

company or agent and pilot in writing of its subsequent decision and reasons therefore.

In the event that the request is approved, the board shall give the affected pilot a specific list of vessels for which that pilot shall not provide pilotage services as well as the length of time covering such restriction.

[Recodified as § 363-116-400. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 88-09-016 (Order 88-7, Resolution No. 88-7), § 296-116-400, filed 4/13/88.]

**WAC 363-116-410 Definition of Grays Harbor pilotage district.** The Grays Harbor pilotage district shall have an outer boundary line between Grays Harbor and Willapa Harbor and the high seas which shall be seaward of a line from Point Brown rear range light to Grays Harbor entrance lighted whistle buoy number three, (latitude N 46-55.00, longitude 124-14.42 W), thence to Grays Harbor entrance lighted whistle buoy number two (latitude N 46-52.43, longitude 124-12.35 W), thence to Grays Harbor light and from the Willapa Bay light to the Willapa Bay approach lighted whistle buoy "W" (latitude N 46-41.50, longitude 124-10.46 W), thence to the charted northernmost position of Leadbetter Point.

[Recodified as § 363-116-410. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.050. 88-09-017 (Order 88-8, Resolution No. 88-8), § 296-116-410, filed 4/13/88.]

**WAC 363-116-420 Summary/temporary license suspension.** Summary/temporary suspension of a pilot's license may be made by the chairperson or vice-chairperson of the board of pilotage commissioners when:

(1) A pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel; or

(2) Where there is a reasonable cause to believe that a pilot has diminished capacity or is under the influence of drugs, alcohol, or other substances; and

(3) Such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. Notification of this suspension shall be made directly to the pilot and the appropriate pilot's association.

Within seventy-two hours an emergency board meeting will be held to determine whether to continue such suspension. In the event the suspension is continued pending proceedings for revocation or other action, an order shall be immediately prepared and notice shall be personally served upon the pilot advising of the board's action.

These further proceedings shall be promptly instituted in the office of administrative hearings.

All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston County or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of such final decision. No appeal may be

taken after the expiration of thirty days after the date of final decision.

[Recodified as § 363-116-420. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.100. 88-10-040 (Order 88-12, Resolution No. 88-12), § 296-116-420, filed 5/3/88.]

**WAC 363-116-500 Tug escort requirements for oil tankers.** (1) RCW 88.16.190(2) requires the escort of a tug or tugs for all oil tankers 40,000 DWT or greater when not in ballast. For purposes of that provision only, deadweight tonnage shall be the maximum summer deadweight tonnage that was assigned to the vessel at the time of construction as reported in **Lloyd's Register of Ships**. Unless the vessel was structurally altered and remeasured to less than 40,000 DWT, this original deadweight tonnage shall be used for purposes of determining if the vessel requires the appropriate tug escort.

(2) It shall be a violation of this regulation to provide pilotage services to an oil tanker not in compliance with this rule when the pilot has actual knowledge of the noncompliance.

(3) Oil tankers found to be in violation of the provisions of this regulation shall be subject to the provisions of RCW 88.16.150.

(4) The deadweight tonnage provision of this rule is to be used solely for determining the required use of a tug escort.

[Recodified as § 363-116-500. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.190(2). 94-07-079, § 296-116-500, filed 3/16/94, effective 4/16/94.]

## Title 365 WAC COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY DEVELOPMENT)

### Chapters

- 365-40 State funding of local Head Start programs.
- 365-90 Supplemental law enforcement resources for border areas.
- 365-135 Bond cap allocation.
- 365-300 Enhanced 9-1-1 funding.

**Chapter 365-40 WAC**  
**STATE FUNDING OF LOCAL HEAD START**  
**PROGRAMS**

**WAC**

365-40-010	Purpose and authority.
365-40-020	Definitions.
365-40-041	Financial support application process.
365-40-051	Eligibility criteria.
365-40-071	Method of payment and reporting requirements.

**WAC 365-40-010 Purpose and authority.** (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter 43.330 RCW.

[Statutory Authority: RCW 43.06.110 and 43.330.040 (2)(g). 97-21-005, § 365-40-010, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-010, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-010, filed 10/25/78.]

**WAC 365-40-020 Definitions.** (1) "Applicant" means a public or private nonsectarian organization which receives federal Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds under the Head Start state match program.

