

WSR 13-20-067**EXPEDITED RULES****DEPARTMENT OF ECOLOGY**

[Order 13-06—Filed September 27, 2013, 11:17 a.m.]

Title of Rule and Other Identifying Information: The department of ecology is proposing to repeal chapter 173-325 WAC, Low-level radioactive waste disposal and chapter 173-326 WAC, Commercial low-level radioactive waste disposal—Site use permits.

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 Bari Schreiner, Agency Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail Bari.Schreiner@ecy.wa.gov, AND RECEIVED BY December 2, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule proposal is to repeal two chapters that ecology no longer has authority to implement. Chapter 70.98 RCW, as amended by chapter 19, Laws of 2012, HB 2304 and SB 6491, transferred authority for the site use permit program to the department of health (health) effective July 1, 2012. Health has been administering this program since that date and has adopted rules under chapters 246-249 and 246-254 WAC to align their rules with the statute.

Reasons Supporting Proposal: The site use permit program regulations describe a permit system for disposal of commercial low-level radioactive waste near Richland, Washington. The disposal facility is commonly referred to as "US Ecology."

Ecology is conducting this rule making to conform to state law and to repeal duplicative rules. This repeal will eliminate possible confusion over obsolete rules.

Statutory Authority for Adoption: Chapter 43.200 RCW, Radioactive Waste Act.

Statute Being Implemented: Chapter 70.98 RCW, Nuclear energy and radiation.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Larry Goldstein, Lacey, (360) 407-6573.

September 25, 2013

Polly Zehm

Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-325-010 Purpose.
- WAC 173-325-020 Definitions.
- WAC 173-325-030 Requirements for generators and brokers.
- WAC 173-325-040 Requirements for site operator.
- WAC 173-325-050 Effective dates.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-326-010 Purpose.
- WAC 173-326-020 Definitions.
- WAC 173-326-030 Requirements for generators and brokers using the Hanford low-level radioactive waste disposal facility.
- WAC 173-326-040 Payment procedures.
- WAC 173-326-050 Permit fees.
- WAC 173-326-060 Requirements for site operator.

WSR 13-20-106**EXPEDITED RULES****TRANSPORTATION IMPROVEMENT BOARD**

[Filed October 1, 2013, 11:18 a.m.]

Title of Rule and Other Identifying Information: Amending WAC 479-14-421 What projects are eligible for sidewalk program funding.

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 Alicia Seegers Martinelli, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, or e-mail to aliciam@tib.wa.gov, AND RECEIVED BY December 2, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: General house-keeping to provide consistency and maintain accuracy.

Reasons Supporting Proposal: To clarify language in WAC 479-14-421 as allowed in the Administrative Procedure Act, RCW 34.05.353.

Statutory Authority for Adoption: Chapter 47.26 RCW.

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

Name of Proponent: Washington state transportation improvement board, governmental.

Name of Agency Personnel Responsible for Drafting: Alicia Seegers Martinelli, 505 Union Avenue S.E., Olympia, WA 98501, (360) 586-1155; Implementation and Enforcement: Steve Gorcester, 505 Union Avenue S.E., Olympia, WA 98501, (360) 586-1139.

October 1, 2013
Stevan Gorcester
Executive Director

AMENDATORY SECTION (Amending WSR 12-08-060, filed 4/3/12, effective 5/4/12)

WAC 479-14-421 What projects are eligible for sidewalk program funding. Minimum project requirements for each subprogram are as follows:

(1) Urban sidewalk program project eligibility:

(a) Must be on or related to a functionally classified route; and

(b) Primary purpose of the project is transportation and not recreation.

(2) Small city sidewalk program project eligibility:

(a) The project must be located on or related to a street within the TIB designated arterial system; and

(b) Primary purpose of the project is transportation and not recreation.

For both of the subprograms, TIB does not participate in the cost for right of way acquisitions.

~~((For the urban sidewalk program, TIB does not provide funding increases.))~~

WSR 13-20-149
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed October 2, 2013, 11:54 a.m.]

Title of Rule and Other Identifying Information:

- WAC 458-30-220 [458-18-220] Refunds—Rate of interest, which provides the rate of interest that applies to tax refunds made pursuant to RCW 84.69.101 [84.69.010] through 84.69.090 in accordance with RCW 84.69.100, and also to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030.
- WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component, which provides the interest rate and the property tax component used to value farm and agricultural lands classified under chapter 84.34 RCW (open space program).
- WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, which provides the rate of inflation used to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from

classification under chapter 84.34 RCW (open space program).

