-041	434-208-060	AMD-X	04-10-084
415-501-420	AMD	04-22-053	434-12-080	REP	04-05-041	434-208-060	AMD	04-15-089
415-501-430	AMD-P	04-19-024	434-12-090	REP	04-05-041	434-215-005	AMD-X	04-10-084
415-501-430	AMD	04-22-053	434-12-100	REP	04-05-041	434-215-005	AMD	04-15-089
415-501-440	AMD-P	04-19-024	434-12-110	REP	04-05-041	434-215-020	AMD-E	04-15-081
415-501-440	AMD	04-22-053	434-12-120	REP	04-05-041	434-219-140	AMD-W	04-13-067

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434-220-020	NEW-E	04-15-081	434-257-010	AMD-X	04-10-084	434-263-060	NEW	04-16-037
434-220-030	NEW-E	04-15-081	434-257-010	AMD	04-15-089	434-263-070	NEW-E	04-12-004
434-220-040	NEW-E	04-15-081	434-257-030	AMD-X	04-10-084	434-263-070	NEW-P	04-13-016
434-220-050	NEW-E	04-15-081	434-257-030	AMD	04-15-089	434-263-070	NEW	04-16-037
434-220-060	NEW-E	04-15-081	434-257-040	AMD-X	04-10-084	434-263-080	NEW-E	04-12-004
434-220-070	NEW-E	04-15-081	434-257-040	AMD	04-15-089	434-263-080	NEW-P	04-13-016
434-220-080	NEW-E	04-15-081	434-257-150	AMD-X	04-10-084	434-263-080	NEW	04-16-037
434-220-090	NEW-E	04-15-081	434-257-150	AMD	04-15-089	434-263-090	NEW-E	04-12-004
434-220-100	NEW-E	04-15-081	434-260-010	AMD-X	04-10-084	434-263-090	NEW-P	04-13-016
434-220-110	NEW-E	04-15-081	434-260-010	AMD	04-15-089	434-263-090	NEW	04-16-037
434-230-010	AMD-X	04-10-084	434-260-020	AMD-X	04-10-084	434-263-100	NEW-E	04-12-004
434-230-010	AMD	04-15-089	434-260-020	AMD	04-15-089	434-263-100	NEW-P	04-13-016
434-230-030	AMD-E	04-15-081	434-260-040	AMD-X	04-10-084	434-263-100	NEW	04-16-037
434-230-070	AMD-X	04-10-084	434-260-040	AMD	04-15-089	434-291-070	AMD-X	04-10-084
434-230-070	AMD	04-15-089	434-260-080	AMD-X	04-10-084	434-291-070	AMD-X	04-12-003
434-230-160	AMD-E	04-15-081	434-260-080	AMD	04-15-089	434-291-070	AMD	04-15-089
434-230-170	AMD-X	04-10-084	434-260-140	AMD-X	04-10-084	434-291-130	AMD-X	04-10-084
434-230-170	AMD-E	04-15-081	434-260-140	AMD	04-15-089	434-291-130	AMD-X	04-12-003
434-230-170	AMD	04-15-089	434-260-200	AMD-X	04-10-084	434-291-130	AMD	04-15-089
434-230-175	NEW-E	04-15-088	434-260-200	AMD	04-15-089	434-291-170	AMD-X	04-10-084
434-230-175	NEW-E	04-23-087	434-260-260	AMD-X	04-10-084	434-291-170	AMD-X	04-12-003
434-230-177	NEW-E	04-15-088	434-260-260	AMD	04-15-089	434-291-170	AMD	04-15-089
434-230-177	NEW-E	04-23-087	434-260-300	AMD-P	05-01-207	434-324-060	AMD-X	04-10-084
434-230-210	AMD-X	04-10-084	434-260-330	AMD-X	04-10-084	434-324-060	AMD	04-15-089
434-230-210	AMD	04-15-089	434-260-330	AMD	04-15-089	434-324-065	AMD-X	04-10-084
434-230-220	AMD-X	04-10-084	434-261-020	AMD-X	04-10-084	434-324-065	AMD	04-15-089
434-230-220	AMD	04-15-089	434-261-020	AMD	04-15-089	434-324-085	AMD-X	04-10-084
434-238-030	AMD-X	04-10-084	434-261-045	NEW-E	04-15-088	434-324-085	AMD	04-15-089
434-238-030	AMD	04-15-089	434-261-045	NEW-E	04-23-087	434-324-095	AMD-X	04-10-084
434-238-060	AMD-X	04-10-084	434-261-070	AMD-X	04-10-084	434-324-095	AMD	04-15-089
434-238-060	AMD	04-15-089	434-261-070	AMD	04-15-089	434-324-110	AMD-X	04-10-084
434-238-100	AMD-X	04-10-084	434-261-110	NEW-P	05-01-208	434-324-110	AMD	04-15-089
434-238-100	AMD	04-15-089	434-262-005	AMD-X	04-10-084	434-324-115	AMD-X	04-10-084
434-238-110	AMD-X	04-10-084	434-262-005	AMD	04-15-089	434-324-115	AMD	04-15-089
434-238-110	AMD	04-15-089	434-262-010	AMD-X	04-10-084	434-324-120	AMD-X	04-10-084
434-238-170	AMD-X	04-10-084	434-262-010	AMD	04-15-089	434-324-120	AMD	04-15-089
434-238-170	AMD	04-15-089	434-262-015	AMD-X	04-10-084	434-324-130	AMD-X	04-10-084
434-240-005	AMD-X	04-10-084	434-262-015	AMD	04-15-089	434-324-130	AMD	04-15-089
434-240-005	AMD	04-15-089	434-262-020	AMD-X	04-10-084	434-324-140	AMD-X	04-10-084
434-240-010	AMD-X	04-10-084	434-262-020	AMD	04-15-089	434-324-140	AMD	04-15-089
434-240-010	AMD	04-15-089	434-262-025	AMD-X	04-10-084	434-326-015	AMD-X	04-10-084
434-240-060	AMD-X	04-10-084	434-262-025	AMD	04-15-089	434-326-015	AMD	04-15-089
434-240-060	AMD	04-15-089	434-262-030	AMD-X	04-10-084	434-333-010	AMD-E	04-15-088
434-240-320	AMD-X	04-10-084	434-262-030	AMD	04-15-089	434-333-010	AMD-E	04-23-087
434-240-320	AMD	04-15-089	434-262-070	AMD-X	04-10-084	434-333-013	NEW-E	04-15-088
434-253-020	AMD-E	04-15-081	434-262-070	AMD	04-15-089	434-333-013	NEW-E	04-23-087
434-253-043	AMD-E	04-18-028	434-262-150	AMD-E	04-15-081	434-333-015	AMD-E	04-15-088
434-253-043	AMD-P	05-01-208	434-263-005	NEW-E	04-12-004	434-333-015	AMD-E	04-23-087
434-253-045	AMD-E	04-18-028	434-263-005	NEW-P	04-13-016	434-333-020	AMD-E	04-15-088
434-253-045	AMD-P	05-01-208	434-263-005	NEW	04-16-037	434-333-020	AMD-E	04-23-087
434-253-047	AMD-E	04-18-028	434-263-010	NEW-E	04-12-004	434-333-025	AMD-E	04-15-088
434-253-047	AMD-P	05-01-208	434-263-010	NEW-P	04-13-016	434-333-025	AMD-E	04-23-087
434-253-048	NEW-E	04-18-028	434-263-010	NEW	04-16-037	434-333-035	AMD-E	04-15-088
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434-253-049	AMD-P	05-01-208	434-263-020	NEW	04-16-037	434-333-045	AMD-E	04-23-087
434-253-085	NEW-E	04-15-088	434-263-030	NEW-E	04-12-004	434-333-050	AMD-E	04-15-088
434-253-085	NEW-E	04-23-087	434-263-030	NEW-P	04-13-016	434-333-050	AMD-E	04-23-087
434-253-110	NEW-P	05-01-208	434-263-030	NEW	04-16-037	434-333-055	AMD-E	04-15-088
434-253-160	AMD-P	05-01-208	434-263-040	NEW-E	04-12-004	434-333-055	AMD-E	04-23-087
434-253-165	NEW-P	05-01-208	434-263-040	NEW-P	04-13-016	434-333-060	AMD-E	04-15-088
434-253-203	NEW-E	04-18-028	434-263-040	NEW	04-16-037	434-333-060	AMD-E	04-23-087
434-253-203	NEW-P	05-01-208	434-263-050	NEW-E	04-12-004	434-333-063	AMD-X	04-10-084
434-253-204	NEW-E	04-18-028	434-263-050	NEW-P	04-13-016	434-333-063	AMD	04-15-089
434-253-204	NEW-P	05-01-208	434-263-050	NEW	04-16-037	434-333-065	AMD-E	04-15-088
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434-333-070	AMD-E	04-23-087	434-333-190	NEW-E	04-23-087	434-369-005	AMD-X	04-10-084
434-333-075	AMD-E	04-15-088	434-333-195	NEW-E	04-15-088	434-369-005	AMD	04-15-089
434-333-075	AMD-E	04-23-087	434-333-195	NEW-E	04-17-003	434-369-010	AMD-X	04-10-084
434-333-080	NEW-E	04-15-088	434-333-195	NEW-E	04-23-087	434-369-010	AMD	04-15-089
434-333-080	NEW-E	04-23-087	434-333-200	NEW-E	04-15-088	434-369-020	AMD-X	04-10-084
434-333-085	AMD-E	04-15-088	434-333-200	NEW-E	04-17-003	434-369-020	AMD	04-15-089
434-333-085	AMD-E	04-23-087	434-333-200	NEW-E	04-23-087	434-369-050	AMD-X	04-10-084
434-333-090	AMD-X	04-10-084	434-333-205	NEW-E	04-15-088	434-369-050	AMD	04-15-089
434-333-090	AMD-E	04-15-088	434-333-205	NEW-E	04-17-003	434-369-060	AMD-X	04-10-084
434-333-090	AMD	04-15-089	434-333-205	NEW-E	04-23-087	434-369-060	AMD	04-15-089
434-333-090	AMD-E	04-23-087	434-333-210	NEW-E	04-15-088	434-379-010	AMD-X	04-10-084
434-333-095	AMD-E	04-15-088	434-333-210	NEW-E	04-17-003	434-379-010	AMD	04-15-089
434-333-095	AMD-E	04-23-087	434-333-210	NEW-E	04-23-087	434-381-120	AMD-X	04-10-084
434-333-100	AMD-E	04-15-088	434-333-215	NEW-E	04-15-088	434-381-120	AMD	04-15-089
434-333-100	AMD-E	04-23-087	434-333-215	NEW-E	04-17-003	434-390-010	NEW-E	04-22-046
434-333-105	AMD-E	04-15-088	434-333-215	NEW-E	04-23-087	434-390-020	NEW-E	04-22-046
434-333-105	AMD-E	04-23-087	434-333-220	NEW-E	04-15-088	434-390-030	NEW-E	04-22-046
434-333-107	NEW-E	04-15-088	434-333-220	NEW-E	04-17-003	434-390-040	NEW-E	04-22-046
434-333-107	NEW-E	04-23-087	434-333-220	NEW-E	04-23-087	434-390-050	NEW-E	04-22-046
434-333-110	AMD-X	04-10-084	434-333-225	NEW-E	04-15-088	434-390-060	NEW-E	04-22-046
434-333-110	AMD-E	04-15-088	434-333-225	NEW-E	04-17-003	434-390-070	NEW-E	04-22-046
434-333-110	AMD	04-15-089	434-333-225	NEW-E	04-23-087	434-390-080	NEW-E	04-22-046
434-333-110	AMD-E	04-23-087	434-333-230	NEW-E	04-15-088	434-390-090	NEW-E	04-22-046
434-333-115	NEW-E	04-15-088	434-333-230	NEW-E	04-17-003	434-390-100	NEW-E	04-22-046
434-333-115	NEW-E	04-23-087	434-333-230	NEW-E	04-23-087	434-390-110	NEW-E	04-22-046
434-333-120	AMD-E	04-15-088	434-333-235	NEW-E	04-15-088	434-390-120	NEW-E	04-22-046
434-333-120	AMD-E	04-23-087	434-333-235	NEW-E	04-17-003	434-840-005	AMD-X	04-10-084
434-333-125	AMD-E	04-15-088	434-333-235	NEW-E	04-23-087	434-840-005	AMD	04-15-089
434-333-125	AMD-E	04-23-087	434-333-240	NEW-E	04-15-088	434-840-005	AMD-P	05-02-001
434-333-130	AMD-E	04-15-088	434-333-240	NEW-E	04-17-003	434-840-020	AMD-P	05-02-001