(3) "Department" means the department of community, trade and economic development.

(4) "Director" means the director of the department of community, trade and economic development.

(5) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the federal Head Start Act as amended and relevant federal regulations.

[Statutory Authority: RCW 43.06.110 and 43.330.040 (2)(g). 97-21-005, § 365-40-020, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-020, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-020, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-020, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-020, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-020, filed 10/25/78.]

**WAC 365-40-041 Financial support application process.** (1) Each potential applicant will be notified by the department that application for Head Start state match financial assistance is to be made to the department.

(2) An applicant must make formal application in the form and manner specified by the department. Failure of an applicant to make application in the specified time will result in no Head Start state match funds being allocated.

(3) Applications for Head Start state match financial assistance shall contain a description of the services to be provided with Head Start state match funds.

(4) The department shall provide a contract for signature to the applicant or a request for additional information.

[Statutory Authority: RCW 43.06.110 and 43.330.040 (2)(g). 97-21-005, § 365-40-041, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-041, filed 10/16/89, effective 11/16/89; 86-18-026 (Order 86-02), § 365-40-041, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03),

§ 365-40-041, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-041, filed 7/20/79.]

**WAC 365-40-051 Eligibility criteria.** In order to receive Head Start state match funds, a contractor must currently be receiving federal funds to operate a Head Start program. Head Start state match funds may be used only for activities which result in direct and measurable services to Head Start program children. The department shall determine the formula for distribution of state funds based on federal enrollment levels at the time of funding.

[Statutory Authority: RCW 43.06.110 and 43.330.040 (2)(g). 97-21-005, § 365-40-051, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-051, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-051, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-051, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-051, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-051, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-051, filed 7/20/79.]

**WAC 365-40-071 Method of payment and reporting requirements.** (1) Head Start state match funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) Reports to the department to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the department.

(3) The contractor shall submit annually a current report of the audit of funds conducted by an independent auditor or office of state auditor in accordance with generally accepted auditing standards. Such audit may be that conducted for and provided to other funding sources. The audit report must identify state funds by contract number. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report.

[Statutory Authority: RCW 43.06.110 and 43.330.040 (2)(g). 97-21-005, § 365-40-071, filed 10/1/97, effective 11/1/97. Statutory Authority: Chapter 43.63A RCW. 89-21-056 (Order 89-04), § 365-40-071, filed 10/16/89, effective 11/16/89; 88-01-058 (Order 87-20), § 365-40-071, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-071, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-071, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-071, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-071, filed 7/20/79.]

**Chapter 365-90 WAC**  
**SUPPLEMENTAL LAW ENFORCEMENT**  
**RESOURCES FOR BORDER AREAS**

**WAC**

365-90-010	Repealed.
365-90-020	Repealed.
365-90-040	Repealed.
365-90-080	Repealed.
365-90-090	Repealed.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

365-90-010	Declaration of public policy. [Statutory Authority: RCW 43.63A.060. 91-04-017 (Order 91-01), § 365-90-010, filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-010, filed 10/27/83.] Repealed by 97-21-006, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.330.040 (2)(g).
365-90-020	Definitions. [Statutory Authority: RCW 43.63A.060. 91-04-017 (Order 91-01), § 365-90-020, filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-020, filed 10/27/83.] Repealed by 97-21-006, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.330.040 (2)(g).
365-90-040	Allocation of funds. [Statutory Authority: RCW 43.63A.060. 91-04-017 (Order 91-01), § 365-90-040, filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-040, filed 10/27/83.] Repealed by 97-21-006, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.330.040 (2)(g).
365-90-080	Unexpended funds. [Statutory Authority: RCW 43.63A.060. 91-04-017 (Order 91-01), § 365-90-080, filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-080, filed 10/27/83.] Repealed by 97-21-006, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.330.040 (2)(g).
365-90-090	Annual review. [Statutory Authority: RCW 43.63A.060. 91-04-017 (Order 91-01), § 365-90-090, filed 1/28/91, effective 2/28/91. Statutory Authority: RCW 43.63A.190. 83-22-037 (Order 83-08), § 365-90-090, filed 10/27/83.] Repealed by 97-21-006, filed 10/1/97, effective 11/1/97. Statutory Authority: RCW 43.330.040 (2)(g).