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 Marilou Rickert, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail MarilouR@DOR.WA.GOV, AND RECEIVED BY December 2, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend:

- WAC 458-30-220 [458-18-220] to provide the rate of interest for treasury bill auction year 2013, which is to be used when refunding property taxes paid in 2014, as required by RCW 84.69.100.
- WAC 458-30-262 to provide the interest rate and property tax component to be used when valuing classified farm and agricultural land during the 2014 assessment year, as required by RCW 84.34.065.
- WAC 458-30-590 to provide the rate of inflation used in calculating interest for deferred special benefit assessments of land removed or withdrawn during 2014, as required by RCW 84.34.310.

Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Reasons Supporting Proposal: The department is required by statute to annually adopt these rules to provide the information identified above.

Statutory Authority for Adoption: RCW 84.34.360, 84.34.065, 84.34.141, and 84.69.100.

Statute Being Implemented: RCW 84.34.055, 84.34.065, 84.34.141, 84.34.310, 84.34.360, 84.68.030, and 84.69.100.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Marilou Rickert, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1582; Implementation and Enforcement: Kathy Beith, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 534-1403.

October 2, 2013
Alan R. Lynn
Assistant Director

AMENDATORY SECTION (Amending WSR 13-02-053, filed 12/26/12, effective 1/1/13)]

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made

pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

[AMENDATORY SECTION (Amending WSR 13-02-053, filed 12/26/12, effective 1/1/13)]

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~2013~~ 2014, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~5.24~~ 4.69 percent; and
- (2) The property tax component for each county is:

Year tax paid	Auction Year	Rate	COUNTY	PERCENT	COUNTY	PERCENT
1984	1983	9.29%	Adams	1.30 <u>1.29</u>	Lewis	1.04 <u>1.09</u>
1985	1984	11.27%	Asotin	1.27 <u>1.28</u>	Lincoln	1.26 <u>1.25</u>
1986	1985	7.36%	Benton	1.15 <u>1.16</u>	Mason	0.95 <u>1.05</u>
1987	1986	6.11%	Chelan	1.01 <u>1.06</u>	Okanogan	1.02 <u>1.06</u>
1988	1987	5.95%	Clallam	1.03 <u>1.11</u>	Pacific	1.24 <u>1.26</u>
1989	1988	7.04%	Clark	1.37 <u>1.45</u>	Pend Oreille	0.88 <u>0.90</u>
1990	1989	8.05%	Columbia	1.13 <u>1.16</u>	Pierce	1.39 <u>1.54</u>
1991	1990	8.01%	Cowlitz	1.18 <u>1.24</u>	<u>San Juan</u>	0.56 <u>0.68</u>
1992	1991	5.98%	Douglas	1.12 <u>1.21</u>	Skagit	1.13 <u>1.23</u>
1993	1992	3.42%	Ferry	0.92 <u>0.94</u>	Skamania	0.90 <u>1.06</u>
1994	1993	3.19%	Franklin	1.29 <u>1.30</u>	Snohomish	1.24 <u>1.30</u>
1995	1994	4.92%	Garfield	1.03 <u>1.13</u>	Spokane	1.33 <u>1.43</u>
1996	1995	5.71%	Grant	1.27 <u>1.37</u>	Stevens	0.98 <u>0.99</u>
1997	1996	5.22%	Grays Harbor	1.16 <u>1.22</u>	Thurston	1.27 <u>1.37</u>
1998	1997	5.14%	Island	0.84 <u>0.87</u>	Wahkiakum	0.90 <u>0.96</u>
1999	1998	5.06%	Jefferson	0.92 <u>0.97</u>	Walla Walla	1.27 <u>1.34</u>
2000	1999	4.96%	King	1.14 <u>1.19</u>	Whatcom	1.06 <u>1.12</u>
2001	2000	5.98%	Kitsap	1.17 <u>1.22</u>	Whitman	1.33 <u>1.38</u>
2002	2001	3.50%	Kittitas	0.80 <u>0.92</u>	Yakima	1.23 <u>1.25</u>
2003	2002	1.73%	Klickitat	0.90		
2004	2003	0.95%				
2005	2004	1.73%				
2006	2005	3.33%				
2007	2006	5.09%				
2008	2007	4.81%				
2009	2008	2.14%				
2010	2009	0.29%				
2011	2010	0.21%				
2012	2011	0.08%				
2013	2012	0.15%				
<u>2014</u>	<u>2013</u>	<u>0.085%</u>				

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

[AMENDATORY SECTION (Amending WSR 13-02-053, filed 12/26/12, effective 1/1/13)]

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
2010	1.539	2011	2.755
2012	1.295	<u>2013</u>	<u>1.314</u>

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