434-333-130	AMD-E	04-17-003	434-333-240	NEW-E	04-23-087	434-840-030	AMD-P	05-02-001
434-333-130	AMD-E	04-23-087	434-333-245	NEW-E	04-15-088	434-840-040	AMD-P	05-02-001
434-333-135	AMD-E	04-15-088	434-333-245	NEW-E	04-17-003	434-840-070	AMD-P	05-02-001
434-333-135	AMD-E	04-17-003	434-333-245	NEW-E	04-23-087	434-840-080	AMD-P	05-02-001
434-333-135	AMD-E	04-23-087	434-333-250	NEW-E	04-15-088	434-840-110	AMD-P	05-02-001
434-333-140	AMD-E	04-15-088	434-333-250	NEW-E	04-17-003	434-840-310	AMD-P	05-02-001
434-333-140	AMD-E	04-17-003	434-333-250	NEW-E	04-23-087	434-840-320	AMD-P	05-02-001
434-333-140	AMD-E	04-23-087	434-333-255	NEW-E	04-15-088	434-840-330	AMD-P	05-02-001
434-333-145	AMD-E	04-15-088	434-333-255	NEW-E	04-17-003	446- 20-600	PREP	04-13-133
434-333-145	AMD-E	04-17-003	434-333-255	NEW-E	04-23-087	446- 20-600	AMD-P	04-17-068
434-333-145	AMD-E	04-23-087	434-333-260	NEW-E	04-15-088	446- 20-610	PREP	04-19-003
434-333-150	AMD-E	04-15-088	434-333-260	NEW-E	04-17-003	446- 20-630	PREP	04-19-001
434-333-150	AMD-E	04-17-003	434-333-260	NEW-E	04-23-087	446- 65-010	PREP	04-19-002
434-333-150	AMD-E	04-23-087	434-333-265	NEW-E	04-15-088	446- 65-010	AMD-P	04-23-018
434-333-155	AMD-E	04-15-088	434-333-265	NEW-E	04-17-003	448- 13	PREP	04-12-050
434-333-155	AMD-E	04-17-003	434-333-265	NEW-E	04-23-087	448- 13-010	REP-P	04-16-062
434-333-155	AMD-E	04-23-087	434-333-270	NEW-E	04-15-088	448- 13-010	REP	04-19-144
434-333-160	AMD-E	04-15-088	434-333-270	NEW-E	04-17-003	448- 13-020	AMD-E	04-12-051
434-333-160	AMD-E	04-17-003	434-333-270	NEW-E	04-23-087	448- 13-020	REP-P	04-16-062
434-333-160	AMD-E	04-23-087	434-333-275	NEW-E	04-15-088	448- 13-020	REP	04-19-144
434-333-165	AMD-E	04-15-088	434-333-275	NEW-E	04-17-003	448- 13-020	AMD-E	04-19-145
434-333-165	AMD-E	04-17-003	434-333-275	NEW-E	04-23-087	448- 13-030	REP-P	04-16-062
434-333-165	AMD-E	04-23-087	434-333-280	NEW-E	04-15-088	448- 13-030	REP	04-19-144
434-333-170	AMD-E	04-15-088	434-333-280	NEW-E	04-17-003	448- 13-035	REP-P	04-16-062
434-333-170	AMD-E	04-17-003	434-333-280	NEW-E	04-23-087	448- 13-035	REP	04-19-144
434-333-170	AMD-E	04-23-087	434-333-285	NEW-E	04-15-088	448- 13-040	REP-P	04-16-062
434-333-175	AMD-E	04-15-088	434-333-285	NEW-E	04-17-003	448- 13-040	REP	04-19-144
434-333-175	AMD-E	04-17-003	434-333-285	NEW-E	04-23-087	448- 13-050	REP-P	04-16-062
434-333-175	AMD-E	04-23-087	434-333-290	NEW-E	04-15-088	448- 13-050	REP	04-19-144
434-333-180	NEW-E	04-15-088	434-333-290	NEW-E	04-17-003	448- 13-055	REP-P	04-16-062
434-333-180	NEW-E	04-17-003	434-333-290	NEW-E	04-23-087	448- 13-055	REP	04-19-144
434-333-180	NEW-E	04-23-087	434-333-295	NEW-E	04-15-088	448- 13-056	REP-P	04-16-062
434-333-185	NEW-E	04-15-088	434-333-295	NEW-E	04-17-003	448- 13-060	REP-P	04-16-062
434-333-185	NEW-E	04-17-003	434-333-295	NEW-E	04-23-087	448- 13-060	REP	04-19-144
434-333-185	NEW-E	04-23-087	434-333-300	NEW-E	04-15-088	448- 13-065	REP-P	04-16-062
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448-13-070	REP	04-19-144	458-10-050	AMD-P	04-21-092	458-30-262	AMD	05-01-051
448-13-080	REP-P	04-16-062	458-10-050	AMD	05-02-038	458-30-590	AMD-X	04-20-117
448-13-080	REP	04-19-144	458-12-050	AMD-P	04-20-109	458-30-590	AMD	05-01-052
448-13-090	REP-P	04-16-062	458-12-050	AMD	05-02-034	458-40-540	AMD-P	04-23-077
448-13-090	REP	04-19-144	458-12-095	REP-P	04-20-109	458-40-540	AMD	05-02-037
448-13-100	REP-P	04-16-062	458-12-095	REP	05-02-034	458-40-610	PREP	04-11-034
448-13-100	REP	04-19-144	458-12-100	REP-P	04-20-109	458-40-610	PREP	04-15-145
448-13-110	REP-P	04-16-062	458-12-100	REP	05-02-034	458-40-610	AMD-P	04-24-102
448-13-110	REP	04-19-144	458-12-105	REP-P	04-20-109	458-40-640	PREP	04-06-065
448-13-120	REP-P	04-16-062	458-12-105	REP	05-02-034	458-40-640	AMD-P	04-10-109
448-13-120	REP	04-19-144	458-12-110	AMD-P	04-20-109	458-40-640	AMD	04-14-032
448-13-130	REP-P	04-16-062	458-12-110	AMD	05-02-034	458-40-660	PREP	04-06-064
448-13-130	REP	04-19-144	458-12-320	REP-X	04-21-091	458-40-660	AMD-P	04-10-110
448-13-140	REP-P	04-16-062	458-12-320	REP	05-02-010	458-40-660	AMD	04-14-033
448-13-140	REP	04-19-144	458-16-1000	PREP	04-16-055	458-40-660	PREP	04-18-128
448-13-150	REP-P	04-16-062	458-16-1000	NEW-E	04-20-062	458-40-660	AMD-P	04-23-078
448-13-150	REP	04-19-144	458-18-220	AMD-X	04-19-078	458-40-660	AMD	05-02-040
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448-13-160	REP	04-19-144	458-20-102	AMD-X	04-11-035	458-40-680	PREP	04-15-145
448-13-170	REP-P	04-16-062	458-20-102	AMD	04-17-024	458-40-680	AMD-P	04-24-102
448-13-170	REP	04-19-144	458-20-104	PREP	04-05-102	460-42A-081	AMD	04-07-035
448-13-180	REP-P	04-16-062	458-20-104	AMD-P	04-11-024	463-06	AMD-P	04-13-154
448-13-180	REP	04-19-144	458-20-104	AMD	04-14-052	463-06	AMD	04-21-013
448-13-190	REP-P	04-16-062	458-20-110	PREP	04-14-031	463-06-010	AMD-P	04-13-154
448-13-190	REP	04-19-144	458-20-110	AMD-P	04-19-076	463-06-010	AMD	04-21-013
448-13-200	REP-P	04-16-062	458-20-110	AMD	05-02-039	463-06-020	AMD-P	04-13-154
448-13-200	REP	04-19-144	458-20-141	AMD-P	04-19-074	463-06-020	AMD	04-21-013
448-13-210	REP-P	04-16-062	458-20-144	AMD-P	04-19-080	463-06-030	AMD-P	04-13-154
448-13-210	REP	04-19-144	458-20-150	AMD-X	04-11-041	463-06-030	AMD	04-21-013
448-13-220	REP-P	04-16-062	458-20-150	AMD	04-17-023	463-06-040	REP	04-08-014
448-13-220	REP	04-19-144	458-20-151	AMD-X	04-11-042	463-06-050	AMD-P	04-13-154
448-13-225	REP-P	04-16-062	458-20-151	AMD	04-17-022	463-06-050	AMD	04-21-013
448-13-225	REP	04-19-144	458-20-168	PREP	04-13-092	463-06-060	AMD-P	04-13-154
448-16-010	NEW-P	04-16-062	458-20-17803	NEW-P	04-19-079	463-06-060	AMD	04-21-013
448-16-010	NEW	04-19-144	458-20-186	PREP	04-03-101	463-06-070	AMD-P	04-13-154
448-16-020	NEW-P	04-16-062	458-20-186	AMD-P	04-14-061	463-06-070	AMD	04-21-013
448-16-020	NEW	04-19-144	458-20-186	AMD	05-02-035	463-06-080	AMD-P	04-13-154
448-16-030	NEW-P	04-16-062	458-20-18601	PREP	04-03-101	463-06-080	AMD	04-21-013
448-16-030	NEW	04-19-144	458-20-18601	REP-P	04-14-061	463-06-090	AMD-P	04-13-154
448-16-040	NEW-P	04-16-062	458-20-18601	REP	05-02-035	463-06-090	AMD	04-21-013
448-16-040	NEW	04-19-144	458-20-190	AMD-P	04-19-098	463-06-110	AMD-P	04-13-154
448-16-050	NEW-P	04-16-062	458-20-191	REP-P	04-19-098	463-06-110	AMD	04-21-013
448-16-050	NEW	04-19-144	458-20-196	PREP	04-11-118	463-06-120	AMD-P	04-13-154
448-16-060	NEW-P	04-16-062	458-20-196	AMD-P	04-20-033	463-06-120	AMD	04-21-013
448-16-060	NEW	04-19-144	458-20-198	PREP	04-11-118	463-06-130	REP-P	04-13-154
448-16-070	NEW-P	04-16-062	458-20-198	AMD-P	04-20-033	463-06-130	REP	04-21-013
448-16-070	NEW	04-19-144	458-20-207	AMD-X	04-08-009	463-06-140	REP-P	04-13-154
448-16-080	NEW-P	04-16-062	458-20-207	AMD	04-13-091	463-06-140	REP	04-21-013
448-16-080	NEW	04-19-144	458-20-208	AMD-X	04-11-020	463-06-150	AMD-P	04-13-154
448-16-090	NEW-P	04-16-062	458-20-208	AMD	04-17-025	463-06-150	AMD	04-21-013
448-16-090	NEW	04-19-144	458-20-216	PREP	04-24-100	463-06-160	REP-P	04-13-154
448-16-100	NEW-P	04-16-062	458-20-228	PREP	04-21-090	463-06-160	REP	04-21-013
448-16-100	NEW	04-19-144	458-20-240	AMD-X	04-19-075	463-06-170	AMD-P	04-13-154
448-16-110	NEW-P	04-16-062	458-20-240	AMD	05-01-079	463-06-170	AMD	04-21-013
448-16-110	NEW	04-19-144	458-20-243	PREP	04-18-034	463-10-010	AMD-P	04-13-154
448-16-120	NEW-P	04-16-062	458-20-252	PREP	04-02-070	463-10-010	AMD	04-21-013
448-16-120	NEW	04-19-144	458-20-255	PREP	04-13-037	463-14-010	AMD-P	04-13-154
448-16-130	NEW-P	04-16-062	458-20-255	AMD-P	04-18-036	463-14-010	AMD	04-21-013
448-16-130	NEW	04-19-144	458-20-255	AMD	05-02-009	463-14-020	AMD-P	04-13-154
448-16-140	NEW-P	04-16-062	458-20-263	PREP	04-10-004	463-14-020	AMD	04-21-013
448-16-140	NEW	04-19-144	458-20-263	AMD-P	04-18-035	463-14-030	AMD-P	04-13-154
448-16-150	NEW-P	04-16-062	458-20-263	AMD	05-02-036	463-14-030	AMD	04-21-013
448-16-150	NEW	04-19-144	458-20-265	PREP	04-02-070	463-14-050	AMD-P	04-13-154
448-16-160	NEW-P	04-16-062	458-20-99999	REP-P	04-19-098	463-14-050	AMD	04-21-013
448-16-160	NEW	04-19-144	458-30-262	AMD-X	04-19-077	463-14-060	REP-P	04-13-154

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463- 14-060	REP	04-21-013	463- 26-120	REP	04-21-013	463- 30-420	REP-P	04-13-154
463- 14-080	AMD-P	04-13-154	463- 26-130	REP-P	04-13-154	463- 30-420	REP	04-21-013