**WAC 365-90-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-90-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-90-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-90-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 365-90-090 Repealed.** See Disposition Table at beginning of this chapter.

Chapter 365-135 WAC  
BOND CAP ALLOCATION

## WAC

365-135-010	Purpose.
365-135-020	Definitions.
365-135-035	Reallocations.
365-135-040	Procedure for obtaining an allocation, extension, or carryforward.
365-135-050	Fees.
365-135-060	Criteria for small issue (industrial revenue) bonds.
365-135-070	Criteria for exempt facility bonds.

**WAC 365-135-010 Purpose.** The federal Tax Reform Act of 1986 imposes an annual ceiling on each state limiting the dollar volume of certain private activity bonds that can be issued. To allocate this ceiling among eligible issuers in Washington state, chapter 297, Laws of 1987 has been

enacted. In accordance with the statute, the department of community, trade, and economic development will allocate the state's private activity bond ceiling and establish by rule a fee schedule. The department will carry out such functions through the bond cap allocation program (BCAP).

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-010, filed 1/2/97, effective 2/2/97. Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-010, filed 9/16/87.]

**WAC 365-135-020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

**Allocation fee:** The total fee paid by the issuer to the department for receiving allocation from the BCAP. It is assessed by the department based on the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater. The allocation fee, which includes the nonrefundable five hundred dollar filing fee, is due from the issuer upon filing an application.

**Department:** The Washington state department of community, trade, and economic development.

**Extension fee:** The fee the department may assess when an issuer requests and is granted an extension for issuing the allocation or carryforward of the allocation. The amount of the fee will not exceed two hundred fifty dollars and is nonrefundable.

**Filing fee:** The nonrefundable five hundred dollar portion of the allocation fee.

**Reallocation:** The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

**Statute:** Chapter 39.86 RCW.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-020, filed 1/2/97, effective 2/2/97. Statutory Authority: Chapter 39.86 RCW. 93-13-012 (Order 93-05), § 365-135-020, filed 6/7/93, effective 1/1/94. Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-020, filed 9/16/87.]

**WAC 365-135-035 Reallocations.** (1) Housing programs and projects will be given priority for the first fifty percent of the bond cap available after September 1 each year because of the need for affordable housing, the program's ability to serve lower-income households, its contribution to and support of economic development and long-term benefits that may be achieved.

(2) Bond cap will consider other categories of applications including industrial development bonds, exempt facilities, public utility districts, and student loans for allocation from the remaining bond cap available after September 1.

(a) The program will consider and then evaluate and balance the public benefits listed in statute and in rule in making allocation decisions. Allocations will be based upon the likelihood of a project achieving the highest overall public purposes and the degree to which a project:

(i) Provides an economic boost to an economically distressed community (based on the three-year unemployment figures from employment security);

- (ii) Creates or retains jobs that pay higher than the median wage for the county in which it is located, in sustainable industries, particularly for lower-income persons;
- (iii) Retains or expands the local tax base;
- (iv) Encourages and facilitates the provision of student loans for institutions of higher education;
- (v) Reduces environmental pollution;
- (vi) Facilitates investments in new manufacturing technologies enabling Washington industries to stay competitive;
- (vii) Diverts solid waste from disposal and manufactures it into value-added products;
- (viii) Encourages the environmentally sound handling of solid waste using best management's practices; or
- (ix) Produces competitively priced energy for use in the state.

(b) The criteria in this section and other applicable criteria otherwise established in statute and rule shall not be considered as ranked in any particular order but shall be weighed and balanced for each application and among applications in making allocation decisions.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-035, filed 1/2/97, effective 2/2/97.]

**WAC 365-135-040 Procedure for obtaining an allocation, extension, or carryforward.** No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying an allocation fee. An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. If an issuer does not issue private activity bonds or mortgage credit certificates in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or carryforward in a timely manner.

The housing category will be given priority for carryforward allocations.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-040, filed 1/2/97, effective 2/2/97. Statutory Authority: Chapter 39.86 RCW. 93-13-012 (Order 93-05), § 365-135-040, filed 6/7/93, effective 1/1/94. Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-040, filed 9/16/87.]

**WAC 365-135-050 Fees.** (1) A fee schedule is hereby established, which will consist of:

(a) An allocation fee, due at the time a request is filed with the department of community, trade, and economic development; and

(b) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, the allocation fee, less the five hundred dollar filing fee, will be refunded.

Annually, the department will determine if an adjustment of the fees is warranted by reviewing the account of BCAP revenues and expenses for the preceding fiscal year and by considering BCAP budget projections for the following fiscal year.

(2) Payment of the fees will occur as indicated by the schedule below.

(a) Filing. Upon filing an allocation request, the issuer must submit the total allocation fee, of which the five hundred dollar filing fee is nonrefundable.

(b) Extensions and carryforwards. The department may assess an extension fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. The extension fee must be paid prior to the extension being granted. However, if the BCAP administrator determines that an issuer's allocation fee included a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(c) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

If the allocation request is denied or a partial allocation is approved, the issuer will receive either a full or partial refund of the allocation fee, less the five hundred dollar filing fee. Once the allocation amount is approved, the allocation fee is not refundable, even if the issuer does not issue all or any of the approved allocation.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-050, filed 1/2/97, effective 2/2/97. Statutory Authority: Chapter 39.86 RCW. 93-13-012 (Order 93-05), § 365-135-050, filed 6/7/93, effective 1/1/94. Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-050, filed 9/16/87.]

**WAC 365-135-060 Criteria for small issue (industrial revenue) bonds.** In addition to the statute, the following guidelines will be used as criteria for evaluating small issue requests:

(1) Until June 1 of each year, a minimum percentage of the ceiling available for small issues will be set aside for issuers in those locations which BCAP designates by certain geographic and distress indicators, as follows:

<u>Designation</u>	<u>Allocation set-aside</u>
East/distressed	15% or greater
West/distressed	15% or greater
East/nondistressed	10% or greater

(2) In evaluating the number of jobs created or retained a project would offer in relationship to the dollars which would be allocated from the ceiling, priority will be given to those projects, relative to their appropriate designation, which do not exceed the following ratios for dollars allocated per job:

<u>Designation</u>	<u>\$ (in thousands) per job offered</u>
East/distressed	\$192.2/job
East/nondistressed	121.6/job
West/distressed	146.2/job
West/nondistressed	106.6/job
State-wide	116.8/job

(3) The program will consider the number and type of jobs that will be created or retained. Projects that create new jobs will, in general, have priority over others. Projects that involve relocation from one part of Washington to another will, in general, have a lower priority than those that create net new jobs, unless the relocation was caused through displacement for other job creating or economic development activity.

(4) Projects that involve the creation of semiskilled and skilled jobs as well as unskilled jobs, or that will provide special training and promotion opportunities to employees, will have priority over those that do not. Projects that will be located in enterprise communities, neighborhood empowerment zones, or distressed areas will be accorded priority over other projects.

(5) Priority will be given to projects that result in publicly owned facilities over privately owned facilities.

(6) If the department finds that a particular project does not meet the guidelines in this section, but is nonetheless in the best interest of the state, the department may approve the request. Factors that may lead to such a finding include the following:

(a) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department; and

(b) The number of secondary or spin-off jobs expected to be generated by the project.

(7) If demand for allocation exceeds the amount available, priority will be given to counties designated as distressed, using unemployment figures from the employment security department.

(8) The department will review these guidelines at least annually.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-060, filed 1/2/97, effective 2/2/97. Statutory Authority: 1987 c 297. 87-19-082 (Order 87-18), § 365-135-060, filed 9/16/87.]

**WAC 365-135-070 Criteria for exempt facility bonds.** (1) In addition to the state statute, the following guidelines will be used as criteria for evaluating exempt facility requests:

(a) Until September 1st of each year, any one exempt facility project may not receive more than thirty percent of the initial allocation amount available in the exempt facility category.

(b) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department.

(c) The number of direct jobs and secondary or spin-off jobs expected to be generated by the project.

(d) The degree to which the project proposes to provide jobs for lower-income persons from the community.

(e) The number of jobs created in proportion to the amount of the bond cap allocation.

(f) The proportionate number of persons in relationship to the size of the community who will benefit from the project.

(g) The degree to which the project provides an economic boost to an economically distressed community (based

on the three-year unemployment figures from employment security).

(h) The degree to which the project retains or expands the local tax base.

(i) The degree to which the project reduces environmental pollution.