463- 14-080	AMD	04-21-013	463- 26-130	REP	04-21-013	463- 34	AMD-P	04-13-154
463- 14-100	NEW-P	04-13-154	463- 28	AMD-P	04-13-154	463- 34	AMD	04-21-013
463- 14-100	NEW	04-21-013	463- 28	AMD	04-21-013	463- 34-010	AMD-P	04-13-154
463- 18	AMD	04-21-013	463- 28-010	AMD-P	04-13-154	463- 34-010	AMD	04-21-013
463- 18-010	AMD-P	04-13-154	463- 28-010	AMD	04-21-013	463- 34-030	AMD-P	04-13-154
463- 18-010	AMD	04-21-013	463- 28-030	AMD-P	04-13-154	463- 34-030	AMD	04-21-013
463- 18-020	AMD-P	04-13-154	463- 28-030	AMD	04-21-013	463- 34-050	AMD-P	04-13-154
463- 18-020	AMD	04-21-013	463- 28-090	REP-P	04-13-154	463- 34-050	AMD	04-21-013
463- 18-030	REP-P	04-13-154	463- 28-090	REP	04-21-013	463- 34-060	AMD-P	04-13-154
463- 18-030	REP	04-21-013	463- 30	AMD-P	04-13-154	463- 34-060	AMD	04-21-013
463- 18-040	REP-P	04-13-154	463- 30	AMD	04-21-013	463- 34-070	AMD-P	04-13-154
463- 18-040	REP	04-21-013	463- 30-010	AMD-P	04-13-154	463- 34-070	AMD	04-21-013
463- 18-050	AMD-P	04-13-154	463- 30-010	AMD	04-21-013	463- 34-080	AMD-P	04-13-154
463- 18-050	AMD	04-21-013	463- 30-010	AMD	04-21-013	463- 34-080	AMD	04-21-013
463- 18-060	REP-P	04-13-154	463- 30-020	AMD-P	04-13-154	463- 34-090	AMD-P	04-13-154
463- 18-060	REP	04-21-013	463- 30-020	AMD	04-21-013	463- 34-090	AMD	04-21-013
463- 18-070	REP-P	04-13-154	463- 30-030	REP-P	04-13-154	463- 36	AMD-P	04-13-154
463- 18-070	REP	04-21-013	463- 30-030	REP	04-21-013	463- 36	AMD	04-21-013
463- 18-080	REP-P	04-13-154	463- 30-050	AMD-P	04-13-154	463- 36-010	DECOD-P	04-13-154
463- 18-080	REP	04-21-013	463- 30-050	AMD	04-21-013	463- 36-010	REP-P	04-13-154
463- 18-090	NEW-P	04-13-154	463- 30-055	REP-P	04-13-154	463- 36-010	REP	04-21-013
463- 18-090	NEW	04-21-013	463- 30-055	REP	04-21-013	463- 36-020	DECOD-P	04-13-154
463- 18-100	NEW-P	04-13-154	463- 30-060	AMD-P	04-13-154	463- 36-020	DECOD	04-21-013
463- 18-100	NEW	04-21-013	463- 30-060	AMD	04-21-013	463- 36-030	AMD-P	04-13-154
463- 22	AMD-P	04-13-154	463- 30-080	AMD-P	04-13-154	463- 36-030	DECOD-P	04-13-154
463- 22	AMD	04-21-013	463- 30-080	AMD	04-21-013	463- 36-030	AMD	04-21-013
463- 22-010	AMD-P	04-13-154	463- 30-090	AMD-P	04-13-154	463- 36-030	DECOD	04-21-013
463- 22-010	AMD	04-21-013	463- 30-090	AMD	04-21-013	463- 36-040	DECOD-P	04-13-154
463- 22-020	AMD-P	04-13-154	463- 30-091	NEW-P	04-13-154	463- 36-040	DECOD	04-21-013
463- 22-020	AMD	04-21-013	463- 30-091	NEW	04-21-013	463- 36-050	DECOD-P	04-13-154
463- 22-030	AMD-P	04-13-154	463- 30-092	NEW-P	04-13-154	463- 36-050	DECOD	04-21-013
463- 22-030	AMD	04-21-013	463- 30-092	NEW	04-21-013	463- 36-060	DECOD-P	04-13-154
463- 22-050	AMD-P	04-13-154	463- 30-093	NEW-P	04-13-154	463- 36-060	DECOD	04-21-013
463- 22-050	AMD	04-21-013	463- 30-093	NEW	04-21-013	463- 36-070	AMD-P	04-13-154
463- 22-090	AMD-P	04-13-154	463- 30-120	AMD-P	04-13-154	463- 36-070	DECOD-P	04-13-154
463- 22-090	AMD	04-21-013	463- 30-120	AMD	04-21-013	463- 36-070	AMD	04-21-013
463- 22-100	NEW-P	04-13-154	463- 30-200	AMD-P	04-13-154	463- 36-070	DECOD	04-21-013
463- 22-100	NEW	04-21-013	463- 30-200	AMD	04-21-013	463- 36-080	AMD-P	04-13-154
463- 26	AMD-P	04-13-154	463- 30-250	AMD-P	04-13-154	463- 36-080	DECOD-P	04-13-154
463- 26	AMD	04-21-013	463- 30-250	AMD	04-21-013	463- 36-080	AMD	04-21-013
463- 26-010	AMD-P	04-13-154	463- 30-251	NEW-P	04-13-154	463- 36-080	DECOD	04-21-013
463- 26-010	AMD	04-21-013	463- 30-251	NEW	04-21-013	463- 36-090	DECOD-P	04-13-154
463- 26-020	AMD-P	04-13-154	463- 30-252	NEW-P	04-13-154	463- 36-090	DECOD	04-21-013
463- 26-020	AMD	04-21-013	463- 30-252	NEW	04-21-013	463- 36-100	AMD-P	04-13-154
463- 26-025	NEW-P	04-13-154	463- 30-253	NEW-P	04-13-154	463- 36-100	DECOD-P	04-13-154
463- 26-025	NEW	04-21-013	463- 30-253	NEW	04-21-013	463- 36-100	AMD	04-21-013
463- 26-035	NEW-P	04-13-154	463- 30-254	NEW-P	04-13-154	463- 36-100	DECOD	04-21-013
463- 26-035	NEW	04-21-013	463- 30-254	NEW	04-21-013	463- 38-005	NEW-P	04-13-154
463- 26-040	REP-P	04-13-154	463- 30-270	AMD-P	04-13-154	463- 38-005	NEW	04-21-013
463- 26-040	REP	04-21-013	463- 30-270	AMD	04-21-013	463- 38-005	DECOD	04-23-003
463- 26-050	AMD-P	04-13-154	463- 30-280	REP-P	04-13-154	463- 38-010	AMD-P	04-13-154
463- 26-050	AMD	04-21-013	463- 30-280	REP	04-21-013	463- 38-010	DECOD-P	04-13-154
463- 26-060	AMD-P	04-13-154	463- 30-320	AMD-P	04-13-154	463- 38-010	AMD	04-21-013
463- 26-060	AMD	04-21-013	463- 30-320	AMD	04-21-013	463- 38-010	DECOD	04-21-013
463- 26-070	REP-P	04-13-154	463- 30-330	REP-P	04-13-154	463- 38-020	DECOD-P	04-13-154
463- 26-070	REP	04-21-013	463- 30-330	REP	04-21-013	463- 38-020	REP-P	04-13-154
463- 26-080	REP-P	04-13-154	463- 30-335	AMD-P	04-13-154	463- 38-020	REP	04-21-013
463- 26-080	REP	04-21-013	463- 30-335	AMD	04-21-013	463- 38-025	NEW-P	04-13-154
463- 26-090	AMD-P	04-13-154	463- 30-345	NEW-P	04-13-154	463- 38-025	NEW	04-21-013
463- 26-090	AMD	04-21-013	463- 30-345	NEW	04-21-013	463- 38-025	DECOD	04-23-003
463- 26-100	AMD-P	04-13-154	463- 30-390	REP-P	04-13-154	463- 38-030	DECOD-P	04-13-154
463- 26-100	AMD	04-21-013	463- 30-390	REP	04-21-013	463- 38-030	REP-P	04-13-154
463- 26-110	AMD-P	04-13-154	463- 30-400	REP-P	04-13-154	463- 38-030	REP	04-21-013
463- 26-110	AMD	04-21-013	463- 30-400	REP	04-21-013	463- 38-031	AMD-P	04-13-154
463- 26-120	REP-P	04-13-154	463- 30-410	REP-P	04-13-154	463- 38-031	DECOD-P	04-13-154
			463- 30-410	REP	04-21-013			

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463-38-031	AMD	04-21-013	463-38-063	DECOD	04-21-013	463-39-230	AMD-P	04-11-070
463-38-031	DECOD	04-21-013	463-38-064	AMD-P	04-13-154	463-39-230	DECOD-P	04-13-154
463-38-032	AMD-P	04-13-154	463-38-064	DECOD-P	04-13-154	463-39-230	AMD	04-17-058
463-38-032	DECOD-P	04-13-154	463-38-064	AMD	04-21-013	463-39-230	DECOD	04-21-013
463-38-032	AMD	04-21-013	463-38-064	DECOD	04-21-013	463-40-010	AMD-P	04-13-154
463-38-032	DECOD	04-21-013	463-38-065	AMD-P	04-13-154	463-40-010	DECOD-P	04-13-154
463-38-033	AMD-P	04-13-154	463-38-065	DECOD-P	04-13-154	463-40-010	AMD	04-21-013
463-38-033	DECOD-P	04-13-154	463-38-065	AMD	04-21-013	463-40-010	DECOD	04-21-013
463-38-033	AMD	04-21-013	463-38-065	DECOD	04-21-013	463-40-020	DECOD-P	04-13-154
463-38-033	DECOD	04-21-013	463-38-080	AMD-P	04-13-154	463-40-020	DECOD	04-21-013
463-38-034	AMD-P	04-13-154	463-38-080	DECOD-P	04-13-154	463-40-030	DECOD-P	04-13-154
463-38-034	DECOD-P	04-13-154	463-38-080	AMD	04-21-013	463-40-030	DECOD	04-21-013
463-38-034	AMD	04-21-013	463-38-080	DECOD	04-21-013	463-40-040	AMD-P	04-13-154
463-38-034	DECOD	04-21-013	463-38-090	AMD-P	04-13-154	463-40-040	DECOD-P	04-13-154
463-38-040	DECOD-P	04-13-154	463-38-090	DECOD-P	04-13-154	463-40-040	AMD	04-21-013
463-38-040	REP-P	04-13-154	463-38-090	AMD	04-21-013	463-40-040	DECOD	04-21-013
463-38-040	REP	04-21-013	463-38-090	DECOD	04-21-013	463-42	AMD-P	04-13-154
463-38-041	AMD-P	04-13-154	463-39-005	AMD-X	04-05-058	463-42	AMD	04-21-013
463-38-041	DECOD-P	04-13-154	463-39-005	AMD-P	04-11-070	463-42-010	AMD-P	04-13-154
463-38-041	AMD	04-21-013	463-39-005	DECOD-P	04-13-154	463-42-010	DECOD-P	04-13-154
463-38-041	DECOD	04-21-013	463-39-005	AMD	04-17-058	463-42-010	AMD	04-21-013
463-38-042	AMD-P	04-13-154	463-39-005	DECOD	04-21-013	463-42-010	DECOD	04-21-013
463-38-042	DECOD-P	04-13-154	463-39-010	DECOD-P	04-13-154	463-42-012	AMD-P	04-13-154
463-38-042	AMD	04-21-013	463-39-010	DECOD	04-21-013	463-42-012	DECOD-P	04-13-154
463-38-042	DECOD	04-21-013	463-39-020	DECOD-P	04-13-154	463-42-012	AMD	04-21-013
463-38-043	AMD-P	04-13-154	463-39-020	DECOD	04-21-013	463-42-012	DECOD	04-21-013
463-38-043	DECOD-P	04-13-154	463-39-030	AMD-X	04-05-058	463-42-015	DECOD-P	04-13-154
463-38-043	AMD	04-21-013	463-39-030	AMD-P	04-11-070	463-42-015	DECOD	04-21-013
463-38-043	DECOD	04-21-013	463-39-030	DECOD-P	04-13-154	463-42-021	NEW-P	04-13-154
463-38-050	DECOD-P	04-13-154	463-39-030	AMD	04-17-058	463-42-021	NEW	04-21-013
463-38-050	REP-P	04-13-154	463-39-030	DECOD	04-21-013	463-42-021	DECOD	04-23-003
463-38-050	REP	04-21-013	463-39-070	DECOD-P	04-13-154	463-42-025	DECOD-P	04-13-154
463-38-051	AMD-P	04-13-154	463-39-070	DECOD	04-21-013	463-42-025	DECOD	04-21-013
463-38-051	DECOD-P	04-13-154	463-39-090	AMD-X	04-05-058	463-42-035	DECOD-P	04-13-154
463-38-051	AMD	04-21-013	463-39-090	AMD-P	04-11-070	463-42-035	DECOD	04-21-013
463-38-051	DECOD	04-21-013	463-39-090	DECOD-P	04-13-154	463-42-045	DECOD-P	04-13-154
463-38-052	AMD-P	04-13-154	463-39-090	AMD	04-17-058	463-42-045	DECOD	04-21-013
463-38-052	DECOD-P	04-13-154	463-39-090	DECOD	04-21-013	463-42-055	AMD-P	04-13-154
463-38-052	AMD	04-21-013	463-39-095	DECOD-P	04-13-154	463-42-055	DECOD-P	04-13-154
463-38-052	DECOD	04-21-013	463-39-095	DECOD	04-21-013	463-42-055	AMD	04-21-013
463-38-053	AMD-P	04-13-154	463-39-100	AMD-X	04-05-058	463-42-055	DECOD	04-21-013
463-38-053	DECOD-P	04-13-154	463-39-100	AMD-P	04-11-070	463-42-065	DECOD-P	04-13-154
463-38-053	AMD	04-21-013	463-39-100	DECOD-P	04-13-154	463-42-065	DECOD	04-21-013
463-38-053	DECOD	04-21-013	463-39-100	AMD	04-17-058	463-42-075	AMD-P	04-13-154
463-38-054	AMD-P	04-13-154	463-39-100	DECOD	04-21-013	463-42-075	DECOD-P	04-13-154
463-38-054	DECOD-P	04-13-154	463-39-105	AMD-P	04-11-070	463-42-075	AMD	04-21-013
463-38-054	AMD	04-21-013	463-39-105	DECOD-P	04-13-154	463-42-075	DECOD	04-21-013
463-38-054	DECOD	04-21-013	463-39-105	AMD	04-17-058	463-42-085	AMD-P	04-13-154
463-38-055	AMD-P	04-13-154	463-39-105	DECOD	04-21-013	463-42-085	DECOD-P	04-13-154
463-38-055	DECOD-P	04-13-154	463-39-115	AMD-X	04-05-058	463-42-085	AMD	04-21-013
463-38-055	AMD	04-21-013	463-39-115	AMD-P	04-11-070	463-42-085	DECOD	04-21-013
463-38-055	DECOD	04-21-013	463-39-115	DECOD-P	04-13-154	463-42-095	DECOD-P	04-13-154
463-38-060	DECOD-P	04-13-154	463-39-115	AMD	04-17-058	463-42-095	DECOD	04-21-013
463-38-060	REP-P	04-13-154	463-39-115	DECOD	04-21-013	463-42-101	NEW-P	04-13-154
463-38-060	REP	04-21-013	463-39-120	DECOD-P	04-13-154	463-42-101	NEW	04-21-013
463-38-061	AMD-P	04-13-154	463-39-120	DECOD	04-21-013	463-42-101	DECOD	04-23-003
463-38-061	DECOD-P	04-13-154	463-39-135	AMD-X	04-05-058	463-42-105	AMD-P	04-13-154
463-38-061	AMD	04-21-013	463-39-135	AMD-P	04-11-070	463-42-105	DECOD-P	04-13-154
463-38-061	DECOD	04-21-013	463-39-135	DECOD-P	04-13-154	463-42-105	AMD	04-21-013
463-38-062	AMD-P	04-13-154	463-39-135	AMD	04-17-058	463-42-105	DECOD	04-21-013
463-38-062	DECOD-P	04-13-154	463-39-135	DECOD	04-21-013	463-42-115	DECOD-P	04-13-154
463-38-062	AMD	04-21-013	463-39-140	DECOD-P	04-13-154	463-42-115	DECOD	04-21-013
463-38-062	DECOD	04-21-013	463-39-140	DECOD	04-21-013	463-42-116	NEW-P	04-13-154
463-38-0625	NEW-P	04-13-154	463-39-170	AMD-P	04-11-070	463-42-116	NEW	04-21-013
463-38-0625	NEW	04-21-013	463-39-170	DECOD-P	04-13-154	463-42-116	DECOD	04-23-003
463-38-0625	DECOD	04-23-003	463-39-170	AMD	04-17-058	463-42-117	NEW-P	04-13-154
463-38-063	DECOD-P	04-13-154	463-39-170	DECOD	04-21-013	463-42-117	NEW	04-21-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463- 42-117	DECOD	04-23-003	463- 42-295	AMD	04-21-013	463- 42-625	REP	04-21-013
463- 42-125	DECOD-P	04-13-154	463- 42-295	DECOD	04-21-013	463- 42-645	DECOD-P	04-13-154
463- 42-125	DECOD	04-21-013	463- 42-296	NEW-P	04-13-154	463- 42-645	REP-P	04-13-154
463- 42-135	AMD-P	04-13-154	463- 42-296	NEW	04-21-013	463- 42-645	REP	04-21-013
463- 42-135	DECOD-P	04-13-154	463- 42-296	DECOD	04-23-003	463- 42-655	DECOD-P	04-13-154
463- 42-135	AMD	04-21-013	463- 42-297	NEW-P	04-13-154	463- 42-655	REP-P	04-13-154
463- 42-135	DECOD	04-21-013	463- 42-297	NEW	04-21-013	463- 42-655	REP	04-21-013
463- 42-145	DECOD-P	04-13-154	463- 42-297	DECOD	04-23-003	463- 42-665	DECOD-P	04-13-154
463- 42-145	DECOD	04-21-013	463- 42-302	AMD-P	04-13-154	463- 42-665	REP-P	04-13-154
463- 42-155	AMD-P	04-13-154	463- 42-302	DECOD-P	04-13-154	463- 42-665	REP	04-21-013
463- 42-155	DECOD-P	04-13-154	463- 42-302	AMD	04-21-013	463- 42-675	DECOD-P	04-13-154
463- 42-155	AMD	04-21-013	463- 42-302	DECOD	04-21-013	463- 42-675	REP-P	04-13-154
463- 42-155	DECOD	04-21-013	463- 42-312	AMD-P	04-13-154	463- 42-675	REP	04-21-013
463- 42-165	AMD-P	04-13-154	463- 42-312	DECOD-P	04-13-154	463- 42-680	DECOD-P	04-13-154
463- 42-165	DECOD-P	04-13-154	463- 42-312	AMD	04-21-013	463- 42-680	REP-P	04-13-154
463- 42-165	AMD	04-21-013	463- 42-312	DECOD	04-21-013	463- 42-680	REP	04-21-013
463- 42-165	DECOD	04-21-013	463- 42-322	AMD-P	04-13-154	463- 42-685	DECOD-P	04-13-154
463- 42-175	AMD-P	04-13-154	463- 42-322	DECOD-P	04-13-154	463- 42-685	REP-P	04-13-154
463- 42-175	DECOD-P	04-13-154	463- 42-322	AMD	04-21-013	463- 42-685	REP	04-21-013
463- 42-175	AMD	04-21-013	463- 42-322	DECOD	04-21-013	463- 42-690	DECOD-P	04-13-154
463- 42-175	DECOD	04-21-013	463- 42-332	AMD-P	04-13-154	463- 42-690	REP-P	04-13-154
463- 42-185	AMD-P	04-13-154	463- 42-332	DECOD-P	04-13-154	463- 42-690	REP	04-21-013
463- 42-185	DECOD-P	04-13-154	463- 42-332	AMD	04-21-013	463- 43	AMD-P	04-13-154
463- 42-185	AMD	04-21-013	463- 42-332	DECOD	04-21-013	463- 43	AMD	04-21-013
463- 42-185	DECOD	04-21-013	463- 42-333	NEW-P	04-13-154	463- 43-010	AMD-P	04-13-154
463- 42-195	AMD-P	04-13-154	463- 42-333	NEW	04-21-013	463- 43-010	AMD	04-21-013
463- 42-195	DECOD-P	04-13-154	463- 42-333	DECOD	04-23-003	463- 43-020	AMD-P	04-13-154
463- 42-195	AMD	04-21-013	463- 42-342	AMD-P	04-13-154	463- 43-020	AMD	04-21-013
463- 42-195	DECOD	04-21-013	463- 42-342	DECOD-P	04-13-154	463- 43-040	AMD-P	04-13-154
463- 42-205	AMD-P	04-13-154	463- 42-342	AMD	04-21-013	463- 43-040	AMD	04-21-013
463- 42-205	DECOD-P	04-13-154	463- 42-342	DECOD	04-21-013	463- 43-050	AMD-P	04-13-154
463- 42-205	AMD	04-21-013	463- 42-352	AMD-P	04-13-154	463- 43-050	AMD	04-21-013
463- 42-205	DECOD	04-21-013	463- 42-352	DECOD-P	04-13-154	463- 43-060	AMD-P	04-13-154
463- 42-215	AMD-P	04-13-154	463- 42-352	AMD	04-21-013	463- 43-060	AMD	04-21-013
463- 42-215	DECOD-P	04-13-154	463- 42-352	DECOD	04-21-013	463- 43-070	AMD-P	04-13-154
463- 42-215	AMD	04-21-013	463- 42-362	AMD-P	04-13-154	463- 43-070	AMD	04-21-013
463- 42-215	DECOD	04-21-013	463- 42-362	DECOD-P	04-13-154	463- 43-080	AMD-P	04-13-154
463- 42-225	AMD-P	04-13-154	463- 42-362	AMD	04-21-013	463- 43-080	AMD	04-21-013
463- 42-225	DECOD-P	04-13-154	463- 42-362	DECOD	04-21-013	463- 47-020	AMD-P	04-13-154
463- 42-225	AMD	04-21-013	463- 42-372	AMD-P	04-13-154	463- 47-020	AMD	04-21-013
463- 42-225	DECOD	04-21-013	463- 42-372	DECOD-P	04-13-154	463- 47-040	REP-P	04-13-154
463- 42-235	AMD-P	04-13-154	463- 42-372	AMD	04-21-013	463- 47-040	REP	04-21-013
463- 42-235	DECOD-P	04-13-154	463- 42-372	DECOD	04-21-013	463- 47-060	AMD-P	04-13-154
463- 42-235	AMD	04-21-013	463- 42-382	DECOD-P	04-13-154	463- 47-060	AMD	04-21-013
463- 42-235	DECOD	04-21-013	463- 42-382	REP-P	04-13-154	463- 47-090	AMD-P	04-13-154
463- 42-245	AMD-P	04-13-154	463- 42-382	REP	04-21-013	463- 47-090	AMD	04-21-013
463- 42-245	DECOD-P	04-13-154	463- 42-385	DECOD-P	04-13-154	463- 47-120	AMD-P	04-13-154
463- 42-245	AMD	04-21-013	463- 42-385	REP-P	04-13-154	463- 47-120	AMD	04-21-013
463- 42-245	DECOD	04-21-013	463- 42-385	REP	04-21-013	463- 47-130	AMD-P	04-13-154
463- 42-255	AMD-P	04-13-154	463- 42-435	DECOD-P	04-13-154	463- 47-130	AMD	04-21-013
463- 42-255	DECOD-P	04-13-154	463- 42-435	REP-P	04-13-154	463- 50	AMD-P	04-13-154
463- 42-255	AMD	04-21-013	463- 42-435	REP	04-21-013	463- 50	AMD	04-21-013
463- 42-255	DECOD	04-21-013	463- 42-525	DECOD-P	04-13-154	463- 50-010	AMD-P	04-13-154
463- 42-265	AMD-P	04-13-154	463- 42-525	REP-P	04-13-154	463- 50-010	AMD	04-21-013
463- 42-265	DECOD-P	04-13-154	463- 42-525	REP	04-21-013	463- 50-020	REP-P	04-13-154
463- 42-265	AMD	04-21-013	463- 42-535	AMD-P	04-13-154	463- 50-020	REP	04-21-013
463- 42-265	DECOD	04-21-013	463- 42-535	DECOD-P	04-13-154	463- 50-040	AMD-P	04-13-154
463- 42-275	AMD-P	04-13-154	463- 42-535	AMD	04-21-013	463- 50-040	AMD	04-21-013
463- 42-275	DECOD-P	04-13-154	463- 42-535	DECOD	04-21-013	463- 50-050	AMD-P	04-13-154
463- 42-275	AMD	04-21-013	463- 42-536	NEW-P	04-13-154	463- 50-050	AMD	04-21-013
463- 42-275	DECOD	04-21-013	463- 42-536	NEW	04-21-013	463- 54	AMD-P	04-13-154
463- 42-285	AMD-P	04-13-154	463- 42-536	DECOD	04-23-003	463- 54	AMD	04-21-013
463- 42-285	DECOD-P	04-13-154	463- 42-537	NEW-P	04-13-154	463- 54-010	AMD-P	04-13-154
463- 42-285	AMD	04-21-013	463- 42-537	NEW	04-21-013	463- 54-010	DECOD-P	04-13-154
463- 42-285	DECOD	04-21-013	463- 42-537	DECOD	04-23-003	463- 54-010	AMD	04-21-013
463- 42-295	AMD-P	04-13-154	463- 42-625	DECOD-P	04-13-154	463- 54-010	DECOD	04-21-013
463- 42-295	DECOD-P	04-13-154	463- 42-625	REP-P	04-13-154	463- 54-020	AMD-P	04-13-154

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463- 54-020	DECOD-P	04-13-154	463- 60-115	RECOD	04-21-013	463- 60-645	RECOD-P	04-13-154
463- 54-020	AMD	04-21-013	463- 60-116	RECOD	04-23-003	463- 60-655	RECOD-P	04-13-154
463- 54-020	DECOD	04-21-013	463- 60-117	RECOD	04-23-003	463- 60-665	RECOD-P	04-13-154
463- 54-030	DECOD-P	04-13-154	463- 60-125	RECOD-P	04-13-154	463- 60-675	RECOD-P	04-13-154
463- 54-030	DECOD	04-21-013	463- 60-125	RECOD	04-21-013	463- 60-680	RECOD-P	04-13-154
463- 54-040	AMD-P	04-13-154	463- 60-135	RECOD-P	04-13-154	463- 60-685	RECOD-P	04-13-154
463- 54-040	DECOD-P	04-13-154	463- 60-135	RECOD	04-21-013	463- 60-690	RECOD-P	04-13-154
463- 54-040	AMD	04-21-013	463- 60-145	RECOD-P	04-13-154	463- 62-010	NEW-P	04-13-154
463- 54-040	DECOD	04-21-013	463- 60-145	RECOD	04-21-013	463- 62-010	NEW	04-21-013
463- 54-050	AMD-P	04-13-154	463- 60-155	RECOD-P	04-13-154	463- 62-020	NEW-P	04-13-154
463- 54-050	DECOD-P	04-13-154	463- 60-155	RECOD	04-21-013	463- 62-020	NEW	04-21-013
463- 54-050	AMD	04-21-013	463- 60-165	RECOD-P	04-13-154	463- 62-030	NEW-P	04-13-154
463- 54-050	DECOD	04-21-013	463- 60-165	RECOD	04-21-013	463- 62-030	NEW	04-21-013
463- 54-060	AMD-P	04-13-154	463- 60-175	RECOD-P	04-13-154	463- 62-040	NEW-P	04-13-154
463- 54-060	DECOD-P	04-13-154	463- 60-175	RECOD	04-21-013	463- 62-040	NEW	04-21-013
463- 54-060	AMD	04-21-013	463- 60-185	RECOD-P	04-13-154	463- 62-050	NEW-P	04-13-154
463- 54-060	DECOD	04-21-013	463- 60-185	RECOD	04-21-013	463- 62-050	NEW	04-21-013
463- 54-070	AMD-P	04-13-154	463- 60-195	RECOD-P	04-13-154	463- 62-060	NEW-P	04-13-154
463- 54-070	DECOD-P	04-13-154	463- 60-195	RECOD	04-21-013	463- 62-060	NEW	04-21-013
463- 54-070	AMD	04-21-013	463- 60-205	RECOD-P	04-13-154	463- 62-070	NEW-P	04-13-154
463- 54-070	DECOD	04-21-013	463- 60-205	RECOD	04-21-013	463- 62-070	NEW	04-21-013
463- 54-080	DECOD-P	04-13-154	463- 60-215	RECOD-P	04-13-154	463- 64-010	NEW-P	04-13-154
463- 54-080	REP-P	04-13-154	463- 60-215	RECOD	04-21-013	463- 64-010	NEW	04-21-013
463- 54-080	REP	04-21-013	463- 60-225	RECOD-P	04-13-154	463- 64-020	NEW-P	04-13-154
463- 58-010	AMD-P	04-13-154	463- 60-225	RECOD	04-21-013	463- 64-020	NEW	04-21-013
463- 58-010	AMD	04-21-013	463- 60-235	RECOD-P	04-13-154	463- 64-030	NEW-P	04-13-154
463- 58-020	AMD-P	04-13-154	463- 60-235	RECOD	04-21-013	463- 64-030	NEW	04-21-013
463- 58-020	AMD	04-21-013	463- 60-245	RECOD-P	04-13-154	463- 64-040	NEW-P	04-13-154
463- 58-030	AMD-P	04-13-154	463- 60-245	RECOD	04-21-013	463- 64-040	NEW	04-21-013
463- 58-030	AMD	04-21-013	463- 60-255	RECOD-P	04-13-154	463- 64-050	NEW-P	04-13-154
463- 58-040	AMD-P	04-13-154	463- 60-255	RECOD	04-21-013	463- 64-050	NEW	04-21-013
463- 58-040	AMD	04-21-013	463- 60-265	RECOD-P	04-13-154	463- 64-060	NEW-P	04-13-154
463- 58-050	AMD-P	04-13-154	463- 60-265	RECOD	04-21-013	463- 66-010	RECOD-P	04-13-154
463- 58-050	AMD	04-21-013	463- 60-275	RECOD-P	04-13-154	463- 66-020	RECOD-P	04-13-154
463- 58-060	AMD-P	04-13-154	463- 60-275	RECOD	04-21-013	463- 66-020	RECOD	04-21-013
463- 58-060	AMD	04-21-013	463- 60-285	RECOD-P	04-13-154	463- 66-030	RECOD-P	04-13-154
463- 58-070	AMD-P	04-13-154	463- 60-285	RECOD	04-21-013	463- 66-030	RECOD	04-21-013
463- 58-070	AMD	04-21-013	463- 60-295	RECOD-P	04-13-154	463- 66-040	RECOD-P	04-13-154
463- 58-080	AMD-P	04-13-154	463- 60-295	RECOD	04-21-013	463- 66-040	RECOD	04-21-013
463- 58-080	AMD	04-21-013	463- 60-296	RECOD	04-23-003	463- 66-050	RECOD-P	04-13-154
463- 60-010	RECOD-P	04-13-154	463- 60-297	RECOD	04-23-003	463- 66-050	RECOD	04-21-013
463- 60-010	RECOD	04-21-013	463- 60-302	RECOD-P	04-13-154	463- 66-060	RECOD-P	04-13-154
463- 60-012	RECOD-P	04-13-154	463- 60-302	RECOD	04-21-013	463- 66-060	RECOD	04-21-013
463- 60-012	RECOD	04-21-013	463- 60-312	RECOD-P	04-13-154	463- 66-070	RECOD-P	04-13-154
463- 60-015	RECOD-P	04-13-154	463- 60-312	RECOD	04-21-013	463- 66-070	RECOD	04-21-013
463- 60-015	RECOD	04-21-013	463- 60-322	RECOD-P	04-13-154	463- 66-080	RECOD-P	04-13-154
463- 60-021	RECOD	04-23-003	463- 60-322	RECOD	04-21-013	463- 66-080	RECOD	04-21-013
463- 60-025	RECOD-P	04-13-154	463- 60-332	RECOD-P	04-13-154	463- 66-090	RECOD-P	04-13-154
463- 60-025	RECOD	04-21-013	463- 60-332	RECOD	04-21-013	463- 66-090	RECOD	04-21-013
463- 60-035	RECOD-P	04-13-154	463- 60-333	RECOD	04-23-003	463- 66-100	RECOD-P	04-13-154
463- 60-035	RECOD	04-21-013	463- 60-342	RECOD-P	04-13-154	463- 66-100	RECOD	04-21-013
463- 60-045	RECOD-P	04-13-154	463- 60-342	RECOD	04-21-013	463- 68-010	NEW-P	04-13-154
463- 60-045	RECOD	04-21-013	463- 60-352	RECOD-P	04-13-154	463- 68-010	NEW	04-21-013
463- 60-055	RECOD-P	04-13-154	463- 60-352	RECOD	04-21-013	463- 68-020	NEW-P	04-13-154
463- 60-055	RECOD	04-21-013	463- 60-362	RECOD-P	04-13-154	463- 68-020	NEW	04-21-013
463- 60-065	RECOD-P	04-13-154	463- 60-362	RECOD	04-21-013	463- 68-030	NEW-P	04-13-154
463- 60-065	RECOD	04-21-013	463- 60-372	RECOD-P	04-13-154	463- 68-030	NEW	04-21-013
463- 60-075	RECOD-P	04-13-154	463- 60-372	RECOD	04-21-013	463- 68-040	NEW-P	04-13-154
463- 60-075	RECOD	04-21-013	463- 60-382	RECOD-P	04-13-154	463- 68-040	NEW	04-21-013
463- 60-085	RECOD-P	04-13-154	463- 60-385	RECOD-P	04-13-154	463- 68-050	NEW-P	04-13-154
463- 60-085	RECOD	04-21-013	463- 60-435	RECOD-P	04-13-154	463- 68-050	NEW	04-21-013
463- 60-095	RECOD-P	04-13-154	463- 60-525	RECOD-P	04-13-154	463- 68-060	NEW-P	04-13-154
463- 60-095	RECOD	04-21-013	463- 60-535	RECOD-P	04-13-154	463- 68-060	NEW	04-21-013
463- 60-101	RECOD	04-23-003	463- 60-535	RECOD	04-21-013	463- 68-070	NEW-P	04-13-154
463- 60-105	RECOD-P	04-13-154	463- 60-536	RECOD	04-23-003	463- 68-070	NEW	04-21-013
463- 60-105	RECOD	04-21-013	463- 60-537	RECOD	04-23-003	463- 68-080	NEW-P	04-13-154
463- 60-115	RECOD-P	04-13-154	463- 60-625	RECOD-P	04-13-154	463- 68-080	NEW	04-21-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463-70-010	RECOD-P	04-13-154	463-76-054	RECOD-P	04-13-154	468-38-120	AMD-P	05-01-146
463-70-010	RECOD	04-21-013	463-76-054	RECOD	04-21-013	468-38-130	REP-P	05-01-146
463-70-020	RECOD-P	04-13-154	463-76-055	RECOD-P	04-13-154	468-38-135	REP-P	05-01-146
463-70-020	RECOD	04-21-013	463-76-055	RECOD	04-21-013	468-38-140	REP-P	05-01-146
463-70-030	RECOD-P	04-13-154	463-76-060	RECOD-P	04-13-154	468-38-155	NEW-P	05-01-146
463-70-030	RECOD	04-21-013	463-76-061	RECOD-P	04-13-154	468-38-160	REP-P	05-01-146
463-70-040	RECOD-P	04-13-154	463-76-061	RECOD	04-21-013	468-38-175	NEW-P	05-01-146
463-70-040	RECOD	04-21-013	463-76-062	RECOD-P	04-13-154	468-38-180	REP-P	05-01-146
463-70-050	RECOD-P	04-13-154	463-76-062	RECOD	04-21-013	468-38-190	REP-P	05-01-146
463-70-050	RECOD	04-21-013	463-76-0625	RECOD	04-23-003	468-38-200	REP-P	05-01-146
463-70-060	RECOD-P	04-13-154	463-76-063	RECOD-P	04-13-154	468-38-220	REP-P	05-01-146
463-70-060	RECOD	04-21-013	463-76-063	RECOD	04-21-013	468-38-230	REP-P	05-01-146
463-70-070	RECOD-P	04-13-154	463-76-064	RECOD-P	04-13-154	468-38-235	REP-P	05-01-146
463-70-070	RECOD	04-21-013	463-76-064	RECOD	04-21-013	468-38-240	REP-P	05-01-146
463-70-080	RECOD-P	04-13-154	463-76-065	RECOD-P	04-13-154	468-38-250	REP-P	05-01-146
463-72-010	NEW-P	04-13-154	463-76-065	RECOD	04-21-013	468-38-260	REP-P	05-01-146
463-72-010	NEW	04-21-013	463-76-080	RECOD-P	04-13-154	468-38-265	PREP	04-09-067
463-72-020	NEW-P	04-13-154	463-76-080	RECOD	04-21-013	468-38-265	AMD-E	04-13-011
463-72-020	NEW	04-21-013	463-76-090	RECOD-P	04-13-154	468-38-265	AMD-P	04-13-012
463-72-030	NEW-P	04-13-154	463-76-090	RECOD	04-21-013	468-38-265	AMD	04-16-060
463-72-030	NEW	04-21-013	463-78	PREP	05-01-181	468-38-280	AMD-P	05-01-146
463-72-040	NEW-P	04-13-154	463-78-005	RECOD-P	04-13-154	468-38-290	AMD-P	05-01-146
463-72-040	NEW	04-21-013	463-78-005	RECOD	04-21-013	468-38-300	REP-P	05-01-146
463-72-050	NEW-P	04-13-154	463-78-010	RECOD-P	04-13-154	468-38-310	REP-P	05-01-146
463-72-050	NEW	04-21-013	463-78-010	RECOD	04-21-013	468-38-320	REP-P	05-01-146
463-72-060	NEW-P	04-13-154	463-78-020	RECOD-P	04-13-154	468-38-330	REP-P	05-01-146
463-72-060	NEW	04-21-013	463-78-020	RECOD	04-21-013	468-38-340	REP-P	05-01-146
463-72-070	NEW-P	04-13-154	463-78-020	RECOD	04-21-013	468-38-350	REP-P	05-01-146
463-72-070	NEW	04-21-013	463-78-030	RECOD-P	04-13-154	468-38-360	AMD-P	05-01-146
463-72-080	NEW-P	04-13-154	463-78-030	RECOD	04-21-013	468-38-390	REP-P	05-01-146
463-72-080	NEW	04-21-013	463-78-070	RECOD-P	04-13-154	468-38-405	AMD-P	05-01-146
463-74-010	RECOD-P	04-13-154	463-78-070	RECOD	04-21-013	468-38-420	AMD-P	05-01-146
463-74-010	RECOD	04-21-013	463-78-090	RECOD-P	04-13-154	468-60-010	NEW-P	04-03-112
463-74-020	RECOD-P	04-13-154	463-78-090	RECOD	04-21-013	468-60-010	NEW	04-06-087
463-74-020	RECOD	04-21-013	463-78-095	RECOD-P	04-13-154	468-70-020	AMD-E	04-09-024
463-74-030	RECOD-P	04-13-154	463-78-095	RECOD	04-21-013	468-70-020	AMD-P	04-13-045
463-74-030	RECOD	04-21-013	463-78-100	RECOD-P	04-13-154	468-70-020	AMD	04-16-056
463-74-040	RECOD-P	04-13-154	463-78-100	RECOD	04-21-013	468-70-020	AMD-E	04-16-061
463-74-040	RECOD	04-21-013	463-78-105	RECOD-P	04-13-154	468-70-070	AMD-E	04-09-024
463-76-005	RECOD	04-23-003	463-78-105	RECOD	04-21-013	468-70-070	AMD-P	04-13-045
463-76-010	RECOD-P	04-13-154	463-78-115	RECOD-P	04-13-154	468-70-070	AMD	04-16-056
463-76-010	RECOD	04-21-013	463-78-115	RECOD	04-21-013	468-70-070	AMD-E	04-16-061
463-76-020	RECOD-P	04-13-154	463-78-120	RECOD-P	04-13-154	468-70-085	REP-E	04-09-014
463-76-025	RECOD	04-23-003	463-78-120	RECOD	04-21-013	468-70-085	REP-P	04-13-045
463-76-030	RECOD-P	04-13-154	463-78-135	RECOD-P	04-13-154	468-70-085	REP	04-16-056
463-76-031	RECOD-P	04-13-154	463-78-135	RECOD	04-21-013	468-70-085	REP-E	04-16-061
463-76-031	RECOD	04-21-013	463-78-140	RECOD-P	04-13-154	468-95-315	NEW-P	04-05-016
463-76-032	RECOD-P	04-13-154	463-78-140	RECOD	04-21-013	468-95-315	NEW	04-08-010
463-76-032	RECOD	04-21-013	463-78-170	RECOD-P	04-13-154	468-100-306	AMD-X	04-03-113
463-76-033	RECOD-P	04-13-154	463-78-170	RECOD	04-21-013	468-100-306	AMD	04-08-041
463-76-033	RECOD	04-21-013	463-78-230	RECOD-P	04-13-154	468-100-306	AMD-W	04-12-066
463-76-034	RECOD-P	04-13-154	463-78-230	RECOD	04-21-013	468-300-010	PREP	05-01-105A
463-76-034	RECOD	04-21-013	468-38	PREP	04-22-019	468-300-020	PREP	05-01-105A
463-76-040	RECOD-P	04-13-154	468-38	AMD-P	05-01-146	468-300-040	PREP	05-01-105A
463-76-041	RECOD-P	04-13-154	468-38-001	NEW-P	05-01-146	468-300-220	PREP	05-01-105A
463-76-041	RECOD	04-21-013	468-38-005	NEW-P	05-01-146	468-310-020	PREP	04-03-011
463-76-042	RECOD-P	04-13-154	468-38-010	REP-P	05-01-146	468-310-020	AMD-P	04-07-092
463-76-042	RECOD	04-21-013	468-38-020	REP-P	05-01-146	468-310-020	AMD	04-11-004
463-76-043	RECOD-P	04-13-154	468-38-030	AMD-P	05-01-146	468-310-050	PREP	04-03-011
463-76-043	RECOD	04-21-013	468-38-040	REP-P	05-01-146	468-310-050	AMD-P	04-07-092
463-76-050	RECOD-P	04-13-154	468-38-050	AMD-P	05-01-146	468-310-050	AMD	04-11-004
463-76-051	RECOD-P	04-13-154	468-38-070	AMD-P	05-01-146	468-500-001	AMD-X	04-20-022
463-76-051	RECOD	04-21-013	468-38-071	AMD-P	05-01-146	468-500-001	AMD	05-01-115
463-76-052	RECOD-P	04-13-154	468-38-075	AMD-P	05-01-146	478-04-030	AMD-X	05-02-025
463-76-052	RECOD	04-21-013	468-38-080	AMD-P	05-01-146	478-116	AMD-C	04-11-055
463-76-053	RECOD-P	04-13-154	468-38-095	NEW-P	05-01-146	478-116-051	AMD-P	04-07-127
463-76-053	RECOD	04-21-013	468-38-100	AMD-P	05-01-146	478-116-051	AMD	04-13-086
			468-38-110	REP-P	05-01-146			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-116-061	AMD-P	04-07-127	478-168	PREP	04-04-016	480-62-218	NEW-C	04-21-037
478-116-061	AMD	04-13-086	478-168-160	AMD-P	04-09-076	480-62-218	NEW-C	04-23-053
478-116-101	AMD-P	04-07-127	478-168-160	AMD	04-13-087	480-62-218	NEW-C	04-24-087
478-116-101	AMD	04-13-086	478-168-170	REP-P	04-09-076	480-62-300	AMD	04-05-031
478-116-111	AMD-P	04-07-127	478-168-170	REP	04-13-087	480-62-320	AMD-P	04-05-104
478-116-111	AMD	04-13-086	478-168-180	AMD-P	04-09-076	480-62-320	AMD	04-11-023
478-116-114	AMD-P	04-07-127	478-168-180	AMD	04-13-087	480-70-041	AMD-P	04-18-129
478-116-114	AMD	04-13-086	478-168-190	AMD-P	04-09-076	480-70-041	AMD-S	05-01-224
478-116-116	AMD-P	04-07-127	478-168-190	AMD	04-13-087	480-70-051	AMD-P	04-18-129
478-116-116	AMD	04-13-086	478-168-200	REP-P	04-09-076	480-70-051	AMD-S	05-01-224
478-116-121	AMD-P	04-07-127	478-168-200	REP	04-13-087	480-70-076	AMD	04-05-031
478-116-121	AMD	04-13-086	478-168-270	AMD-P	04-09-076	480-70-077	NEW-P	04-18-129
478-116-125	AMD-P	04-07-127	478-168-270	AMD	04-13-087	480-70-077	NEW-S	05-01-224
478-116-125	AMD	04-13-086	478-168-290	REP-P	04-09-076	480-70-078	NEW-P	04-18-129
478-116-131	AMD-P	04-07-127	478-168-290	REP	04-13-087	480-70-078	NEW-S	05-01-224
478-116-131	AMD	04-13-086	478-168-294	REP-P	04-09-076	480-70-079	NEW-P	04-18-129
478-116-141	AMD-P	04-07-127	478-168-294	REP	04-13-087	480-70-079	NEW-S	05-01-224
478-116-141	AMD	04-13-086	478-168-298	REP-P	04-09-076	480-70-396	PREP	04-16-120
478-116-145	AMD-P	04-07-127	478-168-298	REP	04-13-087	480-70-396	AMD-P	04-19-148
478-116-145	AMD	04-13-086	478-168-300	REP-P	04-09-076	480-70-396	AMD	04-22-040
478-116-145	AMD-X	05-02-025	478-168-300	REP	04-13-087	480-70-401	PREP	04-16-120
478-116-161	AMD-P	04-07-127	478-168-310	AMD-P	04-09-076	480-70-401	AMD-P	04-19-148
478-116-161	AMD	04-13-086	478-168-310	AMD	04-13-087	480-70-401	AMD	04-22-040
478-116-161	AMD-X	05-02-025	478-168-320	AMD-P	04-09-076	480-73-010	NEW-P	04-18-129
478-116-165	AMD-P	04-07-127	478-168-320	AMD	04-13-087	480-73-010	NEW-S	05-01-224
478-116-165	AMD	04-13-086	478-168-325	AMD-P	04-09-076	480-73-020	NEW-P	04-18-129
478-116-167	AMD-P	04-07-127	478-168-325	AMD	04-13-087	480-73-020	NEW-S	05-01-224
478-116-167	AMD	04-13-086	478-168-330	REP-X	04-14-084	480-73-030	NEW-P	04-18-129
478-116-171	AMD-P	04-07-127	478-168-330	REP	04-19-036	480-73-030	NEW-S	05-01-224
478-116-171	AMD	04-13-086	478-168-340	REP-P	04-09-076	480-73-040	NEW-P	04-18-129
478-116-181	AMD-P	04-07-127	478-168-340	REP	04-13-087	480-73-040	NEW-S	05-01-224
478-116-181	AMD	04-13-086	478-168-345	REP-P	04-09-076	480-73-050	NEW-P	04-18-129
478-116-184	AMD-P	04-07-127	478-168-345	REP	04-13-087	480-73-050	NEW-S	05-01-224
478-116-184	AMD	04-13-086	478-168-350	REP-P	04-09-076	480-73-060	NEW-P	04-18-129
478-116-186	AMD-P	04-07-127	478-168-350	REP	04-13-087	480-73-060	NEW-S	05-01-224
478-116-186	AMD	04-13-086	478-168-360	REP-P	04-09-076	480-73-110	NEW-P	04-18-129
478-116-191	AMD-P	04-07-127	478-168-360	REP	04-13-087	480-73-110	NEW-S	05-01-224
478-116-191	AMD	04-13-086	478-168-380	AMD-P	04-09-076	480-73-120	NEW-P	04-18-129
478-116-201	AMD-P	04-07-127	478-168-380	AMD	04-13-087	480-73-120	NEW-S	05-01-224
478-116-201	AMD	04-13-086	478-168-390	AMD-P	04-09-076	480-73-130	NEW-P	04-18-129
478-116-211	AMD-P	04-07-127	478-168-390	AMD	04-13-087	480-73-130	NEW-S	05-01-224
478-116-211	AMD	04-13-086	478-250-050	AMD-X	05-02-025	480-73-140	NEW-P	04-18-129
478-116-227	AMD-P	04-07-127	478-250-060	AMD-X	05-02-025	480-73-140	NEW-S	05-01-224
478-116-227	AMD	04-13-086	479-12-130	PREP	04-12-064	480-73-150	NEW-P	04-18-129
478-116-251	AMD-P	04-07-127	479-12-130	AMD-E	04-12-065	480-73-150	NEW-S	05-01-224
478-116-251	AMD	04-13-086	479-12-130	AMD-P	04-15-164	480-73-160	NEW-P	04-18-129
478-116-253	AMD-P	04-07-127	479-12-130	AMD	04-19-108	480-73-160	NEW-S	05-01-224
478-116-253	AMD	04-13-086	479-12-150	PREP	04-20-054	480-73-170	NEW-P	04-18-129
478-116-255	AMD-P	04-07-127	479-12-150	AMD-P	04-24-006	480-73-170	NEW-S	05-01-224
478-116-255	AMD	04-13-086	479-12-430	PREP	04-12-064	480-73-180	NEW-P	04-18-129
478-116-271	AMD-P	04-07-127	479-12-430	AMD-E	04-12-065	480-73-180	NEW-S	05-01-224
478-116-271	AMD	04-13-086	479-12-430	AMD-P	04-15-164	480-73-190	NEW-P	04-18-129
478-116-301	AMD-P	04-07-127	479-12-430	AMD	04-19-108	480-73-190	NEW-S	05-01-224
478-116-301	AMD	04-13-086	479-14-130	PREP	04-12-064	480-73-200	NEW-P	04-18-129
478-116-311	AMD-P	04-07-127	479-14-130	AMD-E	04-12-065	480-73-200	NEW-S	05-01-224
478-116-311	AMD	04-13-086	479-14-130	AMD-P	04-15-164	480-73-210	NEW-P	04-18-129
478-116-311	AMD-X	05-02-025	479-14-130	AMD	04-19-108	480-73-210	NEW-S	05-01-224
478-116-431	AMD-P	04-07-127	479-14-180	PREP	04-20-054	480-73-999	NEW-P	04-18-129
478-116-431	AMD	04-13-086	479-14-180	AMD-P	04-24-006	480-73-999	NEW-S	05-01-224
478-116-431	AMD-X	05-02-025	480-30-110	AMD	04-05-031	480-75-240	PREP	04-17-056
478-116-520	AMD-P	04-07-127	480-51-100	AMD	04-05-031	480-80	PREP	04-03-118
478-116-520	AMD	04-13-086	480-60-035	PREP	04-21-047	480-80-123	AMD-P	04-17-133
478-116-531	AMD-P	04-07-127	480-62	PREP	04-05-103	480-80-204	AMD-P	04-17-133
478-116-531	AMD	04-13-086	480-62-125	AMD-P	04-05-104	480-80-206	AMD-P	04-17-133
478-116-670	AMD-P	04-07-127	480-62-125	AMD	04-11-023	480-90-008	AMD-P	04-18-129
478-116-670	AMD	04-13-086	480-62-218	NEW-P	04-15-140	480-90-008	AMD-S	05-01-224
478-118	PREP	04-21-015	480-62-218	NEW-C	04-17-057	480-90-023	AMD-P	04-18-129

TABLE

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-90-023	AMD-S	05-01-224	480-93-160	AMD-P	04-15-141	480-110-227	NEW-S	05-01-224
480-90-207	NEW-P	04-18-129	480-93-170	AMD-P	04-15-141	480-110-235	AMD-P	04-18-129
480-90-207	NEW-S	05-01-224	480-93-175	AMD-P	04-15-141	480-110-235	AMD-S	05-01-224
480-90-208	AMD	04-05-031	480-93-178	NEW-P	04-15-141	480-110-245	AMD-P	04-18-129
480-90-208	REP-P	04-18-129	480-93-180	AMD-P	04-15-141	480-110-245	AMD-S	05-01-224
480-90-208	REP-S	05-01-224	480-93-183	REP-P	04-15-141	480-110-261	NEW-P	04-18-129
480-90-209	NEW-P	04-18-129	480-93-184	REP-P	04-15-141	480-110-261	NEW-S	05-01-224
480-90-209	NEW-S	05-01-224	480-93-185	AMD-P	04-15-141	480-110-265	REP-P	04-18-129
480-90-218	REP-P	04-18-129	480-93-186	AMD-P	04-15-141	480-110-265	REP-S	05-01-224
480-90-218	REP-S	05-01-224	480-93-18601	AMD-P	04-15-141	480-110-275	AMD	04-05-031
480-90-242	NEW-P	04-18-129	480-93-187	AMD-P	04-15-141	480-110-275	REP-P	04-18-129
480-90-242	NEW-S	05-01-224	480-93-188	AMD-P	04-15-141	480-110-275	REP-S	05-01-224
480-90-244	NEW-P	04-18-129	480-93-190	REP-P	04-15-141	480-110-285	REP-P	04-18-129
480-90-244	NEW-S	05-01-224	480-93-200	AMD-P	04-15-141	480-110-285	REP-S	05-01-224
480-90-245	NEW-P	04-18-129	480-93-210	REP-P	04-15-141	480-110-295	REP-P	04-18-129
480-90-245	NEW-S	05-01-224	480-93-220	REP-P	04-15-141	480-110-295	REP-S	05-01-224
480-90-248	NEW-P	04-18-129	480-93-223	AMD-P	04-15-141	480-110-335	AMD-P	04-18-129
480-90-248	NEW-S	05-01-224	480-93-230	AMD-P	04-15-141	480-110-335	AMD-S	05-01-224
480-90-252	NEW-P	04-18-129	480-93-240	PREP	04-17-056	480-110-355	AMD-P	04-18-129
480-90-252	NEW-S	05-01-224	480-93-999	AMD-P	04-15-141	480-110-355	AMD-S	05-01-224
480-90-257	NEW-P	04-18-129	480-100-008	AMD-P	04-18-129	480-110-365	AMD-P	04-18-129
480-90-257	NEW-S	05-01-224	480-100-008	AMD-S	05-01-224	480-110-365	AMD-S	05-01-224
480-90-262	NEW-P	04-18-129	480-100-023	AMD-P	04-18-129	480-110-375	AMD-P	04-18-129
480-90-262	NEW-S	05-01-224	480-100-023	AMD-S	05-01-224	480-110-375	AMD-S	05-01-224
480-90-264	NEW-P	04-18-129	480-100-207	NEW-P	04-18-129	480-110-385	AMD-P	04-18-129
480-90-264	NEW-S	05-01-224	480-100-207	NEW-S	05-01-224	480-110-385	AMD-S	05-01-224
480-90-268	NEW-P	04-18-129	480-100-208	AMD	04-05-031	480-110-395	AMD-P	04-18-129
480-90-268	NEW-S	05-01-224	480-100-208	REP-P	04-18-129	480-110-395	AMD-S	05-01-224
480-90-275	NEW-P	04-18-129	480-100-208	REP-S	05-01-224	480-110-415	AMD-P	04-18-129
480-90-275	NEW-S	05-01-224	480-100-209	NEW-P	04-18-129	480-110-415	AMD-S	05-01-224
480-90-999	AMD-P	04-18-129	480-100-209	NEW-S	05-01-224	480-110-425	AMD-P	04-18-129
480-90-999	AMD-S	05-01-224	480-100-218	REP-P	04-18-129	480-110-425	AMD-S	05-01-224
480-92-016	AMD-P	04-18-129	480-100-218	REP-S	05-01-224	480-110-431	NEW-P	04-18-129
480-92-016	AMD-S	05-01-224	480-100-242	NEW-P	04-18-129	480-110-431	NEW-S	05-01-224
480-92-021	AMD-P	04-18-129	480-100-242	NEW-S	05-01-224	480-110-433	NEW-P	04-18-129
480-92-021	AMD-S	05-01-224	480-100-244	NEW-P	04-18-129	480-110-433	NEW-S	05-01-224
480-92-050	AMD-P	04-18-129	480-100-244	NEW-S	05-01-224	480-110-445	AMD-P	04-18-129
480-92-050	AMD-S	05-01-224	480-100-245	NEW-P	04-18-129	480-110-445	AMD-S	05-01-224
480-92-055	NEW-P	04-18-129	480-100-245	NEW-S	05-01-224	480-110-456	NEW-P	04-18-129
480-92-055	NEW-S	05-01-224	480-100-248	NEW-P	04-18-129	480-110-456	NEW-S	05-01-224
480-93	AMD-C	04-21-048	480-100-248	NEW-S	05-01-224	480-110-457	NEW-P	04-18-129
480-93-002	REP-P	04-15-141	480-100-252	NEW-P	04-18-129	480-110-457	NEW-S	05-01-224
480-93-005	AMD-P	04-15-141	480-100-252	NEW-S	05-01-224	480-110-459	NEW-P	04-18-129
480-93-007	NEW-P	04-15-141	480-100-257	NEW-P	04-18-129	480-110-459	NEW-S	05-01-224
480-93-008	NEW-P	04-15-141	480-100-257	NEW-S	05-01-224	480-110-465	AMD-P	04-18-129
480-93-009	NEW-P	04-15-141	480-100-262	NEW-P	04-18-129	480-110-465	AMD-S	05-01-224
480-93-010	REP-P	04-15-141	480-100-262	NEW-S	05-01-224	480-110-475	REP-P	04-18-129
480-93-012	NEW-P	04-15-141	480-100-264	NEW-P	04-18-129	480-110-475	REP-S	05-01-224
480-93-015	AMD-P	04-15-141	480-100-264	NEW-S	05-01-224	480-110-485	AMD-P	04-18-129
480-93-017	AMD-P	04-15-141	480-100-268	NEW-P	04-18-129	480-110-485	AMD-S	05-01-224
480-93-018	AMD-P	04-15-141	480-100-268	NEW-S	05-01-224	480-110-495	REP-P	04-18-129
480-93-020	AMD-P	04-15-141	480-100-275	NEW-P	04-18-129	480-110-495	REP-S	05-01-224
480-93-030	REP-P	04-15-141	480-100-275	NEW-S	05-01-224	480-110-505	NEW-P	04-18-129
480-93-040	AMD-P	04-15-141	480-100-282	NEW-P	04-18-129	480-110-505	NEW-S	05-01-224
480-93-080	AMD-P	04-15-141	480-100-282	NEW-S	05-01-224	480-110-515	NEW-P	04-18-129
480-93-082	REP-P	04-15-141	480-100-287	NEW-P	04-18-129	480-110-515	NEW-S	05-01-224
480-93-100	AMD-P	04-15-141	480-100-287	NEW-S	05-01-224	480-110-525	NEW-P	04-18-129
480-93-110	AMD-P	04-15-141	480-100-999	AMD-P	04-18-129	480-110-525	NEW-S	05-01-224
480-93-111	REP-P	04-15-141	480-100-999	AMD-S	05-01-224	480-110-535	NEW-P	04-18-129
480-93-112	REP-P	04-15-141	480-110	PREP	04-08-132	480-110-535	NEW-S	05-01-224
480-93-115	AMD-P	04-15-141	480-110-205	AMD-P	04-18-129	480-110-545	NEW-P	04-18-129
480-93-120	REP-P	04-15-141	480-110-205	AMD-S	05-01-224	480-110-545	NEW-S	05-01-224
480-93-124	AMD-P	04-15-141	480-110-215	AMD-P	04-18-129	480-110-555	NEW-P	04-18-129
480-93-130	AMD-P	04-15-141	480-110-215	AMD-S	05-01-224	480-110-555	NEW-S	05-01-224
480-93-140	AMD-P	04-15-141	480-110-225	AMD-P	04-18-129	480-110-565	NEW-P	04-18-129
480-93-150	REP-P	04-15-141	480-110-225	AMD-S	05-01-224	480-110-565	NEW-S	05-01-224
480-93-155	AMD-P	04-15-141	480-110-227	NEW-P	04-18-129	480-110-575	NEW-P	04-18-129

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480-110-575	NEW-S	05-01-224	480-120-339	NEW-S	05-01-224	480-146-360	REP-S	05-01-224
480-110-999	AMD-P	04-18-129	480-120-344	NEW-P	04-18-129	480-146-370	REP-P	04-18-129
480-110-999	AMD-S	05-01-224	480-120-344	NEW-S	05-01-224	480-146-370	REP-S	05-01-224
480-120	PREP	04-03-118	480-120-349	NEW-P	04-18-129	480-146-380	REP-P	04-18-129
480-120-015	AMD-P	04-18-129	480-120-349	NEW-S	04-22-072	480-146-380	REP-S	05-01-224
480-120-015	AMD-S	05-01-224	480-120-349	NEW-C	04-23-052	484- 10-045	AMD-X	04-14-051
480-120-021	AMD-P	04-17-133	480-120-349	NEW-S	05-01-224	484- 10-045	AMD	04-19-026
480-120-034	NEW-P	04-17-133	480-120-352	NEW-P	04-18-129	484- 10-050	AMD-X	04-14-051
480-120-112	AMD-P	04-17-133	480-120-352	NEW-S	05-01-224	484- 10-050	AMD	04-19-026
480-120-122	AMD-P	04-17-133	480-120-355	NEW-P	04-18-129	484- 20-010	AMD-X	04-14-051
480-120-128	AMD-P	04-17-133	480-120-355	NEW-S	05-01-224	484- 20-010	AMD	04-19-026
480-120-146	AMD-S	04-03-117	480-120-359	NEW-P	04-17-133	484- 20-015	AMD-X	04-14-051
480-120-146	AMD	04-09-068	480-120-365	NEW-P	04-18-129	484- 20-015	AMD	04-19-026
480-120-147	AMD-P	04-17-133	480-120-365	NEW-S	05-01-224	484- 20-035	AMD-X	04-14-051
480-120-147	AMD-S	04-22-072	480-120-369	NEW-P	04-18-129	484- 20-035	AMD	04-19-026
480-120-147	AMD-C	04-23-052	480-120-369	NEW-S	05-01-224	484- 20-040	AMD-X	04-14-051
480-120-161	AMD-P	04-17-133	480-120-375	NEW-P	04-18-129	484- 20-040	AMD	04-19-026
480-120-166	AMD-P	04-17-133	480-120-375	NEW-S	05-01-224	484- 20-045	AMD-X	04-14-051
480-120-172	AMD-P	04-17-133	480-120-379	NEW-P	04-18-129	484- 20-045	AMD	04-19-026
480-120-173	AMD-P	04-17-133	480-120-379	NEW-S	05-01-224	484- 20-065	AMD-X	04-14-051
480-120-174	AMD-P	04-17-133	480-120-382	NEW-P	04-18-129	484- 20-065	AMD	04-19-026
480-120-196	AMD-P	04-17-133	480-120-382	NEW-S	05-01-224	484- 20-087	AMD-X	04-14-051
480-120-201	REP-P	04-17-133	480-120-385	NEW-P	04-18-129	484- 20-087	AMD	04-19-026
480-120-202	NEW-P	04-17-133	480-120-385	NEW-S	05-01-224	484- 20-103	AMD-X	04-14-051
480-120-203	REP-P	04-17-133	480-120-389	NEW-P	04-18-129	484- 20-103	AMD	04-19-026
480-120-204	REP-P	04-17-133	480-120-389	NEW-S	05-01-224	484- 20-105	AMD-X	04-14-051
480-120-205	REP-P	04-17-133	480-120-395	NEW-P	04-18-129	484- 20-105	AMD	04-19-026
480-120-206	REP-P	04-17-133	480-120-395	NEW-S	05-01-224	484- 20-116	AMD-X	04-14-051
480-120-207	REP-P	04-17-133	480-120-399	NEW-P	04-18-129	484- 20-116	AMD	04-19-026
480-120-208	REP-P	04-17-133	480-120-399	NEW-S	05-01-224	484- 20-120	AMD-X	04-14-051
480-120-209	REP-P	04-17-133	480-120-402	AMD-P	04-17-133	484- 20-120	AMD	04-19-026
480-120-211	REP-P	04-17-133	480-120-414	AMD-P	04-17-133	495A-121-011	AMD-P	04-07-150
480-120-212	REP-P	04-17-133	480-120-439	AMD-P	04-17-133	495A-121-011	AMD	04-11-043
480-120-213	REP-P	04-17-133	480-120-450	AMD-P	04-17-133	495A-121-041	AMD-P	04-07-150
480-120-214	REP-P	04-17-133	480-120-450	PREP	04-23-051	495A-121-041	AMD	04-11-043
480-120-215	REP-P	04-17-133	480-120-540	AMD-P	04-17-133	495A-121-044	AMD-P	04-07-150
480-120-216	REP-P	04-17-133	480-120-999	AMD-P	04-17-133	495A-121-044	AMD	04-11-043
480-120-253	AMD-P	04-17-133	480-121-063	AMD-P	04-18-129	495B-116	PREP	04-20-072
480-120-262	AMD-P	04-17-133	480-121-063	AMD-S	05-01-224	495B-116-030	AMD-P	04-24-040
480-120-301	REP-P	04-18-129	480-122	PREP	04-04-021	495B-116-040	AMD-P	04-24-040
480-120-301	REP-S	05-01-224	480-122-020	AMD-P	04-17-133	495B-116-050	AMD-P	04-24-040
480-120-302	REP-P	04-17-133	480-122-060	REP-P	04-17-133	495B-116-060	AMD-P	04-24-040
480-120-303	AMD	04-05-031	480-146-240	REP-P	04-18-129	495B-116-080	AMD-P	04-24-040
480-120-303	REP-P	04-18-129	480-146-240	REP-S	05-01-224	495B-116-090	AMD-P	04-24-040
480-120-303	REP-S	05-01-224	480-146-250	REP-P	04-18-129	495B-116-120	AMD-P	04-24-040
480-120-304	AMD	04-05-031	480-146-250	REP-S	05-01-224	495B-116-150	AMD-P	04-24-040
480-120-304	REP-P	04-18-129	480-146-260	REP-P	04-18-129	495B-116-160	AMD-P	04-24-040
480-120-304	REP-S	05-01-224	480-146-260	REP-S	05-01-224	495B-116-170	AMD-P	04-24-040
480-120-305	REP-P	04-18-129	480-146-270	REP-P	04-18-129	495B-116-210	AMD-P	04-24-040
480-120-305	REP-S	05-01-224	480-146-270	REP-S	05-01-224	495D-120-010	REP-P	04-11-103
480-120-311	REP-P	04-18-129	480-146-280	REP-P	04-18-129	495D-120-010	REP	04-16-003
480-120-311	REP-S	05-01-224	480-146-280	REP-S	05-01-224	495D-120-020	REP-P	04-11-103
480-120-321	REP-P	04-18-129	480-146-290	REP-P	04-18-129	495D-120-020	REP	04-16-003
480-120-321	REP-S	05-01-224	480-146-290	REP-S	05-01-224	495D-120-030	REP-P	04-11-103
480-120-322	REP-P	04-18-129	480-146-300	REP-P	04-18-129	495D-120-030	REP	04-16-003
480-120-322	REP-S	04-22-072	480-146-300	REP-S	05-01-224	495D-120-040	REP-P	04-11-103
480-120-322	REP-C	04-23-052	480-146-310	REP-P	04-18-129	495D-120-040	REP	04-16-003
480-120-322	REP-S	05-01-224	480-146-310	REP-S	05-01-224	495D-120-045	REP-P	04-11-103
480-120-323	REP-P	04-18-129	480-146-320	REP-P	04-18-129	495D-120-045	REP	04-16-003
480-120-323	REP-S	05-01-224	480-146-320	REP-S	05-01-224	495D-120-050	REP-P	04-11-103
480-120-325	NEW-P	04-18-129	480-146-330	REP-P	04-18-129	495D-120-050	REP	04-16-003
480-120-325	NEW-S	05-01-224	480-146-330	REP-S	05-01-224	495D-120-060	REP-P	04-11-103
480-120-331	NEW-P	04-18-129	480-146-340	REP-P	04-18-129	495D-120-060	REP	04-16-003
480-120-331	NEW-S	05-01-224	480-146-340	REP-S	05-01-224	495D-120-070	REP-P	04-11-103
480-120-335	NEW-P	04-18-129	480-146-350	REP-P	04-18-129	495D-120-070	REP	04-16-003
480-120-335	NEW-S	05-01-224	480-146-350	REP-S	05-01-224	495D-120-080	REP-P	04-11-103
480-120-339	NEW-P	04-18-129	480-146-360	REP-P	04-18-129	495D-120-080	REP	04-16-003

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495D-120-090	REP-P	04-11-103	495D-121-240	NEW	04-16-003			
495D-120-090	REP	04-16-003	495D-121-250	NEW-P	04-11-103			
495D-120-100	REP-P	04-11-103	495D-121-250	NEW	04-16-003			
495D-120-100	REP	04-16-003	495D-121-260	NEW-P	04-11-103			
495D-120-110	REP-P	04-11-103	495D-121-260	NEW	04-16-003			
495D-120-110	REP	04-16-003	516-60-001	AMD-P	04-03-073			
495D-120-120	REP-P	04-11-103	516-60-001	AMD	04-09-106			
495D-120-120	REP	04-16-003	516-60-010	NEW-P	04-03-073			
495D-120-130	REP-P	04-11-103	516-60-010	NEW	04-09-106			
495D-120-130	REP	04-16-003						
495D-120-140	REP-P	04-11-103						
495D-120-140	REP	04-16-003						
495D-120-170	REP-P	04-11-103						
495D-120-170	REP	04-16-003						
495D-120-180	REP-P	04-11-103						
495D-120-180	REP	04-16-003						
495D-120-190	REP-P	04-11-103						
495D-120-190	REP	04-16-003						
495D-120-200	REP-P	04-11-103						
495D-120-200	REP	04-16-003						
495D-121-010	NEW-P	04-11-103						
495D-121-010	NEW	04-16-003						
495D-121-020	NEW-P	04-11-103						
495D-121-020	NEW	04-16-003						
495D-121-030	NEW-P	04-11-103						
495D-121-030	NEW	04-16-003						
495D-121-040	NEW-P	04-11-103						
495D-121-040	NEW	04-16-003						
495D-121-050	NEW-P	04-11-103						
495D-121-050	NEW	04-16-003						
495D-121-060	NEW-P	04-11-103						
495D-121-060	NEW	04-16-003						
495D-121-070	NEW-P	04-11-103						
495D-121-070	NEW	04-16-003						
495D-121-080	NEW-P	04-11-103						
495D-121-080	NEW	04-16-003						
495D-121-090	NEW-P	04-11-103						
495D-121-090	NEW	04-16-003						
495D-121-100	NEW-P	04-11-103						
495D-121-100	NEW	04-16-003						
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495D-121-110	NEW	04-16-003						
495D-121-120	NEW-P	04-11-103						
495D-121-120	NEW	04-16-003						
495D-121-130	NEW-P	04-11-103						
495D-121-130	NEW	04-16-003						
495D-121-140	NEW-P	04-11-103						
495D-121-140	NEW	04-16-003						
495D-121-150	NEW-P	04-11-103						
495D-121-150	NEW	04-16-003						
495D-121-160	NEW-P	04-11-103						
495D-121-160	NEW	04-16-003						
495D-121-170	NEW-P	04-11-103						
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495D-121-200	NEW	04-16-003						
495D-121-210	NEW-P	04-11-103						
495D-121-210	NEW	04-16-003						
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TABLE



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.

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143-06	PREP	05-02-053	246-272-17501	REP-P	05-02-082	246-272A-0280	NEW-P	05-02-082
182-08-120	AMD-W	05-02-060	246-272-18501	REP-P	05-02-082	246-272A-0290	NEW-P	05-02-082
182-16-040	AMD-W	05-02-060	246-272-19501	REP-P	05-02-082	246-272A-0300	NEW-P	05-02-082
182-16-050	AMD-W	05-02-060	246-272-20501	REP-P	05-02-082	246-272A-0310	NEW-P	05-02-082
192-35-010	NEW	05-02-094	246-272-21501	REP-P	05-02-082	246-272A-0320	NEW-P	05-02-082
192-35-020	NEW	05-02-094	246-272-22501	REP-P	05-02-082	246-272A-0340	NEW-P	05-02-082
192-35-030	NEW	05-02-094	246-272-23501	REP-P	05-02-082	246-272A-0400	NEW-P	05-02-082
192-35-040	NEW	05-02-094	246-272-24001	REP-P	05-02-082	246-272A-0410	NEW-P	05-02-082
192-35-050	NEW	05-02-094	246-272-25001	REP-P	05-02-082	246-272A-0420	NEW-P	05-02-082
192-35-060	NEW	05-02-094	246-272-26001	REP-P	05-02-082	246-272A-0425	NEW-P	05-02-082
192-35-070	NEW	05-02-094	246-272-27001	REP-P	05-02-082	246-272A-0430	NEW-P	05-02-082
192-35-080	NEW	05-02-094	246-272-28001	REP-P	05-02-082	246-272A-0440	NEW-P	05-02-082
192-35-090	NEW	05-02-094	246-272A-0001	NEW-P	05-02-082	246-272A-0450	NEW-P	05-02-082
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220-52-04600	REP-E	05-02-048	246-272A-0020	NEW-P	05-02-082	260-72-050	NEW-P	05-02-077
220-56-36000E	NEW-E	05-02-047	246-272A-0025	NEW-P	05-02-082	284-13-580	AMD	05-02-075
220-56-36000E	REP-E	05-02-047	246-272A-0100	NEW-P	05-02-082	284-34-010	REP	05-02-076
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232-28-291	AMD	05-02-046	246-272A-0135	NEW-P	05-02-082	284-34-060	REP	05-02-076
232-28-333	AMD	05-02-046	246-272A-0140	NEW-P	05-02-082	284-34-070	REP	05-02-076
246-272-00101	REP-P	05-02-082	246-272A-0145	NEW-P	05-02-082	284-34-100	NEW	05-02-076
246-272-00501	REP-P	05-02-082	246-272A-0150	NEW-P	05-02-082	284-34-110	NEW	05-02-076
246-272-01001	REP-P	05-02-082	246-272A-0170	NEW-P	05-02-082	284-34-120	NEW	05-02-076
246-272-02001	REP-P	05-02-082	246-272A-0175	NEW-P	05-02-082	284-34-130	NEW	05-02-076
246-272-03001	REP-P	05-02-082	246-272A-0200	NEW-P	05-02-082	284-34-140	NEW	05-02-076
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246-272-08001	REP-P	05-02-082	246-272A-0232	NEW-P	05-02-082	284-34-180	NEW	05-02-076
246-272-09001	REP-P	05-02-082	246-272A-0234	NEW-P	05-02-082	284-34-190	NEW	05-02-076
246-272-09501	REP-P	05-02-082	246-272A-0238	NEW-P	05-02-082	284-34-200	NEW	05-02-076
246-272-11001	REP-P	05-02-082	246-272A-0240	NEW-P	05-02-082	284-34-210	NEW	05-02-076
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246-272-14501	REP-P	05-02-082	246-272A-0265	NEW-P	05-02-082	284-34-240	NEW	05-02-076
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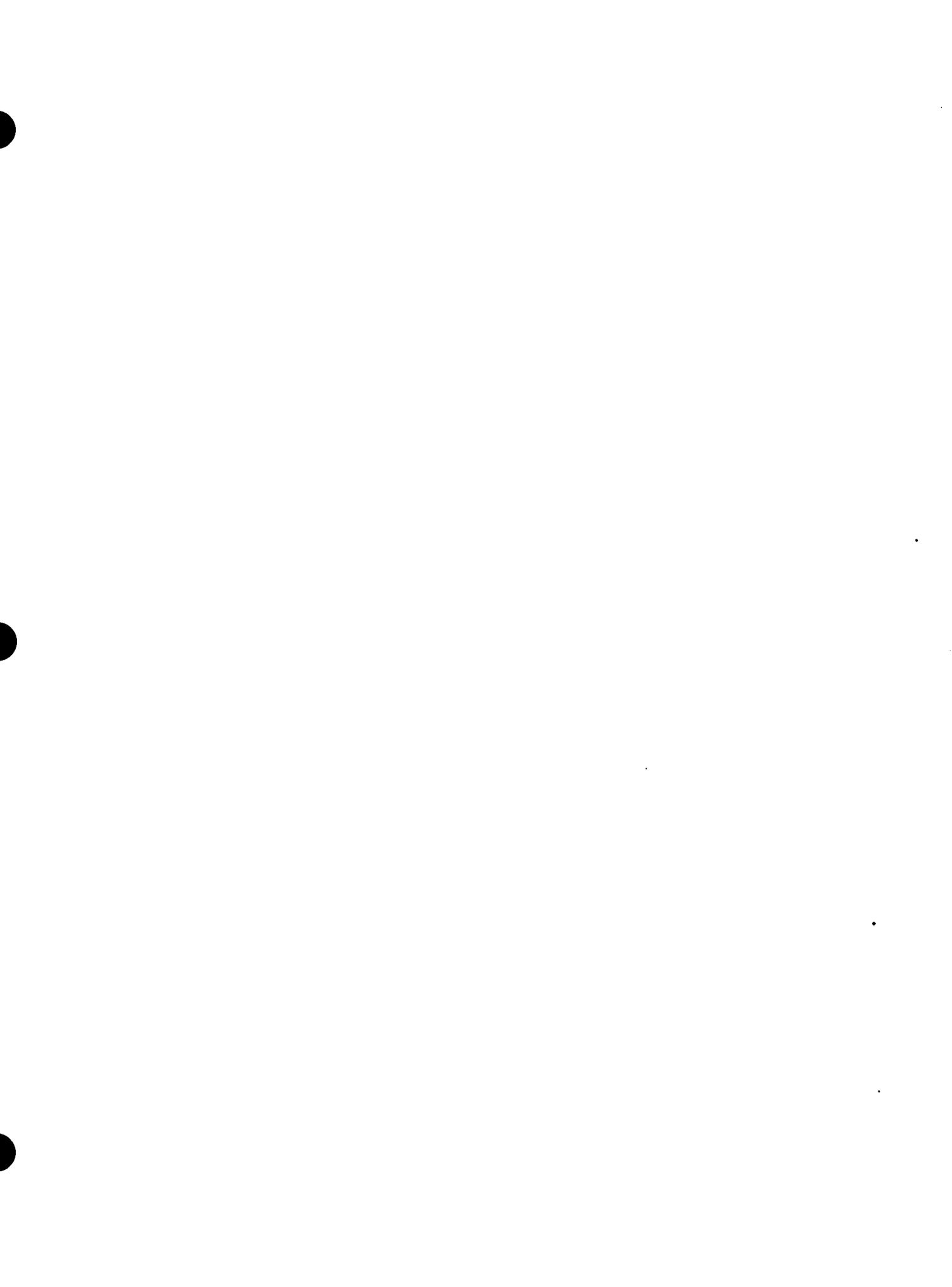
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