(j) The degree to which the project diverts solid waste from disposal and manufactures it into value-added products.

(k) The degree to which the project produces energy at a lower cost than alternative or existing energy sources.

(l) The environmental benefit of the project to the particular community, the county or the state.

(m) The availability of bond cap from the exempt facility category.

(n) Recognize and accommodate the unique timing, and issuance needs of large scale projects that may require allocations in more than one year.

(o) Projects that result in publicly owned facilities over privately owned facilities.

(2) Exempt facility applications will not be considered for allocation until:

(a) The department receives:

(i) A list of all permits required to complete the project and the date each permit application was submitted to and/or granted by the appropriate authority;

(ii) A copy of any environmental impact statements; and

(b) Significant progress is demonstrated in securing project financing.

(3) The criteria in this section and other applicable criteria otherwise established in rule and statute shall not be considered as ranked in any particular order but shall be weighed and balanced for each application and among applications in making allocation decisions.

(4) After September 1st of each year, the department may approve an allocation amount prior to the issuer completing all of the criteria listed above.

(5) Exempt facility projects may receive an allocation in order to convert taxable financing to tax-exempt financing, but only in January or September of any year. The request for conversion will be compared against other requests for conversion and current exempt facility applications. Projects that use the Washington economic development finance authority to complete their financing will have priority over projects in obtaining future allocations to convert to tax-exempt financing. Conversion is only allowed within the federal guidelines of one year after the project comes on-line or two calendar years after the Washington economic development finance authority financing is approved, whichever comes first.

(6) Exempt facility projects up to \$50,000,000 may receive an allocation for up to one hundred percent of the total project cost. Projects from \$50,000,001 to \$75,000,000 may receive an allocation for up to ninety percent of the total project cost. Projects from \$75,000,001 to \$100,000,000 may receive an allocation for up to eighty percent of the total project cost. Projects over \$100,000,000 may receive an allocation for up to seventy percent of the total project cost. A project may obtain additional allocation above these percentages after September 1 of the last year of eligibility only if the total demand for cap is lower than the amount available.

[Statutory Authority: Chapter 39.86 RCW and RCW 43.330.040 (2)(g). 97-02-093, § 365-135-070, filed 1/2/97, effective 2/2/97. Statutory Authority: Chapter 39.86 RCW. 93-13-012 (Order 93-05), § 365-135-070, filed 6/7/93, effective 1/1/94.]

**Chapter 365-300 WAC**  
**ENHANCED 9-1-1 FUNDING**

**WAC**

365-300-010 through 365-300-090 Decodified.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

- 365-300-010 Authority. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-010, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-020 Purpose. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-020, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-030 Definitions. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-030, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-040 Eligible jurisdictions. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-040, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-050 Fundable items. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-050, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-060 Local plan requirements. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-060, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-070 Funding priorities. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-070, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-081 Application procedures. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-081, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.
- 365-300-090 Other rules. [Statutory Authority: RCW 38.52.540. 93-11-039 (Order 93-04), § 365-300-090, filed 5/11/93, effective 6/11/93.] Decodified by 98-01-064, filed 12/11/97, effective 1/1/98.

Reviser's note: Later promulgation, see chapter 118-65 WAC.

**WAC 365-300-010 through 365-300-090 Decodified.**  
See Disposition Table at beginning of this chapter.

**Title 371 WAC**  
**POLLUTION CONTROL**  
**HEARINGS BOARD**

**Chapters**

**371-08 Practice and procedure.**

**Chapter 371-08 WAC**  
**PRACTICE AND PROCEDURE**

**WAC**

- 371-08-310 Computation of time.  
371-08-335 Filing a timely appeal with the board.  
371-08-555 Time for filing petitions for review to superior court.

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

[Statutory Authority: RCW 43.21B.170 and SHB 1314. 97-19-064, § 371-08-310, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). 96-17-016, § 371-08-310, filed 8/12/96, effective 9/12/96.]

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is posted in the United States mail, properly addressed, postage prepaid, to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

[Statutory Authority: RCW 43.21B.170 and SHB 1314. 97-19-064, § 371-08-335, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). 96-17-016, § 371-08-335, filed 8/12/96, effective 9/12/96.]

**WAC 371-08-555 Time for filing petitions for review to superior court.** An